

Tab 1	SB 8 by Simon; Identical to H 06507 Relief of Marcus Button by the Pasco County School Board					
Tab 2	SB 10 by Pizzo; Identical to H 06501 Relief of Sidney Holmes by the State of Florida					
607118	D	S	RCS	JU, Pizzo	Delete everything after	03/19 11:16 AM
Tab 3	SB 14 by Jones; Identical to H 06519 Relief of the Estate of Peniel Janvier by the City of Miami Beach					
Tab 4	SB 20 by Burgess; Identical to H 06529 Relief of J.N., a Minor, by Hillsborough County					
Tab 5	SB 22 by Rodriguez; Identical to CS/H 06525 Relief of Eric Miles, Jr., and Jennifer Miles by the South Broward Hospital District					
Tab 6	SB 26 by Gruters; Identical to H 06513 Relief of Kristen and Lia McIntosh by the Department of Agriculture and Consumer Services					
550226	A	S	RCS	JU, Gruters	Delete L.81 - 82:	03/19 11:20 AM
Tab 7	CS/SB 248 by ED, Simon; Compare to CS/CS/H 00151 Student Participation in Interscholastic and Intrasccholastic Extracurricular Sports					
847808	A	S	RCS	JU, Simon	btw L.21 - 22:	03/19 11:20 AM
Tab 8	SB 316 by Berman; Identical to H 00403 Limited Liability Companies					
Tab 9	SB 362 by Osgood (CO-INTRODUCERS) Garcia; Similar to CS/H 00043 Reusable Tenant Screening Reports					
744286	A	S	RCS	JU, Osgood	Delete L.62 - 105:	03/19 11:20 AM
178558	A	S	WD	JU, Osgood	Delete L.102 - 105.	03/19 11:20 AM
Tab 10	SB 386 by Harrell; Similar to H 00587 Self-storage Spaces					
657096	A	S	RCS	JU, Harrell	Delete L.27 - 58:	03/19 11:20 AM
Tab 11	SB 520 by Burgess; Identical to H 00417 Curators of Estates					
912258	A	S	RCS	JU, Burgess	Delete L.42 - 81:	03/19 11:20 AM
Tab 12	SB 1650 by Grall; Identical to H 01559 Vexatious Litigants					
595830	A	S	RCS	JU, Grall	Delete L.141 - 147:	03/19 11:20 AM
Tab 13	SB 1652 by Grall; Similar to H 01569 Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court					
268404	D	S	RCS	JU, Grall	Delete everything after	03/19 11:20 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Yarborough, Chair
Senator Burton, Vice Chair

MEETING DATE: Wednesday, March 19, 2025**TIME:** 9:00—11:00 a.m.**PLACE:** Toni Jennings Committee Room, 110 Senate Building**MEMBERS:** Senator Yarborough, Chair; Senator Burton, Vice Chair; Senators Berman, DiCeglie, Gaetz, Hooper, Leek, Osgood, Passidomo, Polsky, and Trumbull

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 RC	Favorable Yeas 11 Nays 0
2	SB 10 Pizzo (Identical H 6501)	Relief of Sidney Holmes by the State of Florida; Providing for the relief of Sidney Holmes; providing an appropriation to compensate Mr. Holmes for being wrongfully incarcerated for 34 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Holmes; providing for the waiver of certain tuition and fees for Mr. Holmes; prohibiting funds awarded under the act to Mr. Holmes from being used or paid for attorney or lobbying fees, etc. SM JU 03/19/2025 Fav/CS ACJ AP	Fav/CS Yeas 11 Nays 0
3	SB 14 Jones (Identical H 6519)	Relief of the Estate of Peniel Janvier by the City of Miami Beach; Providing for the relief of the Estate of Peniel Janvier by the City of Miami Beach; providing for an appropriation to compensate the Estate of Peniel Janvier for damages sustained as a result of the negligence of the City of Miami Beach; providing a limitation on the payment of compensation and attorney fees, etc. SM JU 03/19/2025 Favorable CA RC	Favorable Yeas 10 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Wednesday, March 19, 2025, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 20 Burgess (Identical H 6529)	Relief of J.N., a Minor, by Hillsborough County; Providing for the relief of J.N., a minor, by Hillsborough County; providing an appropriation to Stephany Grullon, as parent and guardian of J.N., to compensate J.N. for injuries and damages she sustained as a result of the negligence of Hillsborough County in maintaining sidewalks and culvert systems; providing a limitation on compensation and the payment of certain fees and costs, etc. SM JU 03/19/2025 Favorable CA RC	Favorable Yeas 10 Nays 1
5	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 RC	Favorable Yeas 10 Nays 1
6	SB 26 Gruters (Identical H 6513)	Relief of Kristen and Lia McIntosh by the Department of Agriculture and Consumer Services; Providing for the relief of Kristen and Lia McIntosh; providing an appropriation to compensate Kristen and Lia McIntosh for injuries and damages sustained as a result of the negligence of an employee of the Department of Agriculture and Consumer Services; providing a limitation on the payment of compensation and attorney fees, etc. SM JU 03/19/2025 Fav/CS AEG AP	Fav/CS Yeas 10 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Wednesday, March 19, 2025, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 248 Education Pre-K - 12 / Simon (Compare CS/CS/H 151)	Student Participation in Interscholastic and Intrасhoolastic Extracurricular Sports; Specifying conditions for a home education student to participate in interscholastic athletics; revising the criteria a private school student must meet to participate in a sport at a Florida High School Athletic Association (FHSAA) member school; deleting a provision limiting which non-FHSAA member private school students are eligible to participate in FHSAA sports, etc. ED 03/11/2025 Fav/CS JU 03/19/2025 Fav/CS RC	Fav/CS Yeas 9 Nays 2
8	SB 316 Berman (Identical H 403)	Limited Liability Companies; Defining the terms "registered foreign protected series of a foreign series limited liability company" and "registered foreign series limited liability company"; specifying that certain limited liability companies are considered a nonresident under certain circumstances; creating the "Uniform Protected Series Provisions"; providing for powers and prohibitions for protected series of series limited liability companies; authorizing domestic limited liability companies to establish protected series, etc. CM 02/18/2025 Favorable JU 03/19/2025 Favorable RC	Favorable Yeas 11 Nays 0
9	SB 362 Osgood (Similar CS/H 43)	Reusable Tenant Screening Reports; Authorizing a landlord to accept reusable tenant screening reports and require a specified statement; requiring that certain information be included in reusable tenant screening reports; prohibiting a landlord from charging certain fees to an applicant using a reusable tenant screening report, etc. JU 03/19/2025 Fav/CS CA RC	Fav/CS Yeas 11 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Wednesday, March 19, 2025, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 386 Harrell (Similar H 587)	Self-storage Spaces; Revising the notice requirements of owners of self-storage units in order to enforce a lien on a tenant's property; revising the notice requirements for such owners who wish to sell such tenant's property; requiring that rental agreements for renters of self-storage units which are entered into on or after a specified date provide certain information in compliance with the Florida Self-storage Facility Act; providing that failure or refusal of a tenant to designate an alternate contact does not affect a tenant's or an owner's rights or remedies, etc. JU 03/19/2025 Fav/CS RI RC	Fav/CS Yeas 11 Nays 0
11	SB 520 Burgess (Identical H 417)	Curators of Estates; Revising the requirements for a court to appoint a curator of certain estates; providing that a curator has specified authority and duties; providing the circumstances in which a curator must take into its custody the estate of specified decedents or persons; providing that a curator is subject to removal and surcharge by the court, etc. JU 03/19/2025 Fav/CS BI RC	Fav/CS Yeas 11 Nays 0
12	SB 1650 Grall (Identical H 1559, Linked S 1652)	Vexatious Litigants; Expanding actions subject to the Florida Vexatious Litigant Law; revising eligibility for designation as a vexatious litigant; prohibiting clerks of the court from accepting certain filings from a vexatious litigant, etc. JU 03/19/2025 Fav/CS ACJ RC	Fav/CS Yeas 11 Nays 0
13	SB 1652 Grall (Similar H 1569, Compare H 1559, Linked S 1650)	Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court; Providing an exemption from public records requirements for information in a pleading, a request for relief, or other document which has been stricken by the court in a noncriminal case if the court makes specific findings; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. JU 03/19/2025 Fav/CS ACJ RC	Fav/CS Yeas 10 Nays 1

Other Related Meeting Documents

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Wednesday, March 19, 2025, 9:00—11:00 a.m.



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
	ED	
	RC	

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 neuroophthamologist), 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.

SPECIAL MASTER'S FINAL REPORT – SB 38 (2011)

February 1, 2011

Page 8

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

Page 1 of 5

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

Page 2 of 5

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

3-00125-25 20258__

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

3-00125-25 20258__

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

3-00125-25

20258__

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

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

3-19-25

Meeting Date

Judiciary

Committee

The Florida Senate

APPEARANCE RECORD

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

8

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jason Unger**

Phone **850-577-9090**

Address **301 S Bronough St #600**

Email **junger@gray-robinson.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:

Pasco County School Board

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

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

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	Fav/CS
	ACJ	
	AP	

March 14, 2025

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

Re: **CS/SB 10** – Committee on Judiciary and Senator Pizzo
HB 6501 – Representative Gottlieb
Relief of Sidney Holmes by the State of Florida

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR \$1.772 MILLION, AND A WAIVER OF TUITION AND FEES FOR UP TO 120 HOURS OF INSTRUCTION, TO COMPENSATE SIDNEY L. HOLMES FOR 34 YEARS OF WRONGFUL INCARCERATION.

FINDINGS OF FACT:

General Overview

On October 6, 1988, Sidney Lamar Holmes (the claimant) was arrested and charged with robbery with a firearm, in Broward County. In April 1989, the claimant was tried before a jury and convicted of the aforementioned charges. The claimant was sentenced to 400 years in prison. He remained incarcerated until his conviction was overturned, serving over 34 years.

Since his conviction, claimant has maintained and sought to establish his innocence. He sought the assistance of the Conviction Review Unit of the Seventeenth Judicial Circuit State Attorney's Office ("CRU"), to obtain post-conviction relief.

In November 2020, the claimant sent a letter requesting the CRU review his case, whereupon the CRU began reviewing his case and claim of factual innocence. After finding that claimant had asserted a plausible claim of innocence, the CRU asked the Innocence Project of Florida, Inc., ("IPF"), to assist claimant in his attempt for post-conviction relief. Upon conclusion of the joint investigation between the CRU and IPF, the CRU concluded that there was reasonable doubt as to claimant's guilt and that it is highly likely that he was misidentified and is factually innocent of the armed robbery.

The CRU then presented the case to an Independent Review Panel ("IRP"), to provide its own interpretation of the case. The IRP, which consists of six Broward County residents, reviewed all the documents relevant to claimant's case and unanimously concluded that the evidence gave rise to a reasonable doubt as to claimant's culpability. Five of the six members of the IRP voted that claimant is innocent and should be exonerated.

Upon the conclusion of its investigation, the CRU ultimately filed a Motion for Post-Conviction Relief and to Vacate the Judgments, Convictions, and Sentences in the claimant's case in which it concluded that the claimant is actually innocent and should be exonerated of all charges. The court ultimately agreed, and on March 13, 2023, entered an order vacating the convictions and sentences. The claimant was immediately released from incarceration.

Subsequently, this claim bill was filed to obtain compensation for his wrongful incarceration. Because of his prior convictions in 1984, claimant is precluded from receiving compensation through the Victims of Wrongful Incarceration Act.

Overview of the Crime

On the evening of June 19, 1988, two males accosted Vincent Wright and Anissia Johnson at a One Stop convenience store where Wright and Johnson had stopped to put air in a tire. While Wright was filling up the tire, two unidentified men came up behind him and demanded money. When Wright told the men that he did not have any money, one of the men confronted Johnson, pointed a gun at her and again demanded money. Johnson, who was sitting in the front passenger seat of Wright's car, responded that she also did

not have any money. While this was occurring, a third man, purportedly claimant, pulled up in a brown Oldsmobile with a hole in the trunk of the car where the lock would normally be. At the 1989 trial, Wright testified that the third man got out of the car and told his accomplices to take Wright's car and that he would meet up with them later.

After the perpetrators drove off with Wright's car, a friend of Wright's pulled into the One Stop convenience store, at which point Wright got in the car with him and chased after his car. Johnson stayed back at the scene and called police. When police arrived, Johnson told Deputy Kenneth Smith what happened, but never mentioned a third perpetrator or a brown car. Deputy Smith never spoke to Wright. Wright and his friend were unsuccessful in catching up to his car.

Eyewitness Identification and Arrest

Following the robbery at the convenience store, Vincent Wright spoke with his brother, Milton Wright, about the event. Milton claimed to have been robbed earlier the same day, under similar circumstances, in the same area as Vincent's robbery. Specifically, Milton recalled that the perpetrators in his event drove a brown Oldsmobile from the 1970s that, like in Vincent's robbery, had a hole in the trunk where the lock would normally be.¹

Milton then began looking out for cars that fit the description of the car allegedly used in both robberies. He found one and gave the license tag number to his brother, who passed it along to the police; however, police notified Vincent that it was the wrong car.² Two to three weeks after the robbery, Milton gave Vincent another license plate of a brown Oldsmobile that belonged to the claimant. However, there was no hole in the trunk of this particular car, which led Milton to believe that the hole had been fixed.³ This ultimately led to claimant becoming a suspect.

Vincent Wright spoke with police several times following the incident, but it was not until nine days after the robbery on June 28, 1988, that he first spoke with investigators about what happened at the convenience store. In a sworn

¹ Conviction Review Unit Final Memorandum, p. 7, (Feb. 20, 2023).

² *Id.* at 8; The police did not inform Wright as to why this car was the incorrect car.

³ *Id.*

statement a month later, Wright described the driver of the brown car only as a black man. Then, during a deposition in January, 1989, he recalled the driver as short, dark-skinned and having big lips. In a second deposition in March, 1989, Wright described the driver as about 5'6, 170 pounds, dark-skinned, muscle-bound, big lips, low haircut and a little overweight.⁴

On the day Wright first spoke with police regarding the robbery, Detective Robert Campbell showed Wright a book containing 250 photographs, of which Wright was unable to identify any suspects. A photograph of the claimant was not included in the book because he was not a suspect at that point in time.⁵ A few days later, and subsequent to Wright turning in claimant's license plate information, Wright was shown a lineup of six photographs that contained a photo of the claimant. Again, Wright did not make an identification.⁶

Following Wright's failure to identify claimant in the first photograph lineup containing claimant's photo, detectives met with claimant and asked if they could take an updated photo of him (the photograph used in the first lineup was from 1984), to which claimant fully cooperated, allowing the detectives to take the photo, but asserting his innocence.⁷

It was not until the third lineup of photographs that Wright made an identification of claimant.⁸ Wright met with the detectives on July 25, 1988, who showed him a second photograph lineup that contained the updated photo of claimant. The claimant was the only person included in both the first and second lineup.⁹

The claimant was arrested on October 6, 1988, and two weeks later identified by Wright during a live lineup of six people. As with the second photograph lineup Wright viewed, claimant was the only person to have appeared multiple times, this being the third time Wright had seen the claimant.

⁴ *Id.* at 5; It should be noted that the arrest report from 1988 lists the claimant as 6'0 and 183 pounds, which is inconsistent with the description given by Wright; see also, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:14:20.

⁵ Conviction Review Unit Final Memorandum, p. 10, (Feb. 20, 2023).

⁶ *Id.*

⁷ *Id.* at 11.

⁸ *Id.*

⁹ *Id.*

Trial and Conviction

The state's case rested solely on Milton Wright's "identification" of claimant's vehicle, Vincent Wright's identification of claimant in the several lineups and the fact that claimant drove a brown Oldsmobile.¹⁰ Milton Wright, who had previously been deposed, did not testify at the trial.¹¹ On the first day of the trial, Vincent Wright identified claimant in the courtroom; this was the fourth time Wright had seen claimant and the third time he identified him as the driver of the brown Oldsmobile.¹² During his testimony, Wright told the story of how he received claimant's license tag number and also testified that the driver of the brown Oldsmobile was 5'6 and "heavyset."¹³ Anissia Johnson testified that she never identified any of the perpetrators.¹⁴ The state did not present any physical evidence that claimant's Oldsmobile ever had a hole in the trunk.¹⁵

The defense presented four alibi witnesses for claimant. Each alibi witness testified that claimant had been at his parents' house attending a Father's Day celebration all day on June 19, 1988. Further, three of the four witnesses testified that claimant's car had been parked beneath a tree in the front yard and did not move until claimant left the celebration that night.¹⁶ The fourth testifying witness, a friend of claimant's, testified that he drove claimant's car to pick up his girlfriend and was gone for about an hour, but that claimant stayed back at the house.¹⁷ Two additional witnesses gave depositions, but did not testify at claimant's trial.

A jury ultimately found the claimant guilty of armed robbery. At the sentencing hearing, the prosecutor asked the judge to sentence claimant to 825 years "to ensure that [claimant] won't be released from prison while he's breathing."¹⁸ The

¹⁰ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 58:00-58:25.

¹¹ Conviction Review Unit Final Memorandum, p. 7, (February 20, 2023).

¹² *Id.* at 11.

¹³ *Id.* at 6-7.

¹⁴ *Id.* at 10.

¹⁵ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:09:50; police records from when claimant's car had been reported stolen that same year do not mention a hole in the trunk of claimant's car.

¹⁶ Conviction Review Unit Final Memorandum, p. 18, (February 20, 2023).

¹⁷ *Id.*

¹⁸ *Id.* at 22.

prosecutor also intimated that he offered claimant a chance to avoid prison time if he would have given the identities of the other two perpetrators, but as claimant maintained he did not know the identities, he did not accept the offer. The judge ultimately sentenced claimant to 400 years in Florida State Prison.¹⁹

Review by the Conviction Review Unit and the Innocence Project of Florida, Inc.

Since first becoming a suspect in 1988, claimant has maintained his innocence.²⁰ The claimant submitted an application to have his case reviewed by the Conviction Review Unit of the Seventeenth Judicial Circuit State Attorney's Office in November, 2020.²¹ When performing a preliminary review of claimant's case, the CRU determined he presented a plausible claim of innocence, and thus the CRU requested the IPF assist in claimant's claim for post-conviction relief.

Witness Interviews

Investigators conducted an interview with Vincent Wright on September 26, 2022, at the State Attorney's Office. Wright testified that the driver of the Oldsmobile never got out of the car and further, that he did not remember the car at all.²² He also testified that he didn't remember what the driver looked like and that the person he identified could have been either the driver or either of the two other perpetrators.²³

In June of 2022, the IPF re-interviewed Anissia Johnson who remained steadfast that because she was so focused on the gun one of the perpetrators was carrying, she was never able to identify any of the perpetrators.²⁴

Both Wright and Johnson stated they believed claimant should no longer be in prison. Johnson stated that she believed that even if claimant had committed the crime in 1988, "this happened so long ago that [she] feels like he

¹⁹ *Id.* at 23.

²⁰ *Id.* at 11.

²¹ *Id.* at 1.

²² *Id.* at 4, 7.

²³ *Id.* at 6, 11.

²⁴ *Id.* at 6.

served his time.”²⁵ Wright expressed similar sentiments, stating 30 years for this case “is a long time,” and that claimant should be released from prison.²⁶

The CRU conducted follow-up interviews with claimant’s alibis at trial who all maintained their stories from 1989.²⁷ All of claimant’s alibi witnesses remembered claimant being at the Father’s Day celebration all day and recall riding “dirt bikes or something like that.”²⁸

Although some of the details of the alibi reports were inconsistent with each other, which may lead to a lesser perception of honesty, research shows that “lying pairs can plan an alibi ahead of time, whereas truth-telling pairs will tend to instead rely on memory—which is prone to normal memory errors.”²⁹ So, even though the alibi witnesses’ stories may have contained some inconsistencies, the fact that they all recalled claimant being at the house the entire day, while not definitively proving his innocence, leads to additional support of his innocence claim.³⁰

Expert Witness Reports

Both the CRU and the IPF consulted separate eyewitness identification experts to review the events and procedures used in claimant’s case. Each expert identified a list of issues that “show an increase in the probability of unreliable identification made under the same circumstances.”³¹ IPF consulted Dr. Lora Levett, a tenured professor in the Department of Sociology and Criminology & Law at the University of Florida and past president of the American Psychology Law Society to review the documents from claimant’s case. Dr. Levett identified eleven issues that either contaminated the investigation or were outdated standards of procedure in law enforcement that would no longer be accepted today.

²⁵ *Id.* at 9.

²⁶ *Id.* at 10.

²⁷ The IPF investigators were able to re-interview five of the six alibi witnesses; claimant’s father has since passed away.

²⁸ Conviction Review Unit Final Memorandum, p. 10, (Feb. 20, 2023).

²⁹ *Id.* at 19.

³⁰ *Id.*

³¹ *Id.* at 11, 12.

Chief among the issues Dr. Levett identified concerned issues with the lineup identifications and the fact that claimant was the only person who was in both photo lineups presented to Wright.³² According to Dr. Levett, research shows that the first lineup is the only “uncontaminated chance to test the witness’s memory,” because “it is impossible to tell whether Wright identified [claimant] in the second photo lineup because Wright’s memory was tainted from seeing [claimant] in the first photo lineup.”³³ Wright did not identify claimant when he was first shown claimant’s photo in the first photo lineup that included claimant.³⁴ Wright did, however, identify claimant in the second photo lineup, of which claimant was the only person appearing in both sets.³⁵ According to Dr. Levett, “the importance of focusing on the first identification test cannot be emphasized strongly enough,” so “if one focuses on the first identification test in this case, the witness did not identify [claimant] as the perpetrator.”³⁶

The CRU consulted Dr. Laura Shambaugh, an expert in legal psychology and an eyewitness memory researcher who is a volunteer with the CRU. Dr. Shambaugh concurred with Dr. Levett’s analysis and identified nine issues with claimant’s case. Like Dr. Levett, Dr. Shambaugh took issue with claimant being the only person to be featured in the first and second photo lineup, finding that “when witnesses view multiple lineups containing the same individual, it is difficult to know whether any subsequent recognition is from the witnesses’ memory trace of the crime, or the product of a source monitoring error (from having seen the individual in a prior lineup).”³⁷ She also found several issues with the fairness of the lineups: 1) the photos in the lineup were all lighter than the photo of claimant that was used; 2) the instructions given to Wright before the photo lineup was administered were not recorded;³⁸ and 3) the lineup administrator was the same detective that investigated the case, which may have led

³² Conviction Review Unit Final Memorandum, 14, (February 20, 2023).

³³ *Id.*

³⁴ *Id.* at 10.

³⁵ *Id.* at 11.

³⁶ *Id.* at 14.

³⁷ *Id.* at 17.

³⁸ Studies show that instructing the witness that the suspect may or may not be present in the lineup is important because the witness “may be more likely to make an identification out of the default belief that the suspect is present. Conviction Review Unit Final Memorandum, p.18, (February 20, 2023).

Wright to pick up on inadvertent clues to identify the claimant.³⁹

Studies into schema also show that when questioned about specifics that occurred previously, people tend to resort to their usual activities and routines to provide an answer.⁴⁰ When first questioned by police, claimant stated that he could not have participated in the robbery because his car had been stolen at the time. However, it was not until later in the investigation that claimant realized the robbery had occurred on Father's Day. Once this was revealed, he realized he had been at the Father's Day celebration and changed his alibi accordingly.⁴¹ At first glance, this may seem to indicate that claimant was lying about his alibi, but according to research into mistaken alibis, this is completely normal; "when suspects lack a memory for their whereabouts for a specific time in the past...they tend to resort to a backup strategy: they assess their "schemas"—their beliefs about what they normally do during the critical time period."⁴² So because claimant was not questioned until much later after the robbery occurred, in addition to not being told until later in the legal process that the robbery occurred on Father's Day, claimant resorted back to what he thought he would normally be doing four months prior—that his car had been stolen around that time and thus he did not have his car to commit the robbery. Once he realized the robbery occurred on Father's Day, he was better able to recall what he was specifically doing on the date in question.⁴³

In August of 2022, an IPF investigator interviewed Dave Pfaff, a historian at the R.E. Olds Transportation Museum, who told IPF that the Oldsmobile Cutlass was the best-selling car in America between 1976 and 1983 and was a "standout seller of the 1980s."⁴⁴ When asked during a 2022 interview to recall the perpetrator's vehicle, witness Anissia Johnson claimed, "man, that car was everywhere back then."⁴⁵ With the

³⁹ Best practices recommend that identification procedures be administered by computer or by an officer without any case-specific knowledge. *Id.*

⁴⁰ *Id.* at 20.

⁴¹ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:16:20.

⁴² Conviction Review Unit Final Memorandum, p. 20, (February 20, 2023), citing, Leins, D.A., & Charman, S. D. (2016). Schema reliance and innocent alibi generation. *Legal and Criminological Psychology*, 21, 111-126.

⁴³ *Id.* at 19-20.

⁴⁴ *Id.* at 8.

⁴⁵ *Id.*

popularity of the perpetrator's car, the CRU concluded that the probability of a misidentification was high.

Beginning in February, 2023, the CRU also worked with the Independent Review Panel ("IRP") in Broward County, a body of six Broward County residents, to review and provide its own recommendation for claimant's case.⁴⁶ After reviewing all of the documents relevant to claimant's case, the IRP unanimously concluded that there was reasonable doubt as to claimant's culpability, with five of the six members believing that claimant was innocent and that he should be exonerated immediately.⁴⁷ The IRP ultimately recommended that claimant's judgment and sentence be vacated and the State Attorney's Office should enter a Nolle Prosequi.⁴⁸

Prior Convictions and Prison Disciplinary Record

The claimant has two prior convictions for felony offenses stemming from separate incidents that occurred on August 31, 1984. In these incidents, claimant was the driver for an acquaintance who committed two armed robberies. When the pair were caught, claimant immediately confessed to his wrongdoing. Claimant ultimately pled guilty and was sentenced to 5.5 years in prison.⁴⁹ Claimant was released from prison on March 17, 1987. The claimant has never been convicted of any other misdemeanors or felonies.⁵⁰

During his 34 years in the Florida State Prison system related to this incident, claimant only had seven minor, non-violent violations, with his most recent violation occurring over 13 years ago in 2009.⁵¹ Upon his release, CRU investigators asked claimant how he maintained such a clean disciplinary record while in prison, to which claimant replied, "I believe in God and knew I was getting out."⁵²

Claimant also took full advantage of educational and vocational programs while in prison. He has completed many

⁴⁶ *Id.* at 3; See also, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:31:50.

⁴⁷ *Id.* at 3.

⁴⁸ *Id.*

⁴⁹ *Id.* at 21.

⁵⁰ Special Master Hearing (Nov. 27, 2023), Testimony of Sidney L. Holmes at 2:49:45-2:50:00.

⁵¹ Conviction Review Unit Final Memorandum, p. 23, (Feb. 20, 2023); see also, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:27:30.

⁵² Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:29:00.

certifications, including certifications in theology and has become a paralegal.⁵³

Conclusion

In conclusion, the CRU determined that there is reasonable doubt that claimant committed this crime, that it is “highly likely” that claimant is innocent, and that Broward County would not put claimant on trial for this crime today.⁵⁴ Although the State Attorney’s Office usually stays neutral concerning legislative claims bills, there is “no doubt at all” as to claimant’s innocence, and thus, State Attorney Harold Pryor and the State Attorney’s Office “fully supports” claimant in filing this bill.⁵⁵ On March 13, 2023, the court granted the state’s Motion to Vacate Judgment and Sentence.

CONCLUSIONS OF LAW:

Wrongful Incarceration under Chapter 961

Chapter 961, of the Florida Statutes, governs the general process for compensating victims of wrongful incarceration. The chapter requires a person claiming to be a victim of wrongful incarceration to prove that he or she is actually innocent of the crime and meet other criteria, such as not having been previously convicted of a violent felony offense or more than one nonviolent felony offense. A person who is wrongfully incarcerated is entitled to receive \$50,000 for each year of wrongful incarceration, which is prorated as necessary.⁵⁶ Any such individual may also receive a waiver of tuition and fees for up to 120 hours of instruction at a career center, Florida College System institution, or any state university;⁵⁷ as well as reimbursement of fines, fees and court costs paid,⁵⁸ and reasonable attorney’s fees and expenses incurred.⁵⁹ The total amount awarded may not exceed \$2 million.⁶⁰

⁵³ *Id.* at 1:28:00.

⁵⁴ *Id.* at 1:32:50.

⁵⁵ *Id.* 1:35:45-1:36:25.

⁵⁶ Section 961.06(1)(a), F.S. The amount of \$50,000 per year of wrongful incarceration may be adjusted to account for inflation for those wrongfully incarcerated after December 31, 2008. *Id.*

⁵⁷ Section 961.06(1)(b), F.S.

⁵⁸ Section 961.06(1)(c), F.S.

⁵⁹ Section 961.06(1)(d), F.S.

⁶⁰ Section 961.06(1), F.S.

Having been previously convicted for the 1984 robberies, the claimant did not seek relief under chapter 961, of the Florida Statutes, because he had prior convictions for unrelated felonies.

Evidentiary Standard for Victims of Wrongful Incarceration

Generally, a claimant seeking tort damages under a claim bill must prove entitlement to relief by a preponderance of the evidence – that is, more likely than not. When a claimant seeks a claim bill for wrongful incarceration, he or she must demonstrate actual innocence, but the appropriate burden of proof is not well-established.

When the Legislature created chapter 961, of the Florida Statutes, in 2008, establishing a statutory proceeding to compensate victims of wrongful incarceration, it included a requirement that the claimant demonstrate “actual innocence” by clear and convincing evidence before an administrative law judge. In addition, a person seeking compensation as provided in the statutory framework, could not have had any other felony conviction, other than the conviction for which he or she was wrongfully incarcerated.

Since the law was created, three individuals have received relief through a claim bill for wrongful incarceration: William Dillon in 2011,⁶¹ Clifford Williams in 2020⁶² and Robert Earl Duboise in 2023.⁶³ In those cases, the Special Masters applied a “clear and convincing” standard. This standard is an intermediate burden of proof requiring that the evidence is “precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue.”⁶⁴ This standard also requires “that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue.”⁶⁵

⁶¹ See Senate Bill 46 (2011).

⁶² See Senate Bill 28 (2020).

⁶³ See Senate Bill 62 (2023).

⁶⁴ Florida Standard Jury Instructions in Civil Cases, No. 405.4, *available at* <https://supremecourt.flcourts.gov/content/download/243071/file/entire-Document.pdf> (last visited February 13, 2025).

⁶⁵ *Slomowitz v. Walker*, 429 So.2d 797, 800, (4th DCA 1983).

The Legislature is not bound by a previous Legislature's application of the clear and convincing standard. However, the Legislature's previous application of that standard, coupled with the Legislature's requirement of that same standard for a person claiming to be a victim of wrongful incarceration under chapter 961, of the Florida Statutes, demonstrates that this standard is the appropriate standard for wrongful incarceration cases.

Because the Legislature has demonstrated an intent to hold persons claiming to be victims of wrongful incarceration to this higher evidentiary standard, I find that the clear and convincing standard shall apply.

Conclusions Based upon Findings of Fact and Clear and Convincing Evidence

The conviction of the claimant was based primarily on the eyewitness account and identification of Vincent Wright and the civilian investigation completed by Milton Wright, who was not even at the scene of the crime. There is no physical evidence tying the claimant to the crime. The state failed to show that claimant's car ever had a hole in the trunk, only that claimant owned a similar car to the one driven by the actual perpetrator. Without Milton Wright's identification of claimant's vehicle, the claimant never would have become a suspect. This is further emphasized by the ubiquity of the model of car driven by the alleged perpetrator and the claimant.

Additionally, Vincent Wright did not identify claimant in the first lineup he was shown that contained the claimant. However, he did identify claimant in subsequent lineups. With the expert testimony regarding eyewitness reliability and the problems with the practices and procedures surrounding the multiple lineups, it is highly likely that the claimant was misidentified and should not have stood trial in the first place. Further, even if he had been a suspect, the Seventeenth Judicial Circuit would choose not to charge claimant if the case were presented today.

Six alibi witnesses of the claimant all stated he was with them at the Father's Day celebration on June 19, 1988. In 2022, all five of the witnesses that were re-interviewed maintained their claims that claimant was with them all day and that he did not

leave the house. While they misremembered details of the day, for example, whether they were riding a go-kart or a dirt bike, or what color the go-kart may have been, they all remained steadfast in their overall statements. As provided by the expert witnesses, these small, misremembered details amongst the alibi witnesses are normal and tend to display a more truthful testimony.

During her testimony at the Special Master Hearing on November 27, 2023, Assistant State Attorney Arielle Demby Berger stated that the position of the Broward State Attorney's Office is that it "fully support[s] it (the claims bill). We're not staying neutral. This is what our office did by agreeing to vacate the conviction based on *actual innocence*."⁶⁶ (emphasis added).

Given the evidence provided during the claim bill process which includes the Motion for Post-Conviction Relief and to Vacate Judgments, Convictions, and Sentences, the Amended Order Vacating Judgments, Convictions, and Sentences, the testimony of the claimant, the expert reports and their findings of multiple issues showing an increase in the probability of unreliable identification and the unequivocal assertion by the CRU that the claimant is actually innocent, the undersigned finds that the claimant has demonstrated actual innocence by clear and convincing evidence.

The claimant was wrongfully incarcerated for 34 years, 5 months and 7 days. At the statutory amount of \$50,000 per year of wrongful incarceration, the sum of \$1,722,000 appears correct.

ATTORNEY FEES:

The instant claim bill does not allow for any funds awarded to claimant to be used toward attorney or lobbying fees related to this claim. Attorneys for IPF representing claimant have also submitted an affidavit stating that all representation is *pro bono* and that no fees awarded will go toward any attorney or lobbying fees.⁶⁷

⁶⁶ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:35:40-1:36:25.

⁶⁷ Miller, Seth, Aff., ¶ 5, (September 15, 2023).

RECOMMENDATIONS:

Based upon the evidence submitted prior to and during the special master hearing, the undersigned finds the claimant has demonstrated actual innocence by clear and convincing evidence. There is clear and convincing evidence that the claimant committed neither the act nor the offense that served as the basis for the conviction and that the petitioner did not aid, abet, or act as an accomplice, and the relief sought is reasonable. Based upon the foregoing, the undersigned recommends SB 10 be reported FAVORABLY.

Respectfully submitted,

Nathan L. Bond

Senate Special Master

cc: Secretary of the Senate

CS by Judiciary

The committee substitute no longer includes provisions from the original bill that would have waived the standard requirement that the recipient of a claim bill execute a release of all liability as a condition of payment of the claim bill proceeds. The amendment also removes from the bill provisions that would allow this claimant to pursue new or additional responsible parties. With this amendment, the bill's provisions are consistent with past claim bills awarding damages for wrongful incarceration.



607118

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. The sum of \$1.722 million is appropriated from
the General Revenue Fund to the Department of Financial Services
for the relief of Sidney Holmes for his wrongful incarceration.
The Chief Financial Officer is directed to draw a warrant in
favor of Mr. Holmes in the sum of \$1.722 million, payable



607118

directly to Sidney Holmes.

Section 3. Tuition and fees for Mr. Holmes shall be waived for up to a total of 120 hours of instruction at any career center established under s. 1001.44, Florida Statutes, any Florida College System institution established under part III of chapter 1004, Florida Statutes, or any state university. For any educational benefit made, Mr. Holmes must meet and maintain the regular admission and registration requirements of such career center, institution, or state university and make satisfactory academic progress as defined by the educational institution in which he is enrolled.

Section 4. With respect to the relief for Mr. Holmes as described in this act, the Legislature does not waive any defense of sovereign immunity or increase the limits of liability on behalf of the state or any person or entity that is subject to s. 768.28, Florida Statutes, or any other law. Funds awarded under this act to Mr. Holmes may not be used or be paid for attorney fees or lobbying fees related to this claim.

Section 5. Upon his receipt of payment under this act, Mr. Holmes may not submit an application for compensation under chapter 961, Florida Statutes.

Section 6. The amount awarded under this act is intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act.

Section 7. If any future judicial determination concludes that Mr. Holmes, by DNA evidence or otherwise, participated in any manner in the armed robbery for which he was incarcerated, the unused benefits to which he is entitled under this act are void.



607118

Section 8. 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 for the relief of Sidney Holmes; providing an appropriation to compensate Mr. Holmes for being wrongfully incarcerated for 34 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Holmes; providing for the waiver of certain tuition and fees for Mr. Holmes; declaring that the Legislature does not waive certain defenses or increase the state's limits of liability with respect to the act; prohibiting funds awarded under the act to Mr. Holmes from being used or paid for attorney or lobbying fees; prohibiting Mr. Holmes from submitting a compensation application under certain provisions upon his receipt of payment under the act; providing that certain benefits are void upon specified findings; providing an effective date.

WHEREAS, Sidney Holmes was arrested on October 6, 1988, for a robbery committed on June 19, 1988, outside a convenience store in Fort Lauderdale and was convicted on April 26, 1989, of armed robbery with a firearm, and

WHEREAS, since the time of his arrest, Mr. Holmes has been unwavering in maintaining his innocence in connection with the



607118

crime, and

WHEREAS, Mr. Holmes, who had previous felony convictions, was sentenced to 400 years in prison and served 34 years of that sentence, and

WHEREAS, on February 23, 2023, the Conviction Review Unit for the State Attorney's Office for the 17th Judicial Circuit issued a 25-page "Conviction Review Unit Final Memorandum," reaching the conclusion that Mr. Holmes' judgment and sentence should be vacated and that the State Attorney's Office should enter a nolle prosequi, and

WHEREAS, the final memorandum was issued based on the findings of the Independent Review Panel that the case against Mr. Holmes gave rise to reasonable doubt as to his culpability and noted that it was highly likely that Mr. Holmes is factually innocent of the armed robbery and that the Broward County State Attorney's Office would not charge Mr. Holmes if the case were presented today, and

WHEREAS, on March 13, 2023, the Circuit Court for the 17th Judicial Circuit issued, with the concurrence of the state, an "Agreed Order Vacating Judgment and Sentence" on the basis that there is reasonable doubt as to Mr. Holmes' guilt in the case and that it is highly likely that he was misidentified and is factually innocent of the armed robbery, and

WHEREAS, that same day, the state filed a Notice of Nolle Prosequi, exonerating Mr. Holmes, and

WHEREAS, the Legislature acknowledges that the state's system of justice yielded an imperfect result that had tragic consequences in this case, and

WHEREAS, the Legislature acknowledges that as a result of



607118

his physical confinement, Mr. Holmes suffered significant damages that are unique to him, and that the damages are due to the fact that he was physically restrained and prevented from exercising the freedom to which all innocent citizens are entitled, and

WHEREAS, before his conviction for the aforementioned crime, Mr. Holmes had prior convictions for unrelated felonies, and

WHEREAS, because of those prior felony convictions, Mr. Holmes is ineligible for compensation under chapter 961, Florida Statutes, and

WHEREAS, the Legislature apologizes to Mr. Holmes on behalf of the state, NOW, THEREFORE,

By Senator Pizzo

37-00107-25

202510__

A bill to be entitled

An act for the relief of Sidney Holmes; providing an appropriation to compensate Mr. Holmes for being wrongfully incarcerated for 34 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Holmes; requiring the Chief Financial Officer to pay the directed funds without requiring Mr. Holmes to sign a liability release; providing for the waiver of certain tuition and fees for Mr. Holmes; declaring that the Legislature does not waive certain defenses or increase the state's limits of liability with respect to the act; prohibiting funds awarded under the act to Mr. Holmes from being used or paid for attorney or lobbying fees; prohibiting Mr. Holmes from submitting a compensation application under certain provisions upon his receipt of payment under the act; requiring Mr. Holmes to reimburse the state under specified circumstances; requiring Mr. Holmes to notify the Department of Legal Affairs upon filing certain civil actions; requiring the department to file a specified notice under certain circumstances; providing that certain benefits are void upon specified findings; providing an effective date.

WHEREAS, Sidney Holmes was arrested on October 6, 1988, for a robbery committed on June 19, 1988, outside a convenience store in Fort Lauderdale and was convicted on April 26, 1989, of armed robbery with a firearm, and

WHEREAS, since the time of his arrest, Mr. Holmes has been

Page 1 of 5

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

37-00107-25

202510__

unwavering in maintaining his innocence in connection with the crime, and

WHEREAS, Mr. Holmes, who had previous felony convictions, was sentenced to 400 years in prison and served 34 years of that sentence, and

WHEREAS, on February 23, 2023, the Conviction Review Unit for the State Attorney's Office for the 17th Judicial Circuit issued a 25-page "Conviction Review Unit Final Memorandum," reaching the conclusion that Mr. Holmes' judgment and sentence should be vacated and that the State Attorney's Office should enter a nolle prosequi, and

WHEREAS, the final memorandum was issued based on the findings of the Independent Review Panel that the case against Mr. Holmes gave rise to reasonable doubt as to his culpability and noted that it was highly likely that Mr. Holmes is factually innocent of the armed robbery and that the Broward County State Attorney's Office would not charge Mr. Holmes if the case were presented today, and

WHEREAS, on March 13, 2023, the Circuit Court for the 17th Judicial Circuit issued, with the concurrence of the state, an "Agreed Order Vacating Judgment and Sentence" on the basis that there is reasonable doubt as to Mr. Holmes' guilt in the case and that it is highly likely that he was misidentified and is factually innocent of the armed robbery, and

WHEREAS, that same day, the state filed a Notice of Nolle Prosequi, exonerating Mr. Holmes, and

WHEREAS, the Legislature acknowledges that the state's system of justice yielded an imperfect result that had tragic consequences in this case, and

Page 2 of 5

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

37-00107-25

202510__

WHEREAS, the Legislature acknowledges that as a result of his physical confinement, Mr. Holmes suffered significant damages that are unique to him, and that the damages are due to the fact that he was physically restrained and prevented from exercising the freedom to which all innocent citizens are entitled, and

WHEREAS, before his conviction for the aforementioned crime, Mr. Holmes had prior convictions for unrelated felonies, and

WHEREAS, because of those prior felony convictions, Mr. Holmes is ineligible for compensation under chapter 961, Florida Statutes, and

WHEREAS, the Legislature apologizes to Mr. Holmes on behalf of the state, 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 sum of \$1.722 million is appropriated from the General Revenue Fund to the Department of Financial Services for the relief of Sidney Holmes for his wrongful incarceration. The Chief Financial Officer is directed to draw a warrant in favor of Mr. Holmes in the sum of \$1.722 million, payable directly to Sidney Holmes.

Section 3. The Chief Financial Officer shall pay the funds directed by this act without requiring that Mr. Holmes sign a liability release.

Section 4. Tuition and fees for Mr. Holmes shall be waived

37-00107-25

202510__

for up to a total of 120 hours of instruction at any career center established under s. 1001.44, Florida Statutes, any Florida College System institution established under part III of chapter 1004, Florida Statutes, or any state university. For any educational benefit made, Mr. Holmes must meet and maintain the regular admission and registration requirements of such career center, institution, or state university and make satisfactory academic progress as defined by the educational institution in which he is enrolled.

Section 5. With respect to the relief for Mr. Holmes as described in this act, the Legislature does not waive any defense of sovereign immunity or increase the limits of liability on behalf of the state or any person or entity that is subject to s. 768.28, Florida Statutes, or any other law. Funds awarded under this act to Mr. Holmes may not be used or be paid for attorney fees or lobbying fees related to this claim.

Section 6. Upon his receipt of payment under this act, Mr. Holmes may not submit an application for compensation under chapter 961, Florida Statutes.

Section 7. If, after monetary compensation is paid under this act, a court enters a monetary judgment in favor of Mr. Holmes in a civil action related to his wrongful incarceration, or Mr. Holmes enters into a settlement agreement with the state or any political subdivision thereof related to his wrongful incarceration, Mr. Holmes must reimburse the state for the monetary compensation awarded under this act. Such reimbursement may not exceed the amount of monetary award Mr. Holmes receives for damages in such civil action or settlement agreement, less any sums paid for attorney fees or costs incurred in litigating

37-00107-25

202510__

the civil action or obtaining the settlement agreement. The court must include in the order of judgment an award to the state of any amount required to be deducted pursuant to this act. Claimant Sidney Holmes must notify the Department of Legal Affairs immediately upon filing any such civil action, after receipt of which the department shall file a notice of payment of monetary compensation in the civil action. Such notice constitutes a lien upon any judgment or settlement recovered under the civil action in an amount equal to the sum of monetary compensation paid to the claimant under this act, less the specified attorney fees and costs.

Section 8. If any future judicial determination concludes that Mr. Holmes, by DNA evidence or otherwise, participated in any manner in the armed robbery for which he was incarcerated, the unused benefits to which he is entitled under this act are void.

Section 9. 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

SB 10

Bill Number or Topic

Amendment Barcode (if applicable)

3/19/25

Meeting Date

Inducy

Committee

Name

Seth Miller, Executive Director

Phone

850-561-6767

Address

Innocence Project of Florida

124 Marriott Dr. Suite 104

Email

smiller@floridainnocence.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

3-19-25

Meeting Date

Jud.

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 10

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Sean Phillippi

Phone

954-415-0647

Address

2015 SE 10th Ave Apt 112

Email

SPhillippi@SC017.state.fl.us

Street

Fort Lauderdale FL

State

33316

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB10

Bill Number or Topic

Amendment Barcode (if applicable)

3/19/25
Meeting Date

Judiciary
Committee

Name

State Attorney Harold Pryor

Phone

954-907-5018

Address

201 SE 6th Street

Street

Email

dmalieri@saol7-state.fl.us

City

Ft. Lauderdale #1

State

Zip

33301

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

APPEARANCE RECORD

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

SB16

Bill Number or Topic

Amendment Barcode (if applicable)

3/19/25

Meeting Date

Judiciary

Committee

Name

Sidney Holmes

Phone

954-488-1802

Address

13004 Wildflower Meander Dr.

Street

Email

sidneyholmes1942@gmail.com

Riverview

City

FL

State

33579

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

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
	CA	
	RC	

March 14, 2025

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

Re: **SB 14** – Senator Jones
HB 6519 – Representative Porras
Relief of Estate of Peniel Janvier by the City of Miami Beach

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM BILL FOR \$1,700,000 IN ACCORDANCE WITH A CONSENT JUDGMENT RENDERED BY THE CIRCUIT COURT. THE ESTATE OF PENIEL JANVIER SEEKS DAMAGES FROM THE CITY OF MIAMI BEACH FOR WRONGFUL DEATH CAUSED BY THE NEGLIGENT OPERATION AND SUPERVISION OF A CITY-OWNED SWIMMING POOL.

FINDINGS OF FACT:

The Incident

On August 16, 2022, Peniel Janvier, a 28-year-old youth camp counselor, was attending an end-of-summer celebration for the youth camp at the Scott Rakow Youth Center Pool, owned and operated by the City of Miami Beach.¹ Although off duty, he chose to attend out of his dedication to the children he mentored.

Surveillance footage shows that a child playfully pushed Janvier into the pool, continuing an earlier pattern of lighthearted pushing in the shallow end. However, this time, Janvier landed in water too deep for him to stand, causing him

¹ Claimant's Ex. 1, Surveillance Video; Claimant's Ex. 2, Investigative Reports; Claimant's Ex. 5, Discovery; Claimant's Ex. 6, Pleadings.

to struggle for several minutes before becoming fully submerged. He remained underwater for approximately ten minutes.² Investigations by the City of Miami Beach and the police department determined that Janvier's death was not the result of foul play.³

An internal review by the City of Miami Beach found that Lifeguard Adrian Calderon violated the City's no-phone policy and failed to observe Janvier drowning.⁴ For over ten minutes, Calderon remained distracted by his cell phone, failing to scan the pool as Janvier struggled and other children attempted to rescue him.⁵

No supervisor was present, and, contrary to industry standards, only two of the four designated lifeguard chairs were staffed, despite the presence of numerous weak swimmers.⁶ Additionally, the City failed to implement proper zone surveillance assignments, which are standard safety practices for public pools.⁷

Janvier was eventually pulled from the water, but he was unresponsive by the time he was rescued.⁸

Emergency responders performed CPR before transporting Janvier to Mount Sinai Hospital, where he was placed on ventilator support.⁹

Janvier was declared brain dead on August 23, 2022, and removed from life support on August 26, 2022.¹⁰

Medical Findings

The Medical Examiner ruled the cause of death as drowning.¹¹

² Claimant's Ex. 1, Surveillance Video; Claimant's Ex. 2, Investigative Reports.

³ Claimant's Ex. 2, Investigative Reports.

⁴ January 29, 2025, Special Master Hearing; Claimant's Ex. 5, Discovery: RFP Responsive Docs.

⁵ Claimant's Ex. 1, Surveillance Video; Claimant's Ex. 5, Discovery: KG Incident Report Updated.

⁶ Claimant's Ex. 1, Surveillance Video; Claimant's Ex. 5, Discovery.

⁷ January 29, 2025, Special Master Hearing, Exhibits Slides 24 through 29, and Statement of Douglas McCarron, Esq.; American Red Cross, *Lifeguarding Manual*, available at https://www.redcross.org/content/dam/redcross/atg/PDFs/Take_a_Class/Lifeguarding_PM_sample_chapter-2012.pdf (last visited Mar. 13, 2025)

⁸ Claimant's Ex. 5, Discovery: Case Report 2022-8851.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Claimant's Ex. 11, Medical Examiner's Report.

Autopsy reports confirm cerebral edema, hypoxia, and extensive lung congestion, consistent with prolonged oxygen deprivation.¹²

Janvier had no pre-existing medical conditions that contributed to his death.¹³

Impact on the Family

The Janvier family has endured extreme emotional suffering following Janvier's tragic and preventable death.¹⁴ The financial and psychological toll of this tragedy has resulted in counseling needs and long-term hardship for the surviving family members.

His parents, Nicole Mathurin and Lucmanne Janvier, have expressed profound grief, struggling with the permanent loss of their son.¹⁵

Janvier was known for his kindness, mentorship, and contributions to the community, making his absence even more devastating to those who knew him.¹⁶

The loss has caused significant psychological and emotional distress to his immediate family, leading to profound lifestyle changes and difficulties in coping with their grief. His mother has undergone extensive counseling, yet her condition has shown no improvement. His father credibly testified to experiencing permanent, daily anguish, underscoring the enduring emotional toll of Janvier's death.¹⁷

LITIGATION HISTORY:

The Estate of Peniel Janvier sued the City of Miami Beach on March 22, 2023, in the Eleventh Circuit Court in and for Miami-Dade County, alleging wrongful death due to negligence.

On June 11, 2024, the parties settled for \$2,000,000, and the court rendered a consent judgment incorporating the terms of the agreement.

¹² Claimant's Ex. 11, Medical Examiner's Report.

¹³ Claimant's Ex. 11, Medical Examiner's Report.

¹⁴ Testimonies of Nicole Mathurin and Daniel and Lucmanne Janvier, January 29, 2025, Special Master Hearing.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

Consistent with section 768.28, of the Florida Statutes, \$300,000 has been paid, and the remaining \$1.7 million is contingent upon legislative approval. The City has reserved \$1.7 million to pay this claim.¹⁸

CONCLUSIONS OF LAW:

A *de novo* hearing was held as the Legislature is not bound by settlements or jury verdicts when considering a claim bill, passage of which is an act of legislative grace.

Section 768.28, of the Florida Statutes, waives sovereign immunity for tort liability up to \$200,000 per person and \$300,000 for all claims or judgments arising out of the same incident. Sums exceeding this amount are payable by the State and its agencies or subdivisions by further act of the Legislature.

In this matter, the Estate of Peniel Janvier alleges that the City of Miami Beach was negligent in the operation and supervision of the Scott Rakow Youth Center Pool, resulting in the wrongful death of Peniel Janvier. The City of Miami Beach, as the entity responsible for pool operations and staffing, is liable for the negligent actions of its employees who failed to monitor the pool and respond in a timely manner.

After completing its investigation, multiple reports confirmed that lifeguard Adrian Calderon was distracted by his phone and failed to intervene as Janvier struggled in the water. Surveillance footage and eyewitness testimony established that Janvier was visibly in distress for several minutes before assistance was provided. The City of Miami Beach admitted liability and agreed to a judgment in favor of the Estate of Peniel Janvier for the sum of \$2 million.

No evidence suggests that Janvier contributed to his drowning or failed to exercise due care.

Negligence

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

¹⁸ January 29, 2025, Special Master Hearing, Statement of Henry Hunnefeld, Esq.

foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.¹⁹

Duty

A municipality operating a public swimming pool has a duty to operate the facility safely.²⁰ “Whenever one undertakes to provide a service to others, whether one does so gratuitously or by contract, the individual who undertakes to provide the service—i.e., the “undertaker”—thereby assumes a duty to act carefully and to not put others at an undue risk of harm.”²¹

By operating and staffing the Scott Rakow Youth Center Pool, the City of Miami Beach assumed a duty of care to provide properly trained and attentive lifeguards to prevent foreseeable harm.

Breach

The City of Miami Beach breached this duty in multiple ways:

- Lifeguard Adrian Calderon failed to maintain proper supervision, as confirmed by surveillance footage and the City’s internal investigation. Calderon was distracted by his cell phone, violating the City’s no-phone policy and standard safety protocols.²²
- The City of Miami Beach failed to implement basic lifeguard surveillance protocols, leading to inadequate supervision of swimmers. The absence of properly assigned lifeguard zones contributed to the failure to prevent this drowning.²³
- The City failed to enforce safety policies and adequately train its staff, further increasing the risk of harm.²⁴

These failures directly compromised swimmer safety, allowing Janvier’s distress to go unnoticed for an extended period.

Causation

The City’s failure to properly train and enforce lifeguard safety policies directly resulted in Janvier’s prolonged struggle and

¹⁹ *Williams v. Davis*, 974 So.2d 1052, at 1056–1057 (Fla. 2007).

²⁰ *Florida Dept. of Nat. Res. v. Garcia*, 753 So. 2d 72, 75 (Fla. 2000).

²¹ *Clay Elec. Co-op., Inc. v. Johnson*, 873 So. 2d 1182, 1186 (Fla. 2003).

²² Claimant’s Ex. 1, Surveillance Video; January 29, 2025, Special Master Hearing Exhibits Slides 5 and 21.

²³ January 29, 2025, Special Master Hearing, Exhibits Slides 24 through 29, and Statement of Douglas McCarron, Esq.

²⁴ *Id.*

eventual drowning. Florida courts recognize that liability arises when inaction causes preventable harm: “Tort law provides a remedy for a person who suffers an injury caused by the action or failure to act of another.”²⁵

The City’s inaction was the foreseeable and direct cause of his death.²⁶

Damages

As a direct result of the City’s negligence, Janvier suffered fatal drowning, leading to substantial financial and emotional loss for his surviving family and estate. The Standard Jury Instructions for wrongful death damages provide guidance for compensating non-economic losses, including pain and suffering and lost support and services.²⁷

Each parent of an adult child in a wrongful death case is entitled to recover for mental pain and suffering if there are no other survivors.²⁸ Since Janvier was unmarried with no children, his parents are entitled to recover these damages.

The requested \$1.7 million settlement is justified based on the severity of the incident and comparable wrongful death verdicts.²⁹

ATTORNEY FEES:

Under Florida Statutes, attorney fees for claim bills are capped at 25% of the total recovery amount.

In this case, attorney fees will be limited to \$425,000, which is 25% of the \$1,700,000 requested amount.

Counsel for the claimant has certified, through affidavit, compliance with this statutory limit.³⁰

²⁵ *McKinley v. Gualtieri*, 338 So. 3d 429, 433–434 (Fla. 2d DCA 2022).

²⁶ Claimant’s Ex. 5, Discovery: Case Report 2022-8851.

²⁷ Fla. Std. Jury Instr. (Civ.) 502.2(f) and (g).

²⁸ Section 768.21(4), F.S.

²⁹ *Nagib v. CTF Orlando Corp.*, *Verdict Form*, Case No. 2002-CA-7395 (Fla. 9th Jud. Cir. Ct. Mar. 9, 2004) (Jury verdict of \$5.52 million); *McPherson v. United States*, *Verdict Form*, Case No. 1:08-cv-23108 (S.D. Fla. Sept. 30, 2011) (Jury verdict of \$4.35 million); *Bogle v. Orange County*, *Verdict Form*, Case No. 2015-CA-002821-O (Fla. 9th Jud. Cir. Ct. Apr. 7, 2022) (Jury verdict of \$5.03 million); *Parker v. State of Florida Dep’t of Transp.*, *Verdict Form*, Case No. 2020-CA-002294 (Fla. 2d Jud. Cir. Ct. June 23, 2022) (Jury verdict of \$6.25 million); *Monk v. Burlington Cnty. Special Servs. Sch. Dist.*, *Verdict Form*, Case No. BUR-L-003869-02 (N.J. Super. Ct. Law Div. Jan. 2006) (Jury verdict of \$1.8 million).

³⁰ *Affidavit of Claimant’s Counsel to Senate and House Special Masters*, January 23, 2025.

SPECIAL MASTER'S FINAL REPORT – SB 14

March 14, 2025

Page 7

RECOMMENDATIONS:

Considering the clear evidence of negligence, comparable jury awards, and the City's agreement to the settlement, I find that the City of Miami Beach was negligent, and the amount sought by claimants on behalf of the Estate of Peniel Janvier is reasonable.

I recommend SB 14 FAVORABLY.

Respectfully submitted,

Alexander Brick
Senate Special Master

cc: Secretary of the Senate

By Senator Jones

34-00080-25

202514__

A bill to be entitled

An act for the relief of the Estate of Peniel Janvier by the City of Miami Beach; providing for an appropriation to compensate the Estate of Peniel Janvier for damages sustained as a result of the negligence of the City of Miami Beach; providing a limitation on the payment of compensation and attorney fees; providing an effective date.

WHEREAS, on August 16, 2022, Peniel Janvier drowned after being pushed into the community pool at the Scott Rakow Youth Center in the City of Miami Beach, and

WHEREAS, the lifeguards and personnel of the City of Miami Beach failed to observe and respond to Mr. Janvier being pushed into the community pool, and

WHEREAS, the Estate of Peniel Janvier has alleged, through a lawsuit filed on March 22, 2023, that the negligence of the City of Miami Beach, through its lifeguards and personnel, was the proximate cause of the death of Mr. Janvier, and

WHEREAS, Nicole Mathurin, Mr. Janvier's mother, and Lucmanne Janvier, Mr. Janvier's father, have suffered significant financial damages due to the loss of Peniel Janvier's net income accumulation in the past and future, and extreme mental anguish and suffering as a result of the loss of their son, and

WHEREAS, the Estate of Peniel Janvier and the City of Miami Beach reached a settlement in the amount of \$2 million, and

WHEREAS, pursuant to the settlement agreement between the parties, the plaintiff's claim will be partially satisfied by

Page 1 of 2

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

34-00080-25

202514__

the City of Miami Beach paying the amount of \$300,000 to the Estate of Peniel Janvier, and

WHEREAS, pursuant to the settlement, the claim shall be considered fully satisfied by the City of Miami Beach paying an additional \$1.7 million to the Estate of Peniel Janvier, as authorized by the Florida Legislature through a claim bill, 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 City of Miami Beach is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$1.7 million payable to the Estate of Peniel Janvier as compensation for injuries and damages sustained.

Section 3. The amount paid by the City of Miami Beach, 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 the death of Peniel Janvier and damages to the Estate of Peniel Janvier. 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.

Page 2 of 2

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



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
	CA	
	RC	

March 14, 2025

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

Re: **SB 20** – Senator Burgess
HB 6529 – Representative Alvarez
Relief of Relief of J.N., a minor, by Hillsborough County

SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM BILL FOR LOCAL FUNDS IN THE AMOUNT OF \$400,000. THIS AMOUNT IS THE REMAINING UNPAID BALANCE OF A \$600,000 SETTLEMENT AGREEMENT FOR INJURIES AND DAMAGES CAUSED BY THE ALLEGED NEGLIGENCE OF HILLSBOROUGH COUNTY.

FINDINGS OF FACT:

The Accident

On June 7, 2019, Claimant J.N., an eleven-year-old child, at the time of the incident, was riding her bicycle on a sidewalk owned and operated by Hillsborough County. The Claimant was accompanied by her stepfather, Gabriel Soto. The sidewalk is located along the east side of East Bay Road and adjacent to the East Bay Lakes subdivision in Gibsonton, Florida.

As J.N. was riding her bicycle, her bicycle wheel came into contact with an uneven area of concrete slab sidewalk.¹ causing her to lose control of her bicycle and travel down the

¹ Special Master's Hearing at 0:11:02-11:04; 0:12:34-0:13:01; See also, Claimant's exhibit 2.

steep slope located next to the sidewalk. J.N., while wearing a helmet, fell face-forward into an open drainage ditch and struck a concrete drainage culvert with her face.

Evidence was presented that the County received notice of the uneven sidewalk prior to the Claimant's injury on June 7, 2019. Testimony was admitted that service requests regarding that portion of the sidewalk were entered into the County's MaintStar work order tracking software system on February 13, 2018.²

The impact caused significant lacerations, sliced through portions of her gums, fractured her jaw, and avulsed multiple adult teeth. Mr. Soto observed J.N. lying on the ground in a state of shock with a large open laceration to her face. She was bleeding profusely from her head, face, and mouth. Mr. Soto picked J.N. up and took her back to their home.

J.N. was immediately taken to the emergency room at St. Joseph's Hospital where she was admitted and underwent a CT scan which showed a fracture of the nasal bone, fracture of the maxilla and fracture of superior alveolus. J.N. remained in the hospital for 3 days undergoing extensive surgery to her face including her mouth, lip, nose, and jaw. Following discharge from the hospital. She had additional oral surgery and medical care and treatment in the weeks and months that followed.³

On June 10, 2019, J.N. was seen for a consult regarding facial trauma. She presented with facial swelling and discomfort.

On June 14, 2019, J.N. underwent her second surgery consisting of a closed reduction of her nasal fracture.

On February 20, 2021, J.N. was seen by a Pediatric Epilepsy and Neurology Specialist as a result of headaches that had started five to six months previously, which was shortly after the accident. She was noted to have headaches as frequently as once or twice a week, and sometimes every two weeks. The pain was described as occipital and felt like pounding, throbbing and, aching pain. The headaches are

² Hillsborough County Response to RTP, filed Dec. 1, 2021, Work Request #WR00196599 created Feb. 13, 2018, Bates stamped "HC0007."

³ Medical Records Summary, June 7, 2019. (Claimant's Exhibit #3).

associated with light and sound sensitivity along with nausea.

She reported difficulty sleeping. J.N. was placed on rizatriptan and clonidine. She reported no prior medical history of migraine headaches.

J.N.'s Current Condition

On March 16, 2022, J.N. had a consultation with the oral surgeon at Moffett Oral Surgery and Dental Implant Center. J.N. was informed that she would need a bone graft. Dr. Moffett expects J.N. to be ready for the bone graft process when she is 16 or 17 years old. She will then start the process for implants.

J.N. is 16 years old and wears a Maryland bridge. She is preparing for the bone graft. The process will take four to five months to heal before she can go back to her dentist for them to install her crowns.

LITIGATION HISTORY:

Settlement

The Claimant and Hillsborough County have entered into a settlement agreement for a total of \$600,000. Claimant has received \$200,000 from Hillsborough County and seeks the remaining \$400,000.⁴

An order granting the settlement agreement was entered on March 7, 2023.⁵

All proceeds of the settlement agreement are to be paid through a structured settlement/annuity and held in a trust that has been established for the benefit of the Claimant. The proceeds are to be disbursed in accordance with the details of the structured settlement/annuity and terms of the trust.

Claimant's attorney has submitted a future needs analysis based on a treatment plan developed for J.N..⁶ The future needs produced an estimated total of lifetime costs to be

⁴ Settlement Agreement between Stephany Grullon, parent/guardian of J.N., a minor and Hillsborough County, September 20, 2022, pgs. 1-4 (Claimant's Exhibit 5).

⁵ Claimant's supplemental record marked *Settlement Annuity Contract*.

⁶ Treatment Plan (Claimant's Exhibit 4).

between \$700,000 and \$1 million. Claimant's attorney testified that the cost estimate was based on upcoming surgeries, future medical care, past and future pain and suffering, as well as mental anguish.⁷

As part of the agreement, the respondent agreed to not oppose the claim bill.

CLAIM BILL HEARING:

On January 27, 2025, the House and Senate special masters held a half-day *de novo* hearing in the matter of SB 20 (2025), relief of J.N., a minor, by Hillsborough County.

Both parties stipulated to all exhibits submitted into evidence by the Claimant. Respondent's attorney made it clear that Hillsborough County was in support of the claim bill and would not be presenting any evidence counter to the Claimant or settlement agreement.⁸ Both parties cooperated fully with the House and Senate and responded to all requests for information.⁹

Claimant's Case-in-Chief

Claimant's attorney presented a narrative recitation of the facts as stipulated by the parties detailing the Claimant's life before the accident, the accident, the details of her life after the accident, injuries, recovery, and the related elements of a negligence claim.¹⁰

Witness Gabriel Soto

Mr. Soto testified that the Claimant was an experienced bike rider and was wearing a helmet. He testified that this was not a path that the two had previously traveled or with which they were familiar. Mr. Soto also testified that he was riding four to five feet behind the Claimant and witnessed her hit an uneven surface that sent her down the steep slope and into the drainage ditch. He testified that when he reached her, she was awake but in shock and may have lost consciousness at the scene. The Claimant's nose was broken, lip was split open, and teeth were missing. He testified that he immediately

⁷ Special Master Hearing at 43:25:00-46:10:00; 1:38:26-1:40:00.

⁸ *Id.* at 2:32:00-2:35:00.

⁹ *Id.* at 1:50:00-2:05:00.

¹⁰ *Id.* at 7:24:00-11:24:00.

rushed the Claimant to their house, and she was transported to the hospital.¹¹

Witness Stephany Grullion

Ms. Grullion, parent and natural guardian of the Claimant, testified regarding J.N.'s medical treatment. Ms. Grullion testified that the Claimant has headaches that were reported one month after the accident. The Claimant visited a pediatric neurologist who determined that the headaches were due to the collision. Ms. Grullion also testified that the Claimant still had the headaches twice a week but she no longer takes prescription medication; rather, uses over-the-counter medication for relief.¹²

Claimant still experiences numbness on one side of her lip, as well as a lip twitch. The Claimant has nose sensitivity and cannot wear her glasses because the weight of the glasses bothers her.

Ms. Grullion testified that the Claimant's medical expenses were paid by insurance.¹³

Witness J.N.

J.N. testified that since the accident, she has developed many insecurities. She feels uncomfortable speaking because her lip twitches, and she avoids smiling due to her dissatisfaction with her teeth and the scar on her lip.¹⁴

J.N. testified that she still experiences facial numbness and that she still frequently has headaches. She testified that she has missed school due to migraines but that she does well in school.¹⁵ She is unable to play sports or do extracurricular activities because the physical activity causes her to have headaches.¹⁶ J.N. testified that she has migraines three to four times per week with noise and light sensitivity.

¹¹ *Id.* at 11:54:00-17:48:00.

¹² *Id.* at 1:00:00-1:04:28.

¹³ *Id.* at 1:10:19-1:10:44.

¹⁴ *Id.* at 1:15:07-1:19:37.

¹⁵ *Id.* at 1:31:00-1:33:00.

¹⁶ *Id.* at 1:16:00-1:19:07.

J.N. also testified that she has been wearing the Maryland bridge for three years and that it causes her discomfort when food gets stuck in it. She stated that it also hurts her gums.¹⁷

Respondent's Case-in-Chief

The Respondent did not present or contest any evidence, theories, or arguments.¹⁸

Respondent indicated that if the claim bill were to pass, payout to the Claimant was structured to have less of a financial impact on the county's budget, by structuring payments in increments to be paid over the next five (5) years.¹⁹

The county does not have any excess insurance and is self-insured.²⁰

CONCLUSIONS OF LAW:

The claim bill hearing was held on January 27, 2025, was a *de novo* proceeding to determine liability in a negligence claim for damages suffered by the Claimant and, if negligence is found, 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.

Sovereign immunity limits the amount of damages a Claimant can collect from the state or any of its agencies 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. Funds 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 this claim bill authorizing the additional payment.²¹

In this matter, the Claimant alleges negligence on behalf of Hillsborough County.

¹⁷ *Id.* at 1:21:42-1:22:29.

¹⁸ *Id.* at 1:52:09-1:57:20.

¹⁹ *Id.* at 2:00:00-2:03:37; *see also*, Claimant's supplemental exhibit titled Schedule of Benefits and Payees.

²⁰ *Id.* at 2:03:37-2:04:44.

²¹ Section 768.28, F.S.

The plaintiff bears the burden of proving, by the greater weight of the evidence, that the defendant's action was a breach of duty that the defendant owed to the plaintiff. 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."²²

"Negligence is described as the failure to use reasonable care, which is the care that a reasonably careful person would use under like circumstances";²³ 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."²⁴

To establish liability, a Claimant must prove four (4) elements, by the greater weight of the evidence:

- (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.²⁵

In this case, the County's liability depends on whether the County breached its duty of care to Claimant and whether that breach caused her damages.

Duty

Under Florida law, "[W]hile a city is not an insurer of the motorist or the pedestrian who travels its streets and sidewalks, it is responsible, of course, for damages resulting from defects which have been in existence so long that they

²² Fla. Std. Jury Instr. (Civ.) 401.3, *Greater Weight of the Evidence*.

²³ Florida Civil Jury Instructions, 401.4 – Negligence.

²⁴ Florida Civil Jury Instructions, 401.12(a) – Legal Cause, Generally.

²⁵ *Hodges v. United States*, 78 F.4th 1365, 1375 (11th Cir. Aug. 18, 2023); and *Clay Elec. Coop., Inc. v. Johnson*, 873 So.2d 1182, 1185 (Fla. 2003).

could have been discovered by the exercise of reasonable care, and repaired.”²⁶

A municipality “is required to exercise reasonable diligence in repairing defects after the unsafe condition of the street or sidewalks known or ought to have been known to the officers thereof having authority to act.”²⁷

In this case, the county does not dispute that it had a duty to use reasonable care in maintaining safe premises, free from dangers to the personal safety of its invitees.²⁸

Florida law defines “routine maintenance” required by the county to be performed on the sidewalk, drainage ditch, and culvert as follows:

(23) “Routine maintenance” means minor repairs and associated tasks necessary to maintain a safe and efficient transportation system. The term includes: pavement patching; shoulder repair; cleaning and repair of drainage ditches, traffic signs, and structures; mowing; bridge inspection and maintenance; pavement striping; litter cleanup; and other similar activities.²⁹

There was no evidence presented by the Respondent that challenged or countered the facts as presented above.

Breach

Based on the stipulated facts and exhibits presented by the Claimant, it is evident that Hillsborough County breached its duty of reasonable care by failing to maintain the sidewalk in a safe manner. The County had notice that the sidewalk was badly buckled and uneven. The Claimant’s evidence indicates that County employee Juan Olivero Lopez inspected the sidewalk prior to the date of the incident and noted that “the

²⁶ *Mullins v. City of Miami*, 60 So.2d 174, 176 (Fla. 1952) (citing *City of St. Petersburg v. Roach*, 4 So.2d 367,368 (Fla 1941) (holding “[t]here is no doubt that the injury suffered by the defendant in error was chargeable to a defect in the sidewalk and it was successfully argued in the trial court that it had been there for sufficient length of time for the city to have become aware of the imperfection and have remedied it”)).

²⁷ *City of Miami Beach v. Quinn*, 5 So.2d 593, 593 (Fla. 1942).

²⁸ Hillsborough County Answer and Affirmative Defenses Pleading, 3.

²⁹ Section 334.03, F.S.

section of sidewalk should have been removed and replaced prior to this incident.”³⁰

There was no evidence presented by the Respondent that challenged or countered the facts as presented above.

Causation

Negligence is “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.”³¹

The Claimant presented evidence that the buckled sidewalk was the direct and precipitating cause of her injuries, and that it was a foreseeable outcome from the risk produced by the County’s failure to maintain the sidewalk. But for Hillsborough County’s negligence the accident would not have occurred, and the Claimant would not have been severely injured.³²

Comparative Negligence

Comparative negligence is the legal theory that a defendant may diminish his or her responsibility to an injured plaintiff by demonstrating that another person, sometimes the plaintiff and sometimes another defendant or even an unnamed party, was also negligent and that negligence contributed to the plaintiff’s injuries.

The Claimant presented evidence that the Claimant was wearing a helmet at the time of the accident, was experienced in riding a bicycle, and the bicycle was operationally sound at the time of the accident.³³

There was no evidence presented by the Respondent that challenged or countered the facts presented above. There was no evidence presented that would attribute any negligence to the Claimant or any other unnamed third party.

³⁰ Claimant’s complaint filed June 28, 2022, 5.; *see also* Claimant’s Exhibit 1(Photographs of sidewalk).

³¹ Florida Civil Jury Instructions, 401.12(a) –*Legal Cause, Generally*.

³² Special Master Hearing at 29:25-32:28.

³³ *Id.* at 16:01:00-16:25:00.

Based on the evidence and through review of all relevant material, the undersigned finds that the greater weight of evidence demonstrates that Hillsborough County had a duty of care, which it breached, and that breach was the legal or proximate cause of the accident and responsible for the Claimant's injuries.

Damages

As a result of the accident the Claimant was admitted to the hospital with severe facial trauma. She underwent a CT scan which showed a fracture of the nasal bone, fracture of the maxilla, and fracture of superior alveolus.³⁴

The evidence indicated that the Claimant had multiple surgeries to her mouth, lip, nose, and jaw. According to testimony from the Claimant and her mother, Stephany Grullon, the Claimant will need to have a bone graft and surgery for dental implants in the future.

Economic Damages

The Claimant's attorney presented voluminous medical bills and statements. A copy of the annuity contract, settlement agreement and order approving the settlement were provided.³⁵

Noneconomic Damages

The Claimant suffered significant noneconomic damages in the form of pain and suffering, mental anguish and loss of enjoyment of life. The Claimant suffers frequent and continual migraines as a result of striking her head on the concrete culvert. In addition to her physical pain, the Claimant experiences low self-esteem and insecurity because of her scars and missing teeth. The Claimant is unable to engage in physical activities that she enjoyed prior to the accident and has insecurities about her appearance and dating. The Claimant testified to having a lip twitch and facial numbness, that she will likely experience for the rest of her life.

³⁴ Claimant's Exhibit 3 (Claimant's medical records).

³⁵ Claimant's supplemental record (Annuity contract, Settlement agreement, Order Approving Settlement).

Standard jury instructions provide that, “There is no exact standard” for measuring “[a]ny bodily injury sustained by [a plaintiff] any resulting pain and suffering, disability or physical impairment, disfigurement, mental anguish, inconvenience, or loss of capacity for the enjoyment of life experienced in the past or to be experienced in the future.”³⁶

As this was a settlement without the benefit of a jury trial, and because there is no formula or fixed criteria for an award, it is unknown how much a jury might have awarded had this matter gone to trial.³⁷

The claimant’s attorney submitted evidence that the claimant suffers migraines as a result of the accident. The migraines occur whenever she is active.³⁸ The claimant testified that she did not suffer migraines prior to the accident and that the migraines are ongoing and frequent in nature.³⁹

Counsel for the Claimant speculates that a jury would have awarded a verdict in excess of \$1,000,000.

Based on the settlement agreement and the total economic damages, the remaining difference of the settled amount is \$400,000.

There was no economic evidence presented by the Respondent to challenge or counter the reports and evidence submitted by the Claimant.

ATTORNEY FEES:

Section 768.28, of the Florida Statutes, limits the Claimant’s attorney fees to 25 percent of the total recovery reached by any judgment or settlement in a sovereign immunity claim. The Claimant’s attorney has acknowledged this limitation and

³⁶ Florida Civil Jury Instructions, 501.2a –Personal Injury and Property Damages – Elements.

³⁷ In *Parrish v. City of Orlando*, 53 So. 3d 1199, 1203, (Fla 5th DCA 2011), the plaintiff and her husband were walking to the Citrus Bowl when she tripped and fell on an uneven sidewalk, seriously injuring her left shoulder. Due to the severity of the injury, the plaintiff had to have shoulder replacement surgery and subsequently developed axillary nerve palsy. At trial, the plaintiff’s treating doctor testified that her shoulder injury was permanent and caused by the fall. The city presented no opposing testimony. The jury awarded damages for past medical expenses and future medical expenses, but no award for past or future noneconomic damages. The court determined that the “failure to make an award for future economic damages is unreasonable when there is evidence of permanent injury and a need for treatment in the future.” “[W]hen medical evidence on permanence or causation is undisputed, unimpeached, or not otherwise subject to question based on other evidence presented at trial, the jury is not free to simply ignore or arbitrarily reject that evidence and tender a verdict in conflict.” *Parrish at 1202*.

³⁸ Special Master Hearing at 1:24:00-1:25:30.

³⁹ *Id.*

SPECIAL MASTER'S FINAL REPORT – SB 20

March 14, 2025

Page 12

verified in writing that nothing in excess of 25 percent of the gross recovery will be withheld or paid as attorney and lobbyist fees.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that SB 20 be reported FAVORABLY.

Respectfully submitted,

Jovona I. Parker
Senate Special Master

cc: Secretary of the Senate

By Senator Burgess

23-00079-25

202520__

1 A bill to be entitled
 2 An act for the relief of J.N., a minor, by
 3 Hillsborough County; providing an appropriation to
 4 Stephany Grullon, as parent and guardian of J.N., to
 5 compensate J.N. for injuries and damages she sustained
 6 as a result of the negligence of Hillsborough County
 7 in maintaining sidewalks and culvert systems;
 8 providing a limitation on compensation and the payment
 9 of certain fees and costs; providing an effective
 10 date.
 11
 12 WHEREAS, on the afternoon of June 7, 2019, J.N., then 11
 13 years of age, was riding her bicycle, accompanied by her
 14 mother's fiancé, Gabriel Soto, on a sidewalk located along the
 15 east side of East Bay Road and adjacent to the East Bay Lakes
 16 subdivision in Gibsonton, and
 17 WHEREAS, the sidewalk is owned and maintained by
 18 Hillsborough County, and
 19 WHEREAS, J.N. was wearing her helmet while riding her
 20 bicycle when her bicycle wheel hit an uneven area of the
 21 concrete slab sidewalk, causing her to lose control of her
 22 bicycle and tumble down a steep slope next to the sidewalk, and
 23 WHEREAS, J.N. careened face forward over the bicycle's
 24 handlebars into a concrete and corrugated metal drainage culvert
 25 pipe and lacerated portions of her gums, fractured her jaw, and
 26 avulsed multiple adult teeth, and
 27 WHEREAS, J.N. was rushed to the emergency room at St.
 28 Joseph's Hospital, where she underwent a CT scan that revealed
 29 fractures of the nasal bone, the maxilla, and the superior

Page 1 of 5

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

23-00079-25

202520__

30 alveolus, and
 31 WHEREAS, the severity of her injuries required plastic
 32 surgery intervention, and on June 8, 2019, J.N. underwent a
 33 surgical procedure consisting of exploration and removal of the
 34 gingiva impacted into her nasal structures and into the upper
 35 maxilla, repair of the midline laceration of her upper lip, and
 36 repair of her gingiva and lower lip vermillion, and
 37 WHEREAS, on June 14, 2019, J.N. underwent a second surgery
 38 consisting of a closed reduction of her nasal fracture, and
 39 WHEREAS, on February 20, 2021, J.N. was seen by Pediatric
 40 Epilepsy and Neurology Specialists due to headaches that she
 41 experienced as frequently as once or twice a week and which had
 42 first started shortly after the accident, and
 43 WHEREAS, on March 16, 2022, J.N. was seen by an oral
 44 surgeon at the Moffett Oral Surgery and Dental Implant Center,
 45 during which time she was informed that she would need a bone
 46 graft and eventually an implant, and
 47 WHEREAS, J.N. has to wait for her bones to finish growing
 48 before Dr. Moffett can proceed with the bone graft, which he
 49 expects will be when J.N. is 16 or 17 years old, and
 50 WHEREAS, after J.N. heals from her bone graft, Moffett Oral
 51 Surgery and Dental Implant Center will then begin the process
 52 for implants and, eventually, crowns, and
 53 WHEREAS, along with the medical treatment and bills
 54 associated with this injury, J.N. has suffered intangible and
 55 emotional losses, has experienced an extreme loss of self-
 56 esteem, and struggles socially with her peers, and
 57 WHEREAS, Hillsborough County was on notice that the same
 58 section of sidewalk where J.N. had her accident was in need of

Page 2 of 5

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

23-00079-25 202520__

59 repair and replacement as early as October 7, 2015, as evidenced
60 by the filing of a work request order, and

61 WHEREAS, in 2016, Juan Olivero Lopez, a Hillsborough County
62 maintenance supervisor responsible for sidewalk maintenance,
63 stated that he was directed by the county to inspect the
64 sidewalk, and

65 WHEREAS, Juan Olivero Lopez further stated that, in
66 response to the work request order, the South Service Unit
67 performed a physical inspection of the sidewalk before the date
68 of the accident, but that repairs to make the sidewalk safe were
69 never performed, and

70 WHEREAS, the drainage ditch and culvert system located next
71 to the sidewalk were also in need of maintenance and repair, as
72 evidenced by the extensive deterioration of the concrete and
73 corrugated metal drainage culvert pipe, which had become jagged
74 and rusted, and

75 WHEREAS, Hillsborough County employee William Cox, a civil
76 engineer responsible for drainage culvert replacement and
77 planning, stated that he was not responsible for the maintenance
78 of the culvert, and

79 WHEREAS, Juan Olivero Lopez stated that, in his capacity as
80 a maintenance supervisor of the South Service Unit, he was not
81 responsible for the maintenance of the culvert, and

82 WHEREAS, clearly there was a gap in assigning or accepting
83 responsibility for maintenance of the culvert, and the resulting
84 failure to repair the drainage ditch and culvert system, coupled
85 with the failure to repair or replace the sidewalk, contributed
86 to the severity of J.N.'s injuries, and

87 WHEREAS, J.N.'s parent and guardian, Stephany Gullon, and

23-00079-25 202520__

88 Hillsborough County entered into a settlement and release
89 agreement on September 20, 2022, in which the county agreed to
90 pay Stephany Gullon \$600,000 to settle all claims, and

91 WHEREAS, Hillsborough County paid \$200,000, the sovereign
92 immunity limit under s. 768.28, Florida Statutes, to Stephany
93 Gullon within 20 days after entering into the settlement and
94 release agreement, and

95 WHEREAS, Hillsborough County acknowledged and agreed not to
96 oppose a legislative claims bill that would be filed during the
97 2023 Regular Session of the Legislature or in a subsequent
98 legislative session for the additional \$400,000, and

99 WHEREAS, the \$200,000 statutory limit under s. 768.28,
100 Florida Statutes, has been paid to Stephany Gullon, but the
101 balance of \$400,000 remains unpaid, NOW, THEREFORE,

102

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

104

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

107 Section 2. Hillsborough County is authorized and directed
108 to appropriate from funds of the county not otherwise encumbered
109 and draw a warrant in the sum of \$400,000 payable to Stephany
110 Gullon, as parent and guardian of J.N., to be placed in a trust
111 created for the exclusive use and benefit of J.N. for injuries
112 and damages sustained.

113 Section 3. The amount paid by Hillsborough County pursuant
114 to s. 768.28, Florida Statutes, and the amount awarded under
115 this act are intended to provide the sole compensation for all
116 present and future claims arising out of the factual situation

23-00079-25

202520__

117 described in this act which resulted in injuries and damages to
118 J.N. The total amount paid for attorney fees and costs, lobbying
119 fees, and other similar expenses relating to this claim may not
120 exceed 25 percent of the total amount awarded under this act.

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



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
	HP	
	RC	

March 14, 2025

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

Re: **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.

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 ostomy¹⁰ 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 Schwachman-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, *Schwachman-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

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

Page 1 of 5

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

40-00145-25

202522__

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

Page 2 of 5

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

40-00145-25

202522__

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

40-00145-25

202522__

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

40-00145-25 202522__

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

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

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

3-19-25

Meeting Date

Judiciary

Committee

The Florida Senate

APPEARANCE RECORD

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

22

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jason Unger**

Phone **850-577-9090**

Address **301 S Bronough St #600**

Email **junger@gray-robinson.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:

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
3/14/25	SM	Favorable
3/19/25	JU	Fav/CS
	AEG	
	AP	

March 14, 2025

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

Re: **CS/SB 26** – Committee on Judiciary and Senator Gruters
HB 6513 – Representative Busatta
Relief of Kristen and Lia McIntosh by the Department of Agriculture and
Consumer Services

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM BILL FOR \$2.252 MILLION IN ACCORDANCE WITH A CONSENT JUDGMENT RENDERED BY THE CIRCUIT COURT. KRISTEN AND LIA MCINTOSH SEEK DAMAGES FROM GENERAL REVENUE FUNDS FOR PERSONAL INJURIES CAUSED BY THE NEGLIGENT OPERATION OF A VEHICLE DRIVEN BY AN EMPLOYEE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

FINDINGS OF FACT:

Accident and Investigation

On February 12, 2022, Ronald Thornton was driving his 2010 Ford F-150 on I-95 South in Nassau County.¹ Ronald Thornton's wife Elizabeth Thornton was seated in the front passenger seat, and their daughters, Kristen and Lia McIntosh (Claimants), who were 17 and 13 years old at the time, respectively, were in the rear seats.² Lia was sitting on

¹ Claimants' Ex. Deposition of Ronald Thornton at 23-24 (Sept. 15, 2023).

² *Id.* at 24.

the left behind Ronald Thornton and Kristen was on the right behind Elizabeth Thornton.³ Both were wearing seatbelts.⁴

At approximately 8:33 p.m., James Michael McWhorter, a law enforcement officer with the Department of Agriculture and Consumer Services' (DACS) Office of Agricultural Law Enforcement (OALE), was driving his patrol vehicle from an OALE inspection station on the northbound side of I-95 to an inspection station on the southbound side.⁵ The OALE officer drove over the paved median and crossed the southbound lanes directly in the path of Ronald Thornton's vehicle.⁶ The front of Ronald Thornton's vehicle collided with the passenger side of the officer's vehicle.⁷ The officer passed away at the scene.⁸ All four occupants of Ronald Thornton's vehicle were transported by ambulance to Shands Hospital (UF Health) in Jacksonville.⁹ Kristen and Lia's injuries are discussed in more detail below.

Following an investigation, the Florida Highway Patrol (FHP) determined that neither driver was under the influence of drugs or alcohol at the time of the accident.¹⁰ FHP concluded that the OALE officer violated section 316.1925(1), of the Florida Statutes, (careless driving), and section 316.614(4)(b), of the Florida Statutes, (Florida Safety Belt Law) and was responsible for his own untimely death and the injuries to Kristen and Lia McIntosh.¹¹

Physical Injuries: Kristen McIntosh

The responding ambulance transported Kristen to UF Health in Jacksonville,¹² where she was treated for injuries, including:

- Concussion;
- Cervical ligamentous sprain;
- Small intestine injury;
- Unstable compression and burst fractures in her lumbar spine; and

³ Claimants' Ex. 43, Deposition of Ronald Thornton (Sept. 15, 2023).

⁴ Claimants' Ex. 1, Florida Highway Patrol (FHP) Traffic Homicide Report, 17 (Sept. 22, 2022).

⁵ *Id.* at 4, 13.

⁶ *Id.* at 13.

⁷ *Id.* at 13, 31.

⁸ *Id.* at 33.

⁹ *Id.* at 11.

¹⁰ *Id.* at 8.

¹¹ *Id.* at 33.

¹² See Claimants' Ex. 27, Nassau County Fire Rescue Medical Records for Kristen McIntosh at 1.

- Dislocation of facet joints in her thoracic-lumbar spine.¹³

Kristen underwent emergency lumbar spinal fusion surgery and had hardware inserted into her spine.¹⁴ She remained in the hospital until February 16, 2022.¹⁵ Thereafter she received follow-up care at First Coast Medical Center from September 2022 through November 2022 where she was treated for her ongoing pain and received trigger point injections.¹⁶

Medical Expenses: Kristen McIntosh

Kristen has been billed \$376,495 for medical expenses related to the accident,¹⁷ with her insurance providing benefits of \$143,724.¹⁸ Kristen was insured under their family automobile policy through State Farm, which provided uninsured motorist coverage with limits of \$50,000 per person or \$100,000 per accident. State Farm tendered the \$100,000 per accident limit to the family. This was distributed evenly between the four injured family members. Of the total amount sought and agreed to by Kristen and DACS, only \$1,000 has been paid to Kristen.¹⁹ DACS paid the statutory cap of \$300,000 to Ronald and Elizabeth Thornton, who each received \$150,000.²⁰

In November 2023, Craig Lichtblau, M.D., conducted a comprehensive rehabilitation evaluation of Kristen McIntosh.²¹ Based on this evaluation, he determined that Kristen's injuries, including lumbar myofascial pain syndrome and an acute chance fracture, would result in chronic pain; when she experiences a flare up of that pain, she will require short courses in an outpatient physical medication program, trigger point injections, and medications.²² He explained she will likely need to see a neurosurgeon once a year for five years, an orthopedic surgeon once a year for five years, and

¹³ Claimants' Ex. 28, UF Health Jacksonville Medical Records for Kristen McIntosh.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Claimants' Ex. 30, First Coast Medical Care medical records for Kristen McIntosh, 9, 18, 37.

¹⁷ Claimants' Exs. 33-38, Kristen's Medical Bills; Claimants' Ex. 39, BlueCross BlueShield of Illinois Lien at 4.

¹⁸ Claimants' Ex. 39, BlueCross BlueShield of Illinois Lien.

¹⁹ Claimants' Attorney's Affidavit, Attachment A.

²⁰ Claimants' Ex. 48, Mediation Settlement Agreement at 1-2.

²¹ Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) (Nov. 18, 2023).

²² Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, 17, 18, 20 (Dec. 17, 2024).

a physical therapist at least twice a year.²³ She will also require an MRI scan every five to ten years and will need treatment from a physical medicine and rehabilitation physician or chronic pain specialist.²⁴ Dr. Lichtblau opined that Kristen will eventually develop adjacent segment disease that will require future surgical intervention and post-operative therapy.²⁵ Due to her injuries, Dr. Lichtblau determined that Kristen had an eight percent partial impairment of her whole person (one percent impairment for a cervical soft tissue injury and seven percent for posterior fusion, secondary to a chance fracture).²⁶

Based on a life expectancy of 61.6 more years, Dr. Lichtblau estimated Kristen's future medical expense will be between \$278,122 (best-case scenario) and \$492,627 (worst-case scenario).²⁷ Below is a breakdown of the estimated medical expenses under the worst-case scenario:

Kristen's Estimated Future Medical Expenses²⁸	Best-Case Scenario	Worst-Case Scenario
Neurosurgeon	\$1,000	\$3,000
Orthopedic Surgeon	\$1,000	\$2,500
Physiatrist	\$34,466	\$66,498
MRI Scan Lumbar	\$3,080	\$6,160
Physical Therapy Evaluation	\$14,784	\$14,784
Physical Therapy Treatments	\$118,272	\$118,272
Trigger Point Injections	\$13,860	\$138,600
Epidural Steroid Injections	\$18,000	\$27,000
Microdiscectomy and Fusion	\$67,140	\$107,692
Post-op Physical Therapy Eval.	\$120	\$120
Post-op Protocol	\$6,400	\$8,000
TOTAL	\$278,122	\$492,627

²³ *Id.* at 17-18; Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD).

²⁴ Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, 17 (Dec. 17, 2024).

²⁵ *Id.* at 19.

²⁶ Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) at 15-17. This does not include any impairment for depression (as a component of chronic pain), which the doctor opined exists.

²⁷ Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) at 24-25; Claimants' Ex. 42, Amended Comprehensive Rehabilitation Evaluation of Kristen McIntosh, 8-11 (Dec. 6, 2024); Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, at 17-19; Claimants' Ex. 58, Opening Statement Presentation, 51-52.

²⁸ Claimants' Ex. 58, Opening Statement Presentation at 50-51; Claimants' Ex. 42, Amended Comprehensive Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) at 8-9.

Non-Economic Damages: Kristen McIntosh

During a hearing held before the Senate and House Special Masters, Ronald and Elizabeth Thornton testified about how the accident impacted their daughters' lives. They testified that Kristen and Lia were bedridden for a period of time following the accident and needed assistance with everyday tasks such as bathing, eating, and getting around the house. They also needed help putting on and removing the back braces they were required to wear for four months after the accident. Elizabeth Thornton, who was herself injured from the accident, took six months off work to care for her daughters.

Ronald Thornton testified about the mental impact of the accident as well. He explained that Kristen used to be outgoing and happy before the accident, but her limited ability to do physical activity has left her depressed.

During the hearing, Kristen testified that before the accident she wanted to become a combat nurse in the military after graduating high school. However, she learned from an army recruiter that the hardware in her back and physical limitations would prevent her from being recruited. Kristen testified that she then decided to pursue a nursing career outside the military, but she soon discovered that she would be unable to meet the physical demands of such a position, which would require standing for long periods of time and physically moving patients and medical supplies.

Kristen testified that future injuries or falls could cause further damage to her back or paralyze her. She avoids strenuous activity and lifting heavy objects, and she can no longer enjoy her hobbies for fear of paralysis. Prior to sustaining the injuries in the car accident, Kristen enjoyed driving her dirt bike, riding rollercoasters, and playing volleyball and flag football. She is no longer able to participate in these activities due to her ongoing pain and fear of exacerbating her injuries. She testified that this fear and the knowledge that she may require more surgery in the future has caused her to suffer from anxiety.

Kristen testified that she still lives with constant neck and back pain, rating her pain as 10 out of 10, and numbness in her right hip. She testified that she has not had a pain-free day since the accident. In his report on his evaluation of Kristen,

Dr. Lichtblau opined that Kristen is going to suffer from acute, intermittent exacerbations of chronic pain; he concluded that she will have good days, bad days, and missed days of work.²⁹

Physical Injuries: Lia McIntosh

Like Kristen, the responding ambulance transported Lia to Shands Hospital in Jacksonville,³⁰ where she was treated for injuries, including:

- A broken sternum;
- Compressed vertebrae in her lower (lumbar) spine;
- An intestinal tear (i.e., a serosal and partial thickness mesenteric tear);
- A collapsed right lung.³¹

Lia was taken to the operating room for a diagnostic laparoscopy and to repair the tear in her intestine.³² She was discharged from the hospital on February 16, 2022.³³ Thereafter she received follow-up care for ongoing knee pain and headaches at Baptist Health.³⁴ An x-ray in May 2022 revealed she had a small effusion (excess fluid) in her right knee, and she later received a cortisone injection.³⁵ She also received treatment at Jacksonville Orthopedic Institute for her knee pain.³⁶

In November 2023, Craig Lichtblau, M.D., conducted a comprehensive rehabilitation evaluation of Lia. Dr. Lichtblau reported that Lia was suffering from intermittent low back and right knee pain and constant abdominal pain where the surgical incision was made.³⁷ Dr. Lichtblau opined that, like Kristen, Lia would have to live with chronic pain that will require short courses in an outpatient physical medicine program, trigger point injections, and medications for flareups

²⁹ Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) (Nov. 18, 2023).

³⁰ See Claimants' Ex. 13, Medical Records: Lia McIntosh (Nassau County Fire Rescue) at 1.

³¹ Claimants' Ex. 14, Medical Records: Lia McIntosh (UF Health) at 5.

³² *Id.* at 58-59.

³³ See generally *id.*

³⁴ Claimants' Ex. 16, Baptist Health Medical Records for Lia McIntosh at 5.

³⁵ *Id.* at 5, 37.

³⁶ Claimants' Ex. 17, Jacksonville Orthopedic Institute Medical Records for Lia McIntosh; Claimants' Ex. 18, Jacksonville Orthopedic Institute Rehabilitation.

³⁷ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD), 1 (Nov. 18, 2023).

of her pain.³⁸ He determined that Lia's future treatment would include the need to see a physical therapist twice a year and a chronic pain specialist, whether it is a physiatrist, a neurologist, or an internist, at least one to two times a year.³⁹ She will also need an MRI of her lumbar spine every five to ten years.⁴⁰ Dr. Lichtblau opined that Lia has an eight percent permanent partial impairment of her whole person.⁴¹

Medical Expenses: Lia McIntosh

Lia has been billed \$140,659 for medical expenses related to the accident,⁴² with her insurance providing benefits of \$70,555.⁴³

Lia was insured under Mr. Thornton's automobile policy through State Farm, which provided uninsured motorist coverage with limits of \$50,000 per person or \$100,000 per accident. As noted above, State Farm tendered the \$100,000 per accident limit to the family, which was distributed evenly between the four injured family members. Of the total amount sought and agreed to by Lia McIntosh and DACS, DACS has paid a total of \$1,000 to Lia for this claim (\$2,000 total, including the payment to Kristen).⁴⁴ DACS paid the statutory cap of \$300,000 to Ronald and Elizabeth Thornton, who each received \$150,000.⁴⁵

Dr. Lichtblau estimated that Lia's future medical requirements will cost between approximately \$191,427 (best case scenario) and \$283,427 (worst case scenario) based on a life expectancy of 65.5 more years.⁴⁶ This does not include the cost of surgery to remove abdominal adhesions that Lia likely suffered from her laparotomy surgery to repair her intestinal injuries.⁴⁷ After laparotomy, almost 95 percent of patients

³⁸ *Id.* at 21-24; Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, at 28.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 13-14; Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, at 28.

⁴² Claimants' Exs. 19-25, Lia's Medical Bills; Claimants' Ex. 26, BlueCross BlueShield of Illinois Lien at 4. The lien indicates that Lia was billed \$265,147.22; however, Claimants' attorney advised the correct figure is \$140,659. See Claimants' Ex. 58, Opening Statement Presentation at 28.

⁴³ Claimants' Attorney's Affidavit, Attachment A.

⁴⁴ *Id.*

⁴⁵ Claimants' Ex. 48, Mediation Settlement Agreement at 1-2.

⁴⁶ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 21-24; Claimants' Ex. 58, Opening Statement Presentation at 30-31.

⁴⁷ *Id.*

develop abdominal adhesions.⁴⁸ Adhesions are internal “scars” that form after trauma through complex processes, involving injured tissues and the peritoneum.⁴⁹ Dr. Lichtblau opined that Lia was at a much greater risk than the general population to develop such adhesions and bowel obstruction that will require treatment and surgery.⁵⁰

Below is a breakdown of the estimated medical expenses under the worst-case scenario:

Lia's Estimated Future Medical Expenses⁵¹	Best-Case Scenario	Worst-Case Scenario
Orthopedic Surgeon	\$200	\$500
Physiatrist	\$36,647	\$36,647
MRI Scan Lumbar	\$3,275	\$6,550
Physical Therapy Evaluation	\$15,720	\$15,720
Physical Therapy Treatments	\$125,760	\$125,760
Trigger Point Injections	\$9,825	\$98,250
Surgery for removal of abdominal adhesions	Undetermined	Undetermined
TOTAL	\$191,427	\$283,427

Dr. Lichtblau opined that Lia is too young to determine whether she will experience any physical deficits in her ability to participate in gainful employment in the competitive open labor market.⁵²

Non-Economic Damages: Lia McIntosh

During a hearing held before the Senate and House Special Masters, Ronald and Elizabeth Thornton testified about how the accident impacted their daughters' lives. As discussed above, they testified that Kristen and Lia were bedridden for a period of time following the accident and needed assistance with everyday tasks such as bathing, eating, and getting around the house. They also needed help putting on and removing the back braces they were required to wear for four months after the accident.

⁴⁸ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 5.

⁴⁹ *Id.*

⁵⁰ Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, at 31.

⁵¹ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 21-24; Claimants' Ex. 58, Opening Statement Presentation at 30-31.

⁵² Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 11.

Ronald Thornton testified that Lia now suffers from nightmares and rarely leaves the house. He explained that, for a while, she refused to ride in cars, except to go to doctors' appointments, and even now she is always hyper vigilante for the presence of other vehicles on the road.

Lia testified that, prior to sustaining the injuries in the car accident, she attended school and enjoyed riding her dirt bike and swimming but is no longer able to enjoy these activities and has attended school virtually (rather than in-person) since the accident.

Since the accident, Lia occasionally has difficulty falling and staying asleep, often resulting in feeling tired in the afternoon.⁵³ Her back pain has caused her to feel depressed about her situation.⁵⁴ Lia also testified at a hearing before the Senate and House Special Masters that she still experiences back and stomach pain, rating her pain as six to seven out of ten.⁵⁵

LITIGATION HISTORY:

Litigation and Settlement

On January 12, 2023, Claimants filed a complaint in the Fourth Judicial Circuit, in and for Nassau County, against the Florida Department of Agriculture and Consumer Services (DACS). The case went to mediation on January 29, 2024, and the parties reached a settlement agreement.⁵⁶ The parties agreed, among other things, that DACS would pay Ronald and Elizabeth Thornton \$150,000 each and support a claim bill filed by Kristen McIntosh and Elizabeth Thornton (as parent and natural guardian of Lia McIntosh).⁵⁷ On May 7, 2024, the court entered a consent judgment for the following amounts:

- Elizabeth Thornton (as parent and natural guardian of Lia McIntosh): \$1,251,000
- Kristen McIntosh: \$1,001,000.⁵⁸

⁵³ *Id.* at 1.

⁵⁴ *Id.*

⁵⁵ *See generally* Claimants' Ex. 18, Jacksonville Orthopedic Institute Rehabilitation; Claimants' Ex. 17, Jacksonville Orthopedic Institute; Claimants' Ex. 16, Baptist Health; and Lia's Final Hearing Testimony.

⁵⁶ Claimants' Ex. 48, Mediation Settlement Agreement at 1.

⁵⁷ *Id.* at 1-2.

⁵⁸ Claimants' Ex. 49, Consent Final Judgment at 1-2.

On January 8, 2025, a hearing was held before the House and Senate special masters. Kristen and Lia McIntosh submitted 57 exhibits for consideration, including, among other things, the FHP traffic report, Kristen and Lia's medical records, and video deposition testimony of Craig Lichtblau, MD. The exhibits were received without objection by DACS.

Both Kristen and Lia McIntosh, as well as Elizabeth and Ronald Thornton, testified at the hearing regarding the Claimants' injuries, their quality of life before the accident, and their decreased quality of life after the accident. Their testimony is discussed in detail above.

The attorney for DACS did not present any evidence at the hearing but stated DACS supported the relief sought through the claim bill for Kristen and Lia McIntosh.

CONCLUSIONS OF LAW:

A *de novo* hearing was held as the Legislature is not bound by settlements or jury verdicts when considering a claim bill, passage of which is an act of legislative grace.

Section 768.28, of the Florida Statutes, waives sovereign immunity for tort liability up to \$200,000 per person and \$300,000 for all claims or judgments arising out of the same incident. Sums exceeding this amount are payable by the State and its agencies or subdivisions by further act of the Legislature.

In this matter, Kristen and Lia McIntosh allege that Officer James McWhorter, a DACS employee who drove the vehicle that injured Kristen and Lia, was negligent. DACS is liable for a negligent act committed by an employee acting within the scope of employment. Officer McWhorter was driving from one inspection station to another within the scope of his employment with DACS. Thus, if Officer McWhorter was negligent when driving into the path of Ronald Thornton's vehicle, Officer McWhorter's negligence is imputed to DACS.

After completing its investigation, the Florida Highway Patrol cited the DACS officer for careless driving pursuant to section 316.1925(1), of the Florida Statutes.⁵⁹ DACS agreed to a

⁵⁹ Claimants' Ex. 1, FHP Homicide Traffic Report, 33 (Sept. 22, 2022).

judgment entered in favor of Kristen and Lia McIntosh and against DACS in the amount of \$2,252,000.⁶⁰

No evidence suggests that Ronald Thornton or Claimants failed to exercise due care with regard to the accident.

Negligence

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.⁶¹

Duty

Motorists have a duty to use reasonable care on the roadways to avoid accidents and injury to themselves or others.⁶²

Breach

The DACS officer carelessly operated his vehicle, in violation of section 316.1925(1), of the Florida Statutes, and drove directly into the path of Ronald Thornton's vehicle. The officer, and therefore DACS, breached its duty of care toward Kristen and Lia McIntosh.

Causation

The DACS officer's failure to exercise due care directly caused the collision with Ronald Thornton's vehicle, which did not have time to stop before striking the officer's vehicle. It is foreseeable that driving directly into the path of oncoming traffic would cause injury and subject a survivor to the medical expenses and pain and suffering experienced by Kristen and Lia McIntosh.

Damages

The standard jury instruction for personal injury guides the determination of damages for non-economic loss and includes "[a]ny bodily injury sustained by [name] and any resulting pain and suffering, disability or physical impairment,

⁶⁰ Claimants' Ex. 49, Consent Final Judgment.

⁶¹ *Williams v. Davis*, 974 So. 2d 1052, 1056–57 (Fla. 2007).

⁶² *Id.* at 1063.

disfigurement, mental anguish, inconvenience or loss of capacity for the enjoyment of life experienced in the past, or to be experienced in the future. There is no exact standard for measuring such damage. The amount should be fair and just, in the light of the evidence.”⁶³

The evidence presented at the hearing established that as a direct consequence of the accident: (1) Kristen McIntosh suffered damages in the form of current and anticipated medical expenses of \$869,122, and will suffer from chronic pain for the rest of her life; and (2) Lia McIntosh suffered damages in the form of current and anticipated medical expenses of \$424,086 and will suffer from chronic pain for the rest of her life. Claimants have also incurred \$42,637 in outstanding costs related to this litigation.⁶⁴

DACS agreed to the consent judgment of \$2,252,000 (\$1,001,000 for Kristen and \$1,251,000 for Lia) against DACS.⁶⁵ This amount is conservative in comparison with other jury verdicts that have considered similar injuries. The amount is reasonable in light of the Claimants' past and present injuries, their persistent pain and fear of the need for future surgeries, and their continuing diminished physical abilities as reported through the testimony at the hearing and the deposition of and evidence prepared by Craig Lichtblau, MD.

ATTORNEY FEES:

Language in the bill states attorney fees may not exceed 25 percent of the amount awarded. Counsel for Claimants indicates attorney fees will be 25 percent of the total funds awarded through the claim bill, and lobbying fees will be 7.5 percent.⁶⁶ It appears from the affidavit of costs and fees submitted by counsel for Claimants that the lobbying fees are in addition to the attorney fees.

RECOMMENDATIONS:

Based upon the information provided before, during, and after the special master hearing, the undersigned finds that Kristen and Lia McIntosh have demonstrated negligence on behalf of the Department of Agriculture and Consumer Services, and that the amount sought is reasonable. Based upon the

⁶³ Fla. Std. Jury Instr. (Civ.) 501.3d, *Injury, pain, disability, disfigurement, loss of capacity for enjoyment of life.*

⁶⁴ Claimants' Attorney's Affidavit, Attachments A and C.

⁶⁵ Claimants' Ex. 49, Consent Final Judgment at 1.

⁶⁶ Claimants' Attorney's Affidavit as to Costs and Fees.

foregoing, the undersigned recommends that SB 26 be reported FAVORABLY.

Respectfully submitted,

Janelle Barriero
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary

The committee substitute added a provision to the bill which provides for the funds awarded to Lia McIntosh, a minor, to be deposited into a trust for her benefit.



550226

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Gruters) recommended the following:

Senate Amendment

Delete lines 81 - 82
and insert:
million and to Elizabeth Thornton, as parent and natural
guardian of Lia McIntosh, a minor child, to be placed in a trust
created for the exclusive use and benefit of Lia McIntosh, in
the sum of \$1.251 million

By Senator Gruters

22-00123A-25

202526__

A bill to be entitled

An act for the relief of Kristen and Lia McIntosh;
providing an appropriation to compensate Kristen and
Lia McIntosh for injuries and damages sustained as a
result of the negligence of an employee of the
Department of Agriculture and Consumer Services;
providing a limitation on the payment of compensation
and attorney fees; providing an effective date.

WHEREAS, at approximately 8:30 p.m. on February 12, 2022,
Officer James Michael McWhorter of the Law Enforcement Division
of the Department of Agriculture and Consumer Services, while
operating a state-owned 2019 Dodge Charger in Nassau County,
attempted to cross Interstate 95 in a westerly direction across
northbound and southbound travel lanes in the dark and with
complete disregard for the right-of-way of approaching motorists
traveling within authorized highway speeds, and

WHEREAS, in traversing the interstate, Officer McWhorter
drove into the path of a vehicle traveling southbound containing
a driver and three passengers, husband and wife Ronald and
Elizabeth Thornton, who were in the front seats, and their two
teenage daughters, Kristen and Lia McIntosh, who were in the
rear seats, and

WHEREAS, Officer McWhorter's actions caused the two
vehicles to violently collide on the interstate, resulting in
serious injuries to Mr. and Mrs. Thornton and their daughters,
and to Officer McWhorter, who subsequently died as a result of
his injuries, and

WHEREAS, as a result of the collision, Kristen McIntosh

Page 1 of 4

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

22-00123A-25

202526__

suffered a traumatic brain injury, multiple spinal fractures,
and posttraumatic stress disorder, resulting in pain and
suffering, disability, disfigurement, mental anguish, emotional
distress, loss of capacity for the enjoyment of life, expense of
hospitalization, medical and nursing care and treatment, loss of
earnings, loss of ability to earn money, and aggravation of any
previously existing condition, and

WHEREAS, as a result of the collision, Lia McIntosh
suffered a fractured neck, a spinal fracture, a collapsed lung,
internal bleeding, a bowel tear, and posttraumatic stress
disorder, resulting in pain and suffering, disability or
physical impairment, disfigurement, mental anguish,
inconvenience, loss of capacity for the enjoyment of life, and
aggravation of any previously existing condition, and

WHEREAS, the Thornton-McIntosh family filed a lawsuit in
the Circuit Court of the Fourth Judicial Circuit in and for
Nassau County under case number 2023-CA-0014 against the
Department of Agriculture and Consumer Services seeking
compensatory damages for the injuries sustained in the crash,
and

WHEREAS, during the course of the litigation, the
Department of Agriculture and Consumer Services agreed that the
injuries sustained by Kristen and Lia McIntosh far exceeded the
statutory limit of \$200,000 per person and \$300,000 per incident
and would likely result in a multimillion-dollar verdict in
their favor if tried before a judge or jury, and

WHEREAS, in April 2024, a settlement agreement was entered
into between the parties, whereby the Department of Agriculture
and Consumer Services agreed to pay its capped statutory limits

Page 2 of 4

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

22-00123A-25 202526__

of \$300,000 to the family and support a claim bill to recover additional damages for the severe injuries sustained by Kristen and Lia McIntosh, and

WHEREAS, pursuant to the settlement agreement, a consent judgment was entered by the circuit court in the amount of \$1.001 million to Kristen McIntosh and \$1.251 million to Elizabeth Thornton as parent and natural guardian of Lia McIntosh, a minor child, with payment of this judgment contingent upon passage of this claim bill, which is fully supported by the Department of Agriculture and Consumer Services, 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 sum of \$2.252 million is appropriated from the General Revenue Fund to the Department of Agriculture and Consumer Services for the relief of Kristen and Lia McIntosh for injuries and damages sustained.

Section 3. The Chief Financial Officer is directed to draw warrants payable to Kristen McIntosh in the sum of \$1.001 million and to Elizabeth Thornton as parent and natural guardian of Lia McIntosh, a minor child, in the sum of \$1.251 million upon funds of the Department of Agriculture and Consumer Services in the State Treasury and to pay the same out of such funds in the State Treasury.

Section 4. The amount paid by the Department of Agriculture and Consumer Services pursuant to s. 768.28, Florida Statutes,

22-00123A-25 202526__

under the settlement agreement 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 Kristen and Lia McIntosh. 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 5. This act shall take effect upon becoming a law.

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 Judiciary

BILL: CS/CS/SB 248

INTRODUCER: Judiciary Committee; Education Pre-K-12 Committee; and Senator Simon

SUBJECT: Student Participation in Interscholastic and Intrасcholastic Extracurricular Sports

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazesi</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 248 expands the ability of home education program and private school students to participate in interscholastic or intrасcholastic athletics at Florida High School Athletic Association (FHSAA) member schools.

The bill authorizes home education program students to participate on interscholastic athletic teams at any public school within their school district, provided they meet certain conditions.

The bill also:

- Authorizes middle or high school students attending a private school to participate in interscholastic or intrасcholastic sports at a member public or private school if their private school does not offer their sport of interest, regardless of the private school's FHSAA membership status.
- Eliminates the requirement that students be enrolled in a non-FHSAA member private school consisting of 200 students or fewer to participate in the program in any given academic year.

The bill takes effect July 1, 2025.

II. Present Situation:

The Florida High School Athletic Association (FHSAA)

The Florida High School Athletic Association (FHSAA) is a nonprofit organization governing athletics in Florida public schools. Any public or private high school or middle school in this state, including charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA; however, membership in the FHSAA is not mandatory for any school.¹

The FHSAA is required to adopt bylaws that:

- Establish eligibility requirements.
- Prohibit recruiting.
- Require all students to pass a medical evaluation each year.
- Regulate people who conduct investigations on behalf of the FHSAA.
- Establish sanctions for coaches who have committed major violations of FHSAA bylaws.
- Establish the process and standards by which the FHSAA determines eligibility.
- Adopt guidelines to educate athletic coaches, officials, administrators, and student athletes and their parents, of the risks associated with concussions and head injuries.
- Require the parents of students who are participating, or may participate, in interscholastic competition to sign and return an informed consent explaining the nature and risk of concussion and head injury.
- Adopt bylaws that require each student athlete who is suspected of sustaining a concussion or head injury in practice or in a competition to be immediately removed from the activity.
- Adopt bylaws for the establishment and duties of a sports medicine advisory committee.²

Each year, the FHSAA sponsors more than 3,500 championship series games, through which 144 teams and 294 individuals are crowned state champions in 32 sports. More than 800,000 students participate in these athletic programs annually.³

Florida law authorizes home education program students, and students who attend a charter school or the Florida Virtual School, to participate in interscholastic activities at a public school or at a private school. These students must:

- Meet requirements related to educational progress.
- Meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.
- Register his or her intent to participate with the school.⁴

Home Education Program Student Participation in the FHSAA

A home education student is eligible to participate in FHSAA interscholastic activities at:

¹ Section 1006.20(1), F.S.

² Section 1006.20(2), F.S.

³ Florida High School Athletic Association, *About FHSAA*, <https://fhsaa.com/sports/2020/1/16/About.aspx> (last visited Mar. 13, 2025).

⁴ Section 1006.15(3)(c)-(e), F.S.

- The public school to which the student would be assigned based on the district school board's attendance area policies; or
- A public school the student could choose to attend under controlled open enrollment.

The student may also enter into an agreement with a private school to participate in that school's interscholastic activities.⁵

To be eligible, home education students must meet the following criteria:

- The home education student must meet the requirements of the home education program.⁶
- During the period of participation at a school, the home education student must demonstrate educational progress in all subjects taken in the home education program, using a method of evaluation agreed upon by the parent and the school principal.
- The home education student must meet the same residency requirements as other students in the school at which he or she participates.
- The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.
- The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation.
- A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period, provided the student has a successful evaluation from the previous school year.
- Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a home education student, until the student has successfully completed one grading period in home education.⁷

Private School Student Participation in the FHSAA

The FHSAA must work with each district school board, and its member private schools, to facilitate a program allowing middle or high school students in private schools to participate in interscholastic or intrascholastic sports at member public or private schools.⁸

Middle and high school students attending private schools are eligible to participate in interscholastic or intrascholastic sports at FHSAA member public or private schools if:

- The private school in which the student is enrolled is not a member of the FHSAA.
- The private school student meets program guidelines established by the FHSAA's board of directors and the district school board or the FHSAA member private school.⁹

⁵ Section 1006.15(3)(c), F.S.; *see also* s. 1002.31, F.S. (regarding controlled open enrollment).

⁶ *See* s. 1002.41, F.S. (regulating home education programs). A "home education program" means the sequentially progressive instruction of a student directed by his or her parent to satisfy certain statutory attendance requirements. Section 1002.01(1)(a), F.S. (referencing the attendance requirements of ss. 1002.41, 1003.01(16), and 1003.21(1), F.S.).

⁷ Section 1006.15(3)(c), F.S.

⁸ Section 1006.15(8)(a), F.S.

⁹ *Id.*

The parents of a private school student participating in an FHSAA interscholastic or intrascholastic activity are responsible for transporting their child to and from the member school where the student participates. Each year, the private school student may only participate at the member school in which he or she registered, and the student must apply to participate in the program through the FHSAA. Only students enrolled in non-FHSAA member private schools having 200 or fewer students are eligible to participate at an FHSAA member school in any given academic year.¹⁰

III. Effect of Proposed Changes:

The bill amends s. 1006.15, F.S., which governs student standards for participation in interscholastic and intrascholastic extracurricular student activities, to expand the ability of home education program and private school students to participate in interscholastic or intrascholastic athletics at Florida High School Athletic Association (FHSAA) member schools.

The bill amends s. 1006.15(3)(c), F.S., to authorize students enrolled in a home education program to participate on interscholastic athletic teams at any public school within their school district, provided they reside in that district and meet the conditions otherwise specified in the statute.¹¹

With respect to the program facilitating middle or high school students in private schools to participate in interscholastic or intrascholastic sports at member public or private schools, the bill amends s. 1006.15(8), F.S., to:

- Authorize middle or high school students attending a private school to participate in interscholastic or intrascholastic sports at a member public or private school if their private school does not offer their sport of interest, regardless of the private school's FHSAA membership status.
- Eliminate the requirement that students be enrolled in a non-FHSAA member private school consisting of 200 students or fewer to participate in the program in any given academic year.

Finally, the bill amends s. 1006.15(2), F.S., to clarify that for purposes of the statute, an FHSAA school offers an activity or a sport if it is expressly designated as one of the following based on biological sex at birth of team members: males, men, or boys; females, women, or girls; or coed or mixed, including both males and females.¹²

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁰ Section 1006.15(8)(b), (c), (f), and (g), F.S.

¹¹ See s. 1006.15(3)(c)1.-7., F.S. (providing the conditions).

¹² See s. 1006.205(3)(a), F.S. (requiring schools to be expressly designated).

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 a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.15 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 11, 2025:

The committee substitute authorizes home education students to participate on an interscholastic athletic team at any public school within their school district of residence, provided they meet certain requirements.

CS/CS by Judiciary on March 19, 2025:

The committee substitute revises the underlying bill to clarify how a private school student may determine whether an FHSAA school offers an activity or a sport for purposes of s. 1006.15, F.S. Under the committee substitute, an FHSAA school offers an activity or a sport if it is expressly designated as one of the following based on biological sex at birth of team members: males, men, or boys; females, women, or girls; or coed or mixed, including both males and females.

B. Amendments:

None.



847808

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Simon) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 21 and 22
insert:

(2) Interscholastic extracurricular student activities are
an important complement to the academic curriculum.

Participation in a comprehensive extracurricular and academic
program contributes to student development of the social and
intellectual skills necessary to become a well-rounded adult. As
used in this section, the term "extracurricular" means any
school-authorized or education-related activity occurring during



847808

or outside the regular instructional school day. In the determination of whether a school offers an activity or a sport, the activity or sport must meet the designation requirements of s. 1006.205(3)(a).

===== 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 16

and insert:

Section 1. Subsection (2), paragraph (c) of subsection (3), and paragraphs

===== 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:

sports; amending s. 1006.15, F.S.; providing that an activity or a sport must meet specified requirements; specifying

By the Committee on Education Pre-K - 12; and Senator Simon

581-02301-25

2025248c1

1 A bill to be entitled
 2 An act relating to student participation in
 3 interscholastic and intrascholastic extracurricular
 4 sports; amending s. 1006.15, F.S.; specifying
 5 conditions for a home education student to participate
 6 in interscholastic athletics; revising the criteria a
 7 private school student must meet to participate in a
 8 sport at a Florida High School Athletic Association
 9 (FHSAA) member school; deleting a provision limiting
 10 which non-FHSAA member private school students are
 11 eligible to participate in FHSAA sports; providing an
 12 effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Paragraph (c) of subsection (3) and paragraphs
 17 (a), (e), and (g) of subsection (8) of section 1006.15, Florida
 18 Statutes, are amended to read:
 19 1006.15 Student standards for participation in
 20 interscholastic and intrascholastic extracurricular student
 21 activities; regulation.—
 22 (3)
 23 (c)1. An individual home education student is eligible to
 24 participate at the public school to which the student would be
 25 assigned according to district school board attendance area
 26 policies or which the student could choose to attend pursuant to
 27 s. 1002.31, or may develop an agreement to participate at a
 28 private school, in the interscholastic extracurricular
 29 activities of that school, provided the following conditions are

Page 1 of 4

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

581-02301-25

2025248c1

30 met:
 31 ~~a.1.~~ The home education student must meet the requirements
 32 of the home education program pursuant to s. 1002.41.
 33 ~~b.2.~~ During the period of participation at a school, the
 34 home education student must demonstrate educational progress as
 35 required in paragraph (b) in all subjects taken in the home
 36 education program by a method of evaluation agreed upon by the
 37 parent and the school principal which may include: review of the
 38 student's work by a certified teacher chosen by the parent;
 39 grades earned through correspondence; grades earned in courses
 40 taken at a Florida College System institution, university, or
 41 trade school; standardized test scores above the 35th
 42 percentile; or any other method designated in s. 1002.41.
 43 ~~c.3.~~ The home education student must meet the same
 44 residency requirements as other students in the school at which
 45 he or she participates.
 46 ~~d.4.~~ The home education student must meet the same
 47 standards of acceptance, behavior, and performance as required
 48 of other students in extracurricular activities.
 49 ~~e.5.~~ The student must register with the school his or her
 50 intent to participate in interscholastic extracurricular
 51 activities as a representative of the school before
 52 participation. A home education student must be able to
 53 participate in curricular activities if that is a requirement
 54 for an extracurricular activity.
 55 ~~f.6.~~ A student who transfers from a home education program
 56 to a public school before or during the first grading period of
 57 the school year is academically eligible to participate in
 58 interscholastic extracurricular activities during the first

Page 2 of 4

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

581-02301-25

2025248c1

grading period provided the student has a successful evaluation from the previous school year, pursuant to sub-subparagraph b. ~~subparagraph 2.~~

~~g. 7.~~ Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to sub-subparagraph b. ~~subparagraph 2.~~ to become eligible to participate as a home education student.

2. An individual home education student is eligible to participate on an interscholastic athletic team at any public school in the school district in which the student resides, provided the student meets the conditions specified in sub-subparagraphs a. through g.

(8)(a) The Florida High School Athletic Association (FHSAA) shall, in cooperation with each district school board and its member private schools, facilitate a program in which a middle school or high school student who attends a private school is eligible to participate in an interscholastic or intrascholastic sport at a member public high school, a member public middle school, a member 6-12 public school, or a member private school, as appropriate for the private school student's grade level, if:

1. The private school in which the student is enrolled is not a member of the FHSAA or the private school in which the student is enrolled is a member of the FHSAA and does not offer the sport in which the student wishes to participate.

2. The private school student meets the guidelines for the conduct of the program established by the FHSAA's board of

581-02301-25

2025248c1

directors and the district school board or member private school. At a minimum, such guidelines must provide a deadline for each sport by which the private school student's parents must register with the member school in writing their intent for their child to participate at that school in the sport.

(e) Any ~~non-FHSAA member~~ private school that has a student who wishes to participate in this program must make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records, available upon request of the FHSAA.

~~(g) Only students who are enrolled in non-FHSAA member private schools consisting of 200 students or fewer are eligible to participate in the program in any given academic year.~~

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



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: March 12th, 2025

I respectfully request that **Senate Bill #248**, relating to Private School Student Participation in Interscholastic and Intrasccholastic Extracurricular Sports, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Corey Simon", is written over a horizontal line. Below the line, the text "Senator Corey Simon" and "Florida Senate, District 3" is printed.

Senator Corey Simon
Florida Senate, District 3

3/19/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

CS/SB 248

Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Trevor Huff Phone 850-418-1509

Address 250 Brent Lane, # Email trevor.huff@pcc.edu
Street

Pensacola FL 32503
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:

Pensacola Christian
College + Academy

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

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

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

S-001 (08/10/2021)

03/19/25

Meeting Date

Judiciary

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 0248

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jason Crawford

Phone

813-789-5773

Address

3113 Ortega Dr

Email

Jason@flhef.org

Street

Talkhovee

City

FL

State

32317

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Home Education Foundation
(HEF)

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3.19.25

Meeting Date

SB 248

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Zahira Peña-Ardino

Phone

407-414-2222

Address

1254 Hancock Cr.

Email

zahira2473@yahoo.com

Street

St. Cloud FL 34769

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/19/25

Meeting Date

SB 248

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Wendi McFarland

Phone

407-808-1317

Address

711 Siena Palm Dr.

Email

wmiteach5@gmail.com

Street

Celebration, FL 34747

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

3/19/25

Meeting Date

Judiciary

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 248

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Logan Bragdon

Phone

850-508-1513

Address

215 South Monroe St, Suite 710

Email

logan@afloridapromise.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Foundation for
Florida's Future

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/19/2025

Meeting Date

SB 248

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Sally Sluder

Phone

(386) 758-0987

Address

Street

Lake City

City

FL

State

32024

Zip

Email

mrssluder@gmail.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
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 Judiciary

BILL: SB 316

INTRODUCER: Senator Berman

SUBJECT: Limited Liability Companies

DATE: March 19, 2025

REVISED: _____

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

I. Summary:

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

The bill is effective January 1, 2026.

II. Present Situation:

Limited Liability Companies

A limited liability company (LLC) is a type of business organization in Florida which is formed under ch. 605, F.S., Florida's Revised Limited Liability Company Act (LLC Act). Under the LLC Act, an LLC can be organized for any lawful purpose.¹ When a business is formed as an LLC, members² and managers³ of the LLC have a "vertical liability shield," which limits their personal liability for company obligations.⁴

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

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

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

⁴ Sections 605.0304, 605.04093, F.S.

Forming Florida LLCs

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

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

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

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

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

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

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

⁵ Sections 605.0112, 605.0201, F.S.

⁶ Section 605.0112(1), F.S.

⁷ Section 605.0113(1)(b), F.S.

⁸ *Id.*

⁹ Section 605.0201, F.S.

¹⁰ *Id.*

¹¹ Sections 605.0201 and 605.0207, F.S.

¹² Section 605.0105, F.S.

¹³ The federal employer identification number, also known as a federal tax identification number, is issued by the IRS and used to identify a business for federal tax purposes. IRS, *Employer ID Numbers*, <https://www.irs.gov/businesses/small-businesses-self-employed/employer-id-numbers> (last visited March 9, 2025).

¹⁴ Section 605.0212, F.S.

Foreign LLCs Doing Business in Florida

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

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

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

Protected Series Limited Liability Companies

In 1996, Delaware was the first state to pass legislation allowing for the formation of series LLCs.¹⁹ As this type of business entity has grown in popularity, 22 other jurisdictions have passed series LLC legislation.²⁰ In 2017, the Uniform Law Commission created the Uniform Protected Series Act (UPSA) to build a statutory framework for series LLC transactions, which can be “plugged” into a state’s existing LLC statutes.²¹ The UPSA contains definitions; a description of the nature and purpose of a protected series LLC, as well as its powers, purpose, and duration; a description of how a protected series is governed by the LLC’s operating agreement; and rules for applying certain provisions of a state’s existing LLC act to a protected series.²²

A series LLC consists of an overarching, “umbrella” LLC under which one or more protected series LLCs are created. Each protected series LLC has its own assets and liabilities, and while

¹⁵ Section 605.0902(1), F.S.

¹⁶ Section 605.0903, F.S.

¹⁷ *Id.*

¹⁸ Section 605.0212, F.S.

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

²⁰ *Id.*

²¹ *Id.*

²² Uniform Law Commission, *Summary: Uniform Protected Series Act*, <https://www.uniformlaws.org/committees/community-home?communitykey=11843f3f-6ba5-4010-be96-8c2125fe7d31> (last visited March 9, 2025).

not a legally distinct entity, is treated as if it is a separate LLC. Like an LLC, a series LLC provides personal liability protection to its members.²³ In addition to this vertical liability protection, foreign series LLCs provide horizontal liability protection from the overarching LLC or other protected series LLCs under the series LLC.²⁴

Florida

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

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

III. Effect of Proposed Changes:

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

Series LLC Formation

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

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

Section 6 lays out definitions for use throughout the provisions.

²³ Reinaldo Gomez de la Vega, Business Law Section of the Florida Bar, Series LLCs: Structure, Benefits, and Implications, <https://flabizlaw.org/member-articles/series-llcs-structure-benefits-and-implications/> (last visited Feb. 17, 2025).

²⁴ Business Law Section, *supra* note 19.

²⁵ Business Law Section, *supra* note 19.

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

²⁷ Business Law Section, *supra* note 19.

²⁸ Business Law Section, *supra* note 19.

²⁹ Business Law Section, *supra* note 19.

³⁰ Business Law Section, *supra* note 19.

Establishment of a Protected Series

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

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

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

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

Protected Series Name

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

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

Nature of a Protected Series

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

- The series LLC.
- Another protected series of the series LLC.
- A member of the series LLC, regardless of whether the member is an associated member³² of the protected series of the series LLC.

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

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

- A protected series transferee³³ of a protected series of the series LLC.
- A transferee of a transferable interest³⁴ of the series LLC.

Powers and Duration of a Protected Series

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

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

Registered Agent

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

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

Foreign Series LLCs and Foreign Protected Series

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

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

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

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

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

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

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

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

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

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

Operations and Governance

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

under s. 605.2201, F.S. The bill also creates provisions of the LLC Act applicable only to the operation and governance of a series LLC and a protected series.

Governing Law

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

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

Operating Agreements

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

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

Application

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

Issuance of Certificate of Status

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

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

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

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

A certificate must contain specified information, including:

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

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

Annual Report

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

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

Associated Assets

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

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

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

The bill also provides for the effect of a deed or other instrument granting an interest in real property to or from a series LLC or one or more protected series of a series LLC, or any other

instrument otherwise affecting an interest in real property held by such entity, in each case to the extent such deed or other instrument is recorded in the office for recording transfers or other matters affecting real property and specified records are maintained.

Associated Member

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

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

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

Protected Series Transferable Interest

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

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

Management

Section 22 creates s. 605.2304, F.S., to provide that a protected series may have one or more protected-series managers; and if a protected series has no associated members, the series LLC is the protected-series manager. The bill also provides for the determination of any duties of a protected-series manager to: (1) the protected series, (2) any associated member of the protected series, and (3) any protected-series transferee of the protected series.

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

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

- A protected-series transferee or protected-series manager of another protected series; or
- A transferee of the series LLC.

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

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

Right of Non-Associated Members to Information of Protected Series

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

Entity Transactions

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

Sections 32 and 33 create ss. 605.2602 and 605.2603, F.S., respectively, to provide that a protected series and a series LLC, respectively, may not participate or be a party to, result from, or be formed, organized, established, or created by a conversion,³⁶ domestication,³⁷ interest exchange,³⁸ merger,³⁹ or other transaction with the same substantive effect as a merger in this state or a foreign jurisdiction.

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

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

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

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

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

Mergers

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

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

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

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

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

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

Effects of Merger

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

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

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

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

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

- Any change in the rights or obligations of a person, in the person's capacity as an associated member or a protected-series transferee of a relocated protected series or continuing protected series, takes effect.
- Any consideration to be paid to a person, that before the merger was an associated member or a protected-series transferee of a relocated protected series or continuing protected series, is due.
- Any person that is an associated member of a relocated protected series becomes a member of the surviving company.

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

Dissolution and Reinstatement

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

Events Causing Dissolution of a Protected Series

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

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

Winding Up Dissolved Protected Series

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

Effects of Reinstatement or Revocation of Voluntary Dismissal

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

- Each protected series of the series LLC ceases winding up; and

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

Liability Limitations

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

Liability Shield

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

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

Additionally, the bill specifies that:

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

Claim Seeking to Disregard Liability Limitation

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

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

Remedies of Certain Judgment Creditors

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

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

Enforcement of Claim Against Non-Associated Assets

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

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

Further, the bill specifies that:

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

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

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

Other Provisions

Service of Process

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

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

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

Section 16 creates s. 605.2204, F.S., which provides that process against a series LLC, a protected series, a registered foreign series LLC, or a registered foreign protected series may be serviced in the same manner as service is made on such entity under s. 48.062 and chapters 48 or 49, F.S. Under the bill, any notice or demand on a series LLC or protected series LLC may be given or made to any member of a member-managed series LLC, to any manager of a manager-managed LLC, to the registered agent of a series LLC at the registered office of the series LLC in Florida, or to any other address in Florida which is the principal Florida office of the series LLC. Similarly, any notice or demand on a registered foreign series LLC or a registered foreign protected series may be given or made to any member of a member-managed foreign series LLC, any manager of a manager-managed foreign series LLC, the registered agent of the registered foreign series LLC at the registered office of the foreign series LLC, or the principal office address, or any other Florida address, which is the principal Florida office of the registered foreign series LLC. However, the bill does not affect the right to serve process on, give notice to, or make a demand on a series LLC, a protected series LLC, a foreign series LLC, or a protected foreign series LLC in any other manner provided by law.

⁴⁵ An “attachment” is a court order directing the freezing or seizure of specific assets belonging to a debtor, pending the outcome of a civil matter involving a creditor who may obtain a judgment in his or her favor that could be satisfied by the sale or application of the assets. See Legal Information Institute, *Attachment*, <https://www.law.cornell.edu/wex/attachment> (last visited Feb. 17, 2025).

⁴⁶ A “levy” is the court-ordered seizure and sale of property to satisfy a delinquent debt or judgment. Legal Information Institute, *Levy*, <https://www.law.cornell.edu/wex/levy> (last visited Feb. 17, 2025).

Notice

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

Electronic Signatures

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

Effective Date

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

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

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

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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

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

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

None.

B. Amendments:

None.

By Senator Berman

26-00254B-25

2025316__

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

Page 1 of 62

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

26-00254B-25

2025316__

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

Page 2 of 62

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

26-00254B-25

2025316__

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

Page 3 of 62

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

26-00254B-25

2025316__

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

Page 4 of 62

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

26-00254B-25

2025316__

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

Page 5 of 62

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

26-00254B-25

2025316__

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

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

Page 6 of 62

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

26-00254B-25

2025316__

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

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

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

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

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

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

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

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

26-00254B-25

2025316__

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

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

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

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

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

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

605.0103 Knowledge; notice.—

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

(a) Has actual knowledge of the fact; or

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

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

26-00254B-25

2025316__

Statutes, is amended to read:

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

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

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

605.0211 Certificate of status.—

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

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

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

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

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

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

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

26-00254B-25

2025316__

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

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

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

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

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

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

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

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

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

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

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

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

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

26-00254B-25

2025316

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

Page 11 of 62

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

26-00254B-25

2025316

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

Page 12 of 62

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

26-00254B-25

2025316

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

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

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

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

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

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

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

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

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

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

605.2104 Powers and duration of protected series.—

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

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

26-00254B-25

2025316

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

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

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

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

(b) Establish a protected series; or

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

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

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

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

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

(b) Relations between the protected series and:

1. Any associated member;

2. Any protected-series manager; or

3. Any protected-series transferee.

(c) Relations between any associated member and:

1. Any protected-series manager; or

2. Any protected-series transferee.

26-00254B-25

2025316

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

Page 15 of 62

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

26-00254B-25

2025316

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

Page 16 of 62

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

26-00254B-25

2025316__

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

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

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

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

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

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

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

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

2. Relations between the protected series and:

a. Any associated member of the protected series;

b. Any protected-series manager; or

c. Any protected-series transferee.

3. Relations between any associated member and:

a. Any protected-series manager; or

b. Any protected-series transferee.

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

5. Governance decisions affecting the activities and

26-00254B-25

2025316__

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

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

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

1. The series limited liability company.

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

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

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

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

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

c. A transferee of the series limited liability company.

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

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

26-00254B-25

2025316__

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

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

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

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

605.2107 Additional limitations on operating agreements.-

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

(a) This section;

(b) Section 605.2103;

(c) Section 605.2104(1);

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

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

(f) Section 605.2105;

(g) Section 605.2106;

(h) Section 605.2108;

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

(j) Section 605.2202;

(k) Section 605.2301;

26-00254B-25

2025316__

(l) Section 605.2302;

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

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

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

(p) Section 605.2402;

(q) Section 605.2403;

(r) Section 605.2404;

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

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

(u) Section 605.2503;

(v) Sections 605.2601-605.2608;

(w) Sections 605.2701-605.2704;

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

(y) A provision of this chapter pertaining to:

1. A registered office or registered agents; or

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

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

Section 12. Section 605.2108, Florida Statutes, is created

26-00254B-25

2025316__

to read:

605.2108 Application of this chapter to protected series.-

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

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

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

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

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

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

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

26-00254B-25

2025316__

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

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

(a) Contravene s. 605.0105; or

(b) Authorize or require the department to:

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

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

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

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

605.2201 Establishment of protected series; change of designation.-

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

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

26-00254B-25 2025316

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

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

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

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

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

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

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

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

663 605.2202 Protected series name.—

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

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

26-00254B-25 2025316

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

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

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

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

680 605.2203 Registered agent.—

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

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

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

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

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

26-00254B-25

2025316

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

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

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

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

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

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

26-00254B-25

2025316

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

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

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

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

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

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

26-00254B-25 2025316

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

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

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

26-00254B-25 2025316

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

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

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

26-00254B-25

2025316__

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

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

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

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

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

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

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

836 (h) Whether the department has:

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

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

26-00254B-25

2025316__

842 for the foreign protected series.

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

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

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

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

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

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

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

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

26-00254B-25

2025316

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

Page 31 of 62

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

26-00254B-25

2025316

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

Page 32 of 62

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

26-00254B-25 2025316

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

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

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

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

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

26-00254B-25 2025316

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

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

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

966 605.2302 Associated member.—

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

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

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

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

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

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

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

986 605.2303 Protected-series transferable interest.—

26-00254B-25

2025316

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

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

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

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

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

605.2304 Management.—

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

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

26-00254B-25

2025316

series limited liability company is the protected-series manager.

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

(a) The protected series.

(b) Any associated member of the protected series.

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

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

(a) The series limited liability company.

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

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

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

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

3. A transferee of the series limited liability company.

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

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

26-00254B-25 2025316__

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

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

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

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

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

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

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

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

26-00254B-25 2025316__

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

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

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

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

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

1097 605.2401 Limitations on liability.—

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

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

26-00254B-25

2025316

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

Page 39 of 62

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

26-00254B-25

2025316

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

Page 40 of 62

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

26-00254B-25

2025316__

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

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

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

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

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

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

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

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

1189 605.2404 Enforcement of claim against non-associated

26-00254B-25

2025316__

1190 asset.—

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

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

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

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

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

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

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

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

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

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

26-00254B-25

2025316__

1219 liability company on the enforcement date.

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

1221 against an asset of another protected series of the series

1222 limited liability company if the asset:

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

1224 on the incurrence date; or

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

1226 on the enforcement date.

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

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

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

1230 other than this chapter permits a prejudgment remedy by

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

1232 subsection (2) as a prejudgment remedy.

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

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

1235 liability company or a protected series of the series limited

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

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

1238 limited liability company or foreign protected series if all of

1239 the following apply:

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

1241 state.

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

1243 transacting business or authorized to transact business in this

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

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

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

1247 act or omission in this state.

Page 43 of 62

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

26-00254B-25

2025316__

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

1249 foreign series limited liability company or foreign protected

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

1251 605.2301.

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

1253 to read:

1254 605.2501 Events causing dissolution of protected series.—A

1255 protected series of a series limited liability company is

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

1257 the occurrence of any of the following:

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

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

1260 operating agreement states causes dissolution of the protected

1261 series.

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

1263 of the protected series.

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

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

1266 series manager of the protected series:

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

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

1269 grounds the court would enter an order dissolving a limited

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

1271 limited liability company pursuant to s. 605.0702.

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

1273 series on application by the series limited liability company or

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

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

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

Page 44 of 62

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

26-00254B-25

2025316

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

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

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

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

1287 605.2502 Winding up dissolved protected series.—

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

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

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

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

Page 45 of 62

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

26-00254B-25

2025316

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

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

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

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

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

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

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

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

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

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

Page 46 of 62

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

26-00254B-25

2025316

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

26-00254B-25

2025316

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

26-00254B-25

2025316__

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

Page 49 of 62

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

26-00254B-25

2025316__

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

Page 50 of 62

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

26-00254B-25 2025316__

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

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

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

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

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

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

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

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

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

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

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

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

26-00254B-25 2025316__

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

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

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

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

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

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

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

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

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

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

26-00254B-25

2025316__

protected series.

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

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

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

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

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

605.2608 Application of s. 605.2404 after merger.—

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

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

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

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

26-00254B-25

2025316__

merger; and

2. Does not otherwise change.

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

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

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

b. An asset of a continuing protected series;

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

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

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

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

a. An asset of a relocated protected series; or

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

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

26-00254B-25

2025316__

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

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

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

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

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

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

1582 1. Any associated member;

1583 2. Any protected-series manager; or

1584 3. Any protected-series transferee.

1585 (c) Relations between any associated member and:

1586 1. Any protected-series manager; or

1587 2. Any protected-series transferee.

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

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

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

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

26-00254B-25

2025316__

1596 (a) The foreign series limited liability company.

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

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

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

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

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

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

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

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

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

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

26-00254B-25

2025316

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

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

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

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

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

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

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

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

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

Page 57 of 62

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

26-00254B-25

2025316

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

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

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

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

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

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

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

Page 58 of 62

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

26-00254B-25

2025316

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

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

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

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

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

26-00254B-25

2025316

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

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

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

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

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

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

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

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

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

26-00254B-25

2025316__

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

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

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

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

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

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

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

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

(3) If a foreign series limited liability company or

26-00254B-25

2025316__

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

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

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

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

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

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

605.2802 Effective date.—

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

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

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



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: March 13, 2025

I respectfully request that **Senate Bill #316**, relating to Limited Liability Companies, be placed on the:

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

A handwritten signature in black ink, reading "Lori Berman", followed by a horizontal line.

Senator Lori Berman
Florida Senate, District 26

The Florida Senate

APPEARANCE RECORD

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

3/19/25

Meeting Date

Judiciary

Committee

SB 316 (LLC)

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Amee Diaz Lyon

Phone

850-205-9000

Address

119 South Monroe #200

Email

adl@mhdfirm.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:

The Business Law Section of the Florida Bar

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 362

INTRODUCER: Judiciary Committee and Senators Osgood and Garcia

SUBJECT: Reusable Tenant Screening Reports

DATE: March 19, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 362 authorizes, but does not require, a landlord to accept a “reusable tenant screening report” when determining whether to lease a residential property to a prospective tenant. A prospective tenant requests and pays for the report which is uploaded to a website that is then shared with a landlord. The availability of a reusable tenant screening report may streamline the application process for an applicant and avoid the cost of multiple background checks.

A reusable tenant screening report:

- Must contain an applicant’s full name, contact information, verification of employment, last known address, results of an eviction history check, the date through which the information in the report is current, and the applicant’s consumer report.
- Is prepared within the last 30 days by a consumer reporting agency at the applicant’s request and expense.
- Is made directly available to a landlord or provided through a third-party website that regularly engages in providing these reports and that complies with all state and federal laws pertaining to the use and disclosure of information contained in a consumer report by a consumer reporting agency.
- Does not cost the landlord anything to access or use.

If an applicant provides a reusable tenant screening report to a landlord who accepts those reports, the landlord may not charge the applicant a fee to access the report or an application

screening fee. A landlord may require an applicant to state that there has not been a material change in the information submitted in the screening report.

The bill takes effect July 1, 2025.

II. Present Situation:

Rental Application Fees

Landlords charge rental application fees to cover their administrative costs when screening a prospective tenant's application. The fees are often used for credit checks, eviction history checks, or criminal background checks. Application fees may range between \$35 and \$75 per person but can be higher depending on the location. They are generally not refundable because they are paid to third parties, regardless of whether a potential tenant's application is accepted.¹ If a prospective tenant needs to make multiple applications simultaneously, the costs of the applications can be substantial. In Florida, there is no statutory cap on what a landlord may charge for an application fee.

Recognizing the need to simplify the costs for rental applicants, the industry of "reusable tenant screening reports" has developed. In some states these reports are called portable tenant screening reports.

Reusable Tenant Screening Reports

Several states, including California, have adopted reusable tenant screening reports as a means to reduce rental application costs and streamline the process for applicants. Landlords are not required to accept reusable tenant screening reports and the report can only be reused for an application made within 30 days after purchasing the report. In general, an applicant requests and pays for a consumer report from a consumer reporting agency. The report is then made directly available to a potential landlord at no cost to the landlord. The applicant may then reuse the consumer report with multiple applications at no additional cost to the applicant or the landlord. The landlord is prohibited from charging the applicant to access or view the report. Additionally, the report must comply with the pertinent state and federal laws governing the tenant screening process.²

Other states that have adopted the use of reusable tenant screening reports are Washington, Maryland, and Wisconsin.³

¹ Stephen M. White, RentPrep, *A Landlord's Guide to Rental Application Fees (50 States)* (June 26, 2024) <https://rentprep.com/blog/tenant-screening-news/the-landlord-guide-to-charging-rental-application-fees/#faq2> (last visited March 16, 2024).

² *Reusable Tenant Screening Reports*, AB 2559, Contemporary Information Corporation, <https://www.cicreports.com/resources/data-regulations/california-reusable-tenant-screening-reports-ab-2559/> (last visited March 17, 2025). *California Assembly Bill No. 259, Reusable Tenant Screening Reports (2021-2022)* California Legislative Information (9/14/2022) https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2559.

³ *Reusable Tenant Screening Reports*, YouCheckCredit.com, <https://www.youcheckcredit.com/blog/2022/10/reusable-tenant-screening-reports/> (last visited March 17, 2025).

State Preemption of the Residential Landlord and Tenant Act

In 2023, the Legislature preempted to the State the regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under the Florida Residential Landlord and Tenant Act.⁴ This preemption “supersedes any local government regulations on matters covered under this part, including, but not limited to, the screening process used by a landlord in approving tenancies; ... [and] rental agreement applications and fees associated with such applications.”⁵

However, the Florida Residential Landlord and Tenant Act is silent on the issue of the screening process that a landlord may use when reviewing prospective tenants or fees that may be charged against the prospective tenant.⁶

III. Effect of Proposed Changes:

The Reusable Tenant Screening Report

The bill authorizes a tenant to use and a landlord to accept a reusable tenant screening report as part of evaluating an applicant for the lease of a residential rental property. The use of a reusable tenant screening report may reduce the costs of background checks as part of the rental application process for a person who submits multiple applications to lease a rental property at about the same time.

Elements of a Reusable Tenant Screening Report

The bill defines a reusable tenant screening report as a report that includes the applicant’s full name, contact information including mailing and e-mail addresses and telephone number, verification of employment, last known address, results of an eviction history check that is consistent with applicable housing laws, the date through which the information in the report is correct, and the applicant’s consumer report.⁷

⁴ Ch. 2023-314, s. 1, Laws of Fla.

⁵ Section 83.425, F.S.

⁶ Section 83.683, F.S., discusses a timeline for processing a rental application by a servicemember.

⁷ A “consumer report” is defined in the bill at s. 83.471(1)(a)1. F.S.

(a)1. “Consumer report” means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer’s eligibility for credit or insurance to be used primarily for personal, family, or household purposes; employment purposes; or any other purpose authorized under 15 U.S.C. s. 1681b.

2. Except for the restrictions provided in 15 U.S.C. s. 1681a(d)(3), the term “consumer report” does not include:

a. Subject to 15 U.S.C. s. 1681s-3, any report containing information solely as to transactions or experiences between the consumer and the person making the report; communication of such information among persons related by common ownership or affiliated by corporate control; or communication of other information among persons related by common ownership or affiliated by corporate control, if it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons and the consumer is given the opportunity, before the time that the information is initially communicated, to direct that such information not be communicated among such persons;

b. Any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;

c. Any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to such request, if the third party advises the consumer of

- Is prepared within the last 30 days by a consumer reporting agency⁸ at the applicant's request and expense.
- Is made directly available to a landlord or provided through a third-party website regularly engaged in providing these reports and complies with all state and federal laws pertaining to the use and disclosure of information contained in a consumer report by a consumer reporting agency.
- Does not cost the landlord anything to access or use.

Acceptance of a Reusable Tenant Screening Report Is Not Mandatory

The bill authorizes, but does not require, a landlord to accept a "reusable tenant screening report" when determining whether to lease a residential property to a prospective tenant.

Additional Provisions

If a landlord accepts a reusable tenant screening report, he or she may require an applicant to state that there has not been a material change to the information contained in the report.

If an applicant provides the reusable tenant screening report to a landlord who accepts them, the landlord may not charge the applicant a fee to access the report or an application screening fee.

The bill states that it does not affect any other applicable law related to the consideration of criminal history information in housing. This includes, but is not limited to, local ordinances governing the information that a landlord may review and consider when determining whether they will rent to an applicant.

The bill also states that a landlord is not required to accept reusable tenant screening reports.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

the name and address of the person to whom the request was made, and such person makes the disclosures to the consumer required under 15 U.S.C. s. 1681m; or

d. A communication described in 15 U.S.C. s. 1681a(o) or 15 U.S.C. s. 1681a(x).

⁸ A "consumer reporting agency" is defined at s. 83.471 (1)(b), F.S.

(b) "Consumer reporting agency" means any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

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 reusable tenant screening report will likely save applicants money. The applicant will pay only one application fee to a vendor group that assimilates these reports and then a tenant's report can be shared with multiple landlords of the applicant's choosing at no additional charge to the applicant. This saves the potential tenant from paying multiple screening fees.

The bill will likely result in increased revenues for third-party websites that offer reusable tenant screening reports.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 83.471 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 19, 2025:

The committee substitute makes organizational changes to the bill to more clearly describe the required contents of a reusable tenant screening report. The committee substitute also omits language that potentially would have allowed local ordinances to prevail over state landlord-tenant laws.

- B. **Amendments:**

None.

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



744286

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Osgood (JU)) recommended the following:

Senate Amendment (with title amendment)

Delete lines 62 - 105

and insert:

(c) "Reusable tenant screening report" means a report that:

1. Includes all of the following:

a. The applicant's full name.

b. The applicant's contact information, including mailing address, e-mail address, and telephone number.

c. Verification of the applicant's employment.



744286

d. The applicant's last known address.

e. The results of an eviction history check in a manner and for a period of time consistent with applicable law related to the consideration of eviction history in housing.

f. The date through which the information contained in the report is current.

g. The applicant's consumer report.

h. The date through which the information is current.

2.a. Is prepared within the previous 30 days by a consumer reporting agency at the request and expense of an applicant.

b. Is made directly available to a landlord for use in the rental application process or is provided through a third-party website that regularly engages in the business of providing a reusable tenant screening report and complies with all state and federal laws pertaining to use and disclosure of information contained in a consumer report by a consumer reporting agency.

c. Is available to the landlord at no cost to access or use.

(2) A landlord may accept reusable tenant screening reports and may require an applicant to state that there has not been a material change to the information in the reusable tenant screening report.

(3) If an applicant provides a reusable tenant screening report to a landlord who accepts such reports, the landlord may not charge the applicant a fee to access the report or an application screening fee.

(4) This section does not:

(a) Affect any other applicable law related to the consideration of criminal history information in housing,



744286

including, but not limited to, local ordinances governing the
information that landlords may review and consider when
determining to whom they will rent; or

(b) Require a landlord to accept reusable tenant screening
reports.

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

And the title is amended as follows:

Delete lines 5 - 10

and insert:

and require a specified statement; prohibiting a
landlord from charging certain fees to an applicant
using a reusable tenant screening report; providing
construction; providing an effective date.



178558

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/19/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Osgood (JU)) recommended the following:

Senate Amendment (with title amendment)

Delete lines 102 - 105.

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

And the title is amended as follows:

Delete line 10

and insert:

providing an effective date.

By Senator Osgood

32-00808-25

2025362__

A bill to be entitled

An act relating to reusable tenant screening reports; creating s. 83.471, F.S.; defining terms; authorizing a landlord to accept reusable tenant screening reports and require a specified statement; requiring that certain information be included in reusable tenant screening reports; prohibiting a landlord from charging certain fees to an applicant using a reusable tenant screening report; providing construction; providing applicability; providing an effective date.

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

Section 1. Section 83.471, Florida Statutes, is created to read:

83.471 Reusable tenant screening reports.-

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

(a)1. "Consumer report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes; employment purposes; or any other purpose authorized under 15 U.S.C. s. 1681b.

2. Except for the restrictions provided in 15 U.S.C. s. 1681a(d)(3), the term "consumer report" does not include:

Page 1 of 4

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

32-00808-25

2025362__

a. Subject to 15 U.S.C. s. 1681s-3, any report containing information solely as to transactions or experiences between the consumer and the person making the report; communication of such information among persons related by common ownership or affiliated by corporate control; or communication of other information among persons related by common ownership or affiliated by corporate control, if it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons and the consumer is given the opportunity, before the time that the information is initially communicated, to direct that such information not be communicated among such persons;

b. Any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;

c. Any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made, and such person makes the disclosures to the consumer required under 15 U.S.C. s. 1681m; or

d. A communication described in 15 U.S.C. s. 1681a(o) or 15 U.S.C. s. 1681a(x).

(b) "Consumer reporting agency" means any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer

Page 2 of 4

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

32-00808-25 2025362

reports to third parties, and who uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

(c) "Reusable tenant screening report" means a consumer report that:

1. Is prepared within the previous 30 days by a consumer reporting agency at the request and expense of an applicant.

2. Is made directly available to a landlord for use in the rental application process or is provided through a third-party website that regularly engages in the business of providing a reusable tenant screening report and complies with all state and federal laws pertaining to use and disclosure of information contained in a consumer report by a consumer reporting agency.

3. Is available to the landlord at no cost to access or use.

(2) A landlord may accept reusable tenant screening reports and may require an applicant to state that there has not been a material change to the information in the reusable tenant screening report.

(3) A reusable tenant screening report must include all of the following information:

(a) The applicant's full name.

(b) The applicant's contact information, including mailing address, e-mail address, and telephone number.

(c) Verification of the applicant's employment.

(d) The applicant's last known address.

(e) The results of an eviction history check in a manner and for a period of time consistent with applicable law related to the consideration of eviction history in housing.

32-00808-25 2025362

(f) The date through which the information contained in the report is current.

(4) If an applicant provides a reusable tenant screening report to a landlord who accepts such reports, the landlord may not charge the applicant a fee to access the report or an application screening fee.

(5) This section does not:

(a) Affect any other applicable law related to the consideration of criminal history information in housing, including, but not limited to, local ordinances governing the information that landlords may review and consider when determining to whom they will rent; or

(b) Require a landlord to accept reusable tenant screening reports.

(6) If an ordinance, a resolution, a regulation, a rule, an administrative action, an initiative, or other policy adopted by a municipality or county conflicts with this section, the policy that provides greater protections to applicants applies.

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



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: March 4, 2025

I respectfully request that **Senate Bill #362**, relating to Reusable Tenant Screening Reports, be placed on the:

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

A handwritten signature in blue ink that reads "Rosalind Osgood".

Senator Rosalind Osgood
Florida Senate, District 32

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 Judiciary

BILL: CS/SB 386

INTRODUCER: Judiciary Committee and Senator Harrell

SUBJECT: Self-storage Spaces

DATE: March 19, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Fav/CS
2.			RI	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 386 amends the Self-storage Facility Act. The Act controls the relationship and contracts between tenants and owners of self-storage facilities and self-contained storage units.

Most significantly, the bill provides an owner with an alternative method to advertise the proposed sale of a tenant's property when the tenant has failed to pay rent. In addition to the current method of advertising in a local newspaper, the owner may instead advertise the upcoming sale for 7 consecutive days on a public website that customarily conducts or advertises personal property auctions or sales.

The bill also revises how a tenant may update his or her address on file with the owner of a self-storage facility or self-contained storage unit. As revised, the amendment requires a tenant who wishes to update his or her address to do so in accordance with the terms of the rental agreement.

For rental contracts entered into on or after September 1, 2025, the contracts must make a tenant aware of an option to designate an alternate contact to receive notices and must provide space in the rental agreement to designate that contact. However, the alternate contact, by virtue of being named in the rental agreement, does not have any rights to access the tenant's property.

The bill takes effect July 1, 2025.

II. Present Situation:

The Self-storage Facility Act

The Self-storage Facility Act, which is contained in ss. 83.801 – 83.809, F.S., governs self-storage facilities and self-contained storage units in the state. The basic arrangement contemplated in the Act is that of a tenant¹ who contracts with a facility owner to store the tenant's personal property. Under this arrangement, the storage facility owner faces the risk that a tenant will fail to pay rent or other expenses. However, the Act provides the storage facility owner with a degree of protection from this risk by granting the owner a lien² on all stored personal property of a tenant and by authorizing the storage facility owner to sell the property of a delinquent tenant.

Self-storage Facility's Recourse against a Delinquent Tenant

The lien that a storage facility has on a tenant's stored property attaches as of the date that the personal property, whether the property belongs to the tenant or not, is brought to the self-service storage facility or as of the date that the tenant takes possession of the self-contained storage unit.³

Once the tenant breaches the rental agreement by failing to pay the rent when it is due, the owner may enforce the lien in two ways. First, the owner may, without notice, after 5 days from the date the rent is due, deny the tenant access to the personal property located in the unit.⁴ Second, the storage facility may take the first steps toward selling the tenant's property. The storage facility may later sell the property if the tenant does not pay the amount due before the lien sale occurs.⁵

Selling a Delinquent Tenant's Property to Enforce a Lien

If the owner of the self-service storage facility or self-contained storage unit chooses to sell the tenant's property to enforce the lien, the owner must notify the tenant in writing that the lien must be satisfied, but no sooner than 14 days after delivery of the notice.

The Notice to the Tenant

The written notice may be delivered in person, by e-mail, or by first-class mail with a certificate of mailing to the tenant's last known address. The notice must also be conspicuously posted at the storage facility or unit. If the owner sends the notice of a pending sale to the tenant's last known e-mail address, but does not receive a response, return receipt, or delivery confirmation from the same e-mail address, the owner must send the notice of the sale to the tenant by first-

¹ A "tenant" is the person entitled to use the storage space at a self-service storage facility or in a self-contained unit under a rental agreement, to the exclusion of others. The term is defined in s. 83.803(6), F.S.

² A lien is "a legal right or interest that a creditor has in another's property." The lien generally lasts until the debt that it has secured is satisfied. BLACK'S LAW DICTIONARY (12th ed. 2024).

³ Section 83.805, F.S.

⁴ Section 83.8055, F.S. This "unit" may be a self-service storage facility or self-contained storage unit.

⁵ Section 83.806, F.S.

class mail with a certificate of mailing to the tenant's last known address before the owner may proceed with the sale.⁶

The notice must contain an itemized statement showing:

- The amount due;
- When the amount became due;
- A description of the personal property;
- A demand for payment with a specified time that is not less than 14 days after the notice is delivered;
- A conspicuous statement that, unless the claim is paid by the time stated in the notice, the personal property will be advertised for sale and will be sold or otherwise disposed of at a certain time and place; and
- The name, street address, and telephone number of the owner whom the tenant may contact in order to respond to the notice.⁷

Advertisement of the Notice of Sale

When the time given in the notice has expired, the owner must place an advertisement of the sale or other disposition of the property in a newspaper of general circulation once a week for 2 consecutive weeks in the area where the facility or unit is located.⁸

The Lien Sale on a Public Website

A lien sale may be conducted on a public website that customarily conducts personal property auctions. The facility owner is not required to have a license to post property for an online sale.⁹ The advertisement for the online sale must include:

- A brief description of what is believed to be the personal property in the storage unit.
- The address of the storage facility or unit and the name of the tenant.
- The time, place, and manner of the sale or other disposition of the property.¹⁰

The sale or other disposition of the property may take place at least 15 days after the first publication.¹¹

If there is no newspaper of general circulation in the area where the storage facility or unit is located, the advertisement must be posted at least 10 days before the date of the sale in at least three conspicuous places in the neighborhood where the facility or unit is located.¹²

⁶ Section 83.806(1), F.S.

⁷ Section 83.806(2), F.S.

⁸ Section 83.806(4), F.S.

⁹ Section 83.806(4)(a), F.S.

¹⁰ Section 83.806(4)(b), F.S.

¹¹ *Id.*

¹² Section 83.806(4)(c), F.S.

Contracts

The “contracts” provision¹³ of the Self-storage Facility Act states that nothing in the Act may be construed as impairing or affecting the right of the tenant and owner to create liens by special contract or agreement or impair any other lien arising at common law, in equity, or by statute, or any other lien not provided for in the Act. Stated more generally, the Act permits tenants and owners to agree to contracts that contain additional terms.

Each rental agreement or application for a rental agreement must disclose whether the applicant is a member of the uniformed services¹⁴ as defined in 10 U.S.C. 101(a)(5).¹⁵

A facility owner may charge a tenant a reasonable late fee for each period that the tenant does not pay the rent that is due. The amount of the late fee must be stated in the rental agreement. A late fee of \$20 or 20 percent of the monthly rent, whichever is greater, is considered reasonable. An owner may also charge a reasonable fee for any expenses that are incurred as a result of rent collection or lien enforcement.¹⁶

III. Effect of Proposed Changes:

Notice to a Tenant of Enforcement of a Lien (Section 2)

Section 83.806(1), F.S., which addresses the enforcement of a lien, provides an alternative method for the owner to notify the public of an impending sale of a tenant’s property. As an alternative to publishing the notice in a newspaper of general circulation, the owner may choose instead to publish the notice for 7 consecutive days on a public website that customarily conducts or advertises personal property auctions or sales.

The bill does not change the minimum requirements for public notice of an impending sale of a tenant’s property if there is no newspaper of general circulation where the self-service storage facility or self-contained unit is located and the owner does not publish the advertisement on the public website. An advertisement for the sale must still be posted at least 10 days before the date of the sale in at least three conspicuous places in the neighborhood where the facility is located.

Regardless of the method the owner uses to notify the tenant of an impending sale, the bill requires the owner to also notify any “alternate contact” for the tenant of the upcoming sale. The bill deletes the requirement that the owner post the notice of sale at the self-service storage facility or self-contained unit is removed.

“Alternate Contacts” Provided in Rental Contracts (Section 3)

A new subsection is added to s. 83.808, F.S., requiring that rental agreements entered into on or after September 1, 2025, contain a provision making a tenant aware of the option to designate an

¹³ Section 83.808, F.S.

¹⁴ If a tenant is an active duty service member or a member of the National Guard and reserve, the Servicemembers Civil Relief Act gives them certain financial and legal protections in business dealings, including rental agreements.

¹⁵ Section 83.808(2), F.S.

¹⁶ Section 83.808(3), F.S.

alternate contact to receive notices. Contracts are required to provide space in the rental agreement for the tenant to designate an alternate contact. However, if a tenant does not designate an alternate contact, that does not affect a tenant's or owner's rights or remedies under the law.

The alternate contact may receive notices required under the self-storage act. However, the alternate contact does not have any rights to access the tenant's storage facility or property unless the rental agreement expressly allows access.

If a rental agreement is made before September 1, 2025, an owner may send notice to the tenant's last known address making the tenant aware of the right to designate an alternate contact by the method specified by the owner in the notice.

Amended Definition of "Last Known Address" (Section 1)

The bill amends s. 83.803(1), F.S., to revise the meaning of "last known address." The last known address may be provided by the tenant to the owner in one of two methods: in the latest rental agreement or as provided in the terms of the rental agreement.

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 storage facility owners will likely save money by providing the notice of sale on a more affordable public website rather than paying the advertising fee to a local newspaper. In contrast, the newspapers will likely experience a loss in revenue due to lost ad sales to the facility owners. The bill, by reducing the costs of a sale, may increase the amount of any surplus or aid in reducing a tenant's debt to the owner after the sale. Any surplus from the sale belongs to the tenant.

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: 83.803, 83.806, and 83.808.

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 19, 2025:

The committee substitute makes two changes to the underlying bill:

- The “last known address” definition is revised to provide only two methods that a tenant may use to provide a last known address to an owner – either in the latest rental agreement or in a manner specified in the terms of the rental agreement.
- Advertisements posted on a public website for the sale of a tenant's property must be posted for 7 consecutive days.

B. Amendments:

None.



657096

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Harrell) recommended the following:

Senate Amendment

Delete lines 27 - 58
and insert:

Section 1. Subsection (1) of section 83.803, Florida
Statutes, is amended to read:

83.803 Definitions.—As used in ss. 83.801-83.809:

(1) "Last known address" means the street address or post
office box address provided by the tenant in the latest rental
agreement or provided to the owner in accordance with the terms
of the rental agreement ~~in a subsequent written change of~~



657096

~~address notice provided by hand delivery, first-class mail, or e-mail.~~

Section 2. Subsections (1) and (4) of section 83.806, Florida Statutes, are amended to read:

83.806 Enforcement of lien.—An owner's lien as provided in s. 83.805 may be satisfied as follows:

(1) The owner must notify the tenant and any alternate contact ~~tenant shall be notified~~ by written notice delivered in person, by e-mail, or by first-class mail with a certificate of mailing to the tenant's and, if applicable, the alternate contact's last known addresses ~~address and conspicuously posted at the self-service storage facility or on the self-contained storage unit~~. If the owner sends notice of a pending sale of property to the tenant's last known e-mail address and does not receive a response, return receipt, or delivery confirmation from the same e-mail address, the owner must send notice of the sale to the tenant by first-class mail with a certificate of mailing to the tenant's last known address before proceeding with the sale.

(4) After the expiration of the time given in the notice, an advertisement of the sale or other disposition must ~~shall~~ be published once a week for 2 consecutive weeks in a newspaper of general circulation in the area where the self-service storage facility or self-contained storage unit is located or posted for 7 consecutive days on a public website that customarily conducts or advertises personal property auctions or sales.

By Senator Harrell

31-00746-25

2025386__

A bill to be entitled

An act relating to self-storage spaces; amending s. 83.803, F.S.; revising the definition of the term "last known address"; amending s. 83.806, F.S.; revising the notice requirements of owners of self-storage units in order to enforce a lien on a tenant's property; revising the notice requirements for such owners who wish to sell such tenant's property; amending s. 83.808, F.S.; requiring that rental agreements for renters of self-storage units which are entered into on or after a specified date provide certain information in compliance with the Florida Self-storage Facility Act; providing that failure or refusal of a tenant to designate an alternate contact does not affect a tenant's or an owner's rights or remedies; providing an exception; authorizing owners of a self-storage unit to send notice to certain tenants' last known address to apprise such tenants of a specified right; reenacting s. 713.78(2)(b), F.S., relating to liens for recovering, towing, or storing vehicles and vessels, to incorporate the amendment made to s. 83.806, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (1) of section 83.803, Florida Statutes, is amended to read:

83.803 Definitions.—As used in ss. 83.801-83.809:

Page 1 of 5

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

31-00746-25

2025386__

(1) "Last known address" means the street address or post office box address provided by the tenant in the latest rental agreement or, subject to any requirement in the rental agreement, in a subsequent written change-of-address notice ~~provided by hand delivery, first class mail, or e-mail.~~

Section 2. Subsections (1) and (4) of section 83.806, Florida Statutes, are amended to read:

83.806 Enforcement of lien.—An owner's lien as provided in s. 83.805 may be satisfied as follows:

(1) The owner must notify the tenant and any alternate contact ~~tenant shall be notified~~ by written notice delivered in person, by e-mail, or by first-class mail with a certificate of mailing to the tenant's and, if applicable, the alternate contact's last known addresses ~~address and conspicuously posted at the self-service storage facility or on the self-contained storage unit~~. If the owner sends notice of a pending sale of property to the tenant's last known e-mail address and does not receive a response, return receipt, or delivery confirmation from the same e-mail address, the owner must send notice of the sale to the tenant by first-class mail with a certificate of mailing to the tenant's last known address before proceeding with the sale.

(4) After the expiration of the time given in the notice, an advertisement of the sale or other disposition must ~~shall~~ be published once a week for 2 consecutive weeks in a newspaper of general circulation in the area where the self-service storage facility or self-contained storage unit is located or on a public website that customarily conducts or advertises personal property auctions or sales.

Page 2 of 5

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

31-00746-25

2025386

(a) A lien sale may be conducted on a public website that customarily conducts personal property auctions or sales. The facility or unit owner is not required to hold a license to post property for online sale. ~~Inasmuch~~ As any sale may involve property of more than one tenant, a single advertisement may be used to dispose of property at any one sale.

(b) The advertisement must ~~shall~~ include:

1. A brief and general description of what is believed to constitute the personal property contained in the storage unit, as provided in paragraph (2)(b).

2. The address of the self-service storage facility or the address where the self-contained storage unit is located and the name of the tenant.

3. The time, place, and manner of the sale or other disposition. The sale or other disposition must ~~shall~~ take place at least 15 days after the first publication.

(c) If there is no newspaper of general circulation in the area where the self-service storage facility or self-contained storage unit is located and the owner does not publish the advertisement on a public website that customarily conducts or advertises personal property auctions or sales, the advertisement must ~~shall~~ be posted at least 10 days before the date of the sale or other disposition in at least three conspicuous places in the neighborhood where the self-service storage facility or self-contained storage unit is located.

Section 3. Subsection (4) is added to section 83.808, Florida Statutes, to read:

83.808 Contracts.—

(4) Rental agreements entered into on or after September 1,

31-00746-25

2025386

2025, must contain a provision that apprises the tenant of the option to designate an alternate contact to receive notices required by the Florida Self-storage Facility Act and must provide space in the agreement to designate the alternate contact.

(a) Failure or refusal of a tenant to designate an alternate contact does not affect a tenant's or an owner's rights or remedies under this section or under any other law. The alternate contact, if any, may not have any rights to access the tenant's storage space at a self-service storage facility or the tenant's self-contained storage unit or the personal property contained therein unless expressly stated otherwise in the rental agreement.

(b) For rental agreements entered into before September 1, 2025, an owner may send notice to the tenant's last known address to apprise the tenant of his or her right to designate an alternate contact by the method specified by the owner in the notice.

Section 4. For the purpose of incorporating the amendment made by this act to section 83.806, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 713.78, Florida Statutes, is reenacted to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2)

(b) If a towing-storage operator recovers, removes, or stores a vehicle or vessel upon instructions from:

1. The owner thereof;

2. The owner or lessor, or a person authorized by the owner

31-00746-25

2025386__

or lessor, of property on which such vehicle or vessel is
wrongfully parked, and the removal is done in compliance with s.
715.07;

3. The landlord or a person authorized by the landlord,
when such vehicle or vessel remained on the premises after the
tenancy terminated and the removal is done in compliance with s.
83.806 or s. 715.104; or

4. Any law enforcement agency, county, or municipality,
she or he has a lien on the vehicle or vessel for fees specified
in paragraph (a), except that a storage fee may not be charged
if the vehicle or vessel is stored for less than 6 hours.

Section 5. This act shall take effect July 1, 2025.



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

February 24, 2025

Senator Yarborough
308 Senate Office Building
Tallahassee, FL 32399

Dear Chair Yarborough,

I respectfully request that SB 386 – Self Storage Spaces be placed on the next available agenda for the Judiciary Committee.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in blue ink that reads "Gayle".

Senator Gayle Harrell
Senate District 31

Cc: Tom Cibula, Staff Director
Lisa Larson, 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

3/19/25

Meeting Date

Judiciary

Committee

386

Bill Number or Topic

657096

Amendment Barcode (if applicable)

Name

Anna Higgins

Phone

202-384-6657

Address

3375 Rommitch Ct

Email

anna@team180.com

Street

Pensacola

City

FL

State

32504

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3 / 19 / 25

Meeting Date

Judiciary

Committee

386

Bill Number or Topic

Amendment Barcode (if applicable)

Name Anna Higgins

Phone 202 - 384 - 6657

Address 3375 Rommitch Ct

Street

Email anna@team180.com

Pensacola

City

FL

State

32504

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 386

Bill Number or Topic

3-19-25

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Carolyn Nolte-FLORIDA Press Assoc

Phone

407-376-6964

Address

336 E. College Ave #364

Email

cnolte@flpress.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:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 386

Bill Number or Topic

3/19/2025

Meeting Date

Judiciary

Committee

Name

GAEL HOPE

Phone

813-505-8327

Address

11803 N. Armenia Ave

Email

Pennysavernews@aol.com

Street

Tampa

FL

33612

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
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 Judiciary

BILL: CS/SB 520

INTRODUCER: Judiciary Committee and Senator Burgess

SUBJECT: Curators of Estates

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	Fav/CS
2.			BI	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 520 amends s. 733.501, F.S., regarding curators of estates, to significantly expand the role of curators in probate proceedings. A curator is a person appointed by the court for a limited time to protect the interests of a decedent's estate when a personal representative has not yet been appointed or must be replaced.

The bill:

- Codifies the circumstances under which a curator must take custody of a decedent or person's estate.
- Requires curators, except for banks and trust companies serving as curators, to post a reasonable bond.
- Requires a curator to file periodic reports with the court detailing the curator's actions taken in estate management.
- Clarifies that the term "curator" as it is used in Part V of ch. 733, F.S., refers to the appointed entity responsible for managing an estate.

The bill takes effect July 1, 2025.

II. Present Situation:

The Florida Probate Code (“Probate Code”)¹ outlines the state’s probate process, which is the court-supervised process² for identifying and gathering a decedent’s assets, paying the decedent’s debts, and distributing the decedent’s remaining assets to his or her beneficiaries.³ The probate process is also known as “estate administration.”⁴ Whenever a decedent dies leaving a valid will,⁵ estate administration generally proceeds in accordance with the will’s terms, with estate assets being distributed to the named beneficiaries;⁶ however, where a decedent dies intestate, which means the decedent died and did not leave a valid will, asset distribution generally occurs by operation of Florida’s intestate succession laws.⁷

Personal Representatives

Regardless of whether a decedent had a will or died intestate, when an estate is probated, the court appoints a personal representative⁸ to oversee the estate’s administration and grants to such person letters of administration.⁹ A personal representative’s primary purpose is to ensure that the administration of the decedent’s estate proceeds in accordance with the decedent’s wishes (as outlined in a will) or, if there is no will, in accordance with state law; however, Florida law imposes numerous other, specific duties and obligations on a personal representative.

Qualifications

In determining who may serve as a personal representative for a particular estate, Florida law establishes an order of preference that generally must be observed, as follows:

- In testate estates (i.e. where there is a will):
 - The personal representative named in the will.
 - The person selected by a majority in interest of the persons entitled to the estate.
 - A devisee under the will (or the most qualified of such devisees, as chosen by the court, if there is more than one).¹⁰
- In intestate estates (i.e. where there is no will):
 - The surviving spouse.

¹ Chapters 731-735, F.S.; *see also* s. 731.005, F.S. (providing the short title).

² In Florida, the circuit courts have jurisdiction over probate proceedings. Office of the State Courts Administrator, *Trial Courts-Circuit*, <https://www.flcourts.gov/Florida-Courts/Trial-Courts-Circuit> (last visited Mar. 14, 2025).

³ “Beneficiary” means an heir at law in an intestate estate and a devisee in a testate estate. Section 731.201(2), F.S. Note that probate is not initiated in every circumstance in which a person dies leaving assets; in some instances, other asset distribution mechanisms (such as a trust or a pay-on-death clause) transfer asset ownership without court intervention. In other circumstances, a decedent’s assets may be held jointly with a surviving person, requiring no asset ownership transfer and, thus, no court intervention.

⁴ “Estate” means the property of a decedent that is the subject of administration. Section 731.201(14), F.S.

⁵ A “will” means a testamentary instrument executed by a person in the manner provided in the Florida Probate Code, which disposes of a person’s property on or after his or her death. Section 731.201(40), F.S. Until admitted to probate, a will is ineffective to prove title to, or the right to possession of, the testator’s property. Section 733.103(1), F.S.

⁶ *See generally* Parts V, VI, and IX, ch. 732, F.S. (governing wills, rules of will construction, and will production, respectively).

⁷ *See generally* Part I, ch. 732, F.S. (governing intestate succession).

⁸ “Personal representative” means the fiduciary appointed by the court to administer the estate and refers to what has been known as, among other things, an executor. Section 731.201(28), F.S.

⁹ Letters of administration convey the legal authority to manage a decedent’s estate. Section 731.201(24), F.S.

¹⁰ Section 733.301(1)(a), F.S.

- The person selected by a majority in interest of the heirs.
- The heir nearest in degree (or the most qualified of such heirs, as chosen by the court, if there is more than one).¹¹

To qualify to act as a personal representative, the person must have full legal capacity to act on his or her own behalf and be a Florida resident at the time of the relevant decedent's death;¹² or if the person is not a Florida resident, the person must be:

- The decedent's legally adopted child or adoptive parent;
- Related by lineal consanguinity to the decedent;
- The decedent's sibling, uncle, aunt, nephew, or niece, or someone related by lineal consanguinity to any such person; or
- The spouse of any such person.¹³

Florida law also provides that a person is not qualified to act as a personal representative if he or she:

- Is a convicted felon;
- Has been convicted of abuse, neglect, or exploitation of an elderly person or a disabled adult;
- Is mentally or physically unable to perform the duties of a personal representative; or
- Is a minor.¹⁴

Duties and Powers

A personal representative is a fiduciary who must observe the standard of care applicable to trustees of express trusts¹⁵ and who is liable to interested persons for damage or loss resulting from the breach of his or her fiduciary duty.¹⁶ Such duty generally begins upon appointment¹⁷ and includes a duty to:

- Settle and distribute the estate in accordance with the decedent's will (if any) and applicable law.¹⁸
- Expeditiously proceed with the settlement and distribution of the decedent's estate.¹⁹
- Act in the best interests of interested persons, including creditors.²⁰
- File a verified inventory of estate property, subject to statutory requirements.²¹
- Take all steps reasonably necessary for the estate's management, protection, and preservation.²²

¹¹ Section 733.301(1)(b), F.S.

¹² Section 733.302, F.S.

¹³ Section 733.304, F.S.

¹⁴ Section 733.303, F.S.

¹⁵ An "express trust" is a trust created with the settlor's express intent, usually declared in writing. *Byrne Realty Co. v. South Florida Farms Co.*, 89 So. 318, 326-27 (Fla. 1921).

¹⁶ Section 733.609(1), F.S.

¹⁷ Section 733.601, F.S.

¹⁸ Section 733.602(1), F.S.

¹⁹ Section 733.603, F.S.

²⁰ Section 733.602(1), F.S.

²¹ Section 733.604, F.S.

²² Section 733.607(1), F.S.

To assist in the exercise of such duties, the personal representative also has statutorily-enumerated rights and powers. Specifically, the personal representative may (and in some cases, must), among other things:

- Take possession and control of the decedent's property.
- Perform or, when proper, refuse to perform the decedent's contracts.
- Invest the estate's funds.
- Acquire or dispose of assets, including, in certain circumstances, by sale or abandonment.
- Enter into leases.
- Pay taxes, assessments, and other expenses incident to estate administration.
- Continue any unincorporated business or venture in which the decedent was engaged at the time of death.
- Prosecute or defend claims or proceedings for the protection of the estate or the decedent's property.
- Employ persons, including attorneys, accountants, auditors, appraisers, investment advisers, and others to advise or assist the personal representative in estate administration.²³

Fiduciary Bonds

Unless the bond requirement has been waived by the will or by the court, every personal representative (other than a bank or a trust acting as a personal representative) must execute and file a bond with surety, payable to the Governor and the Governor's successors in office, conditioned on the performance of all personal representative duties.²⁴ All such bonds must be in an amount that the court deems sufficient after considering the estate's gross value, the relationship of the personal representative to the beneficiaries, exempt property and any family allowance, the type and nature of assets, known creditors, and any liens or other encumbrances on the assets.²⁵

Reporting Requirements

Florida law requires a personal representative to file certain reports with the court during various stages of the estate's administration, which the court may then review to ensure that the personal representative is properly managing the administration and meeting his or her fiduciary duties. These reports include:

- An inventory report detailing all of the decedent's assets and their respective market values;²⁶
- A report detailing all claims filed against the estate;
- Any interim or supplemental accountings ordered by the court;²⁷ and
- A final accounting with a petition for discharge stating, among other things:
 - That all claims filed against the estate have been paid, settled, or otherwise disposed of;
 - The amount of compensation paid or to be paid to the personal representative, attorneys, and others who aided the personal representative in account administration;

²³ See generally s. 733.612, F.S.

²⁴ Section 733.402(1), F.S.

²⁵ Section 733.403, F.S.

²⁶ Section 733.604(1), F.S.

²⁷ The personal representative may also choose to file interim accountings at any time, although such interim accountings are voluntary unless the court directs their filing. See Fla. Prob. R. 5.345(a) (providing that the fiduciary "may elect to file an interim accounting at any time, or the court may require an interim or supplemental accounting").

- A schedule of all prior estate asset distributions;
- An inventory of the estate assets remaining in the hands of the personal representative; and
- A plan for the distribution of all remaining estate assets.²⁸

Compensation

A personal representative is entitled to reasonable compensation for ordinary service, payable from the estate's assets, without a court order.²⁹ Such compensation must be based on the estate's compensable value, which is the inventory value of the estate's assets and the income the estate earns during administration, and Florida law provides that such compensation is presumed to be reasonable if calculated at statutorily-specified rates.³⁰ However, the court may increase or decrease the personal representative's compensation for ordinary services upon petition of any interested parties.³¹

A personal representative is also entitled to reasonable compensation for any extraordinary services, which the court may award upon petition of any interested person.³² Extraordinary services may include:

- The sale of real or personal property;
- Litigating on behalf of the estate;
- Involvement in proceedings for the adjustment or payment of any taxes;
- The carrying on of the decedent's business;
- Dealing with protected homestead;
- The rendering of legal services in connection with estate administration, where the personal representative is a Florida Bar member;³³ and
- Any other special services that may be necessary for the personal representative to perform.³⁴

Further, if a will provides that a personal representative's compensation must be based on specific criteria, other than a general reference to compensation allowed by law, the personal representative is entitled to compensation in accordance with that provision; however, the personal representative may renounce the provision and receive compensation as provided in law, unless a contract with the decedent would prohibit such renunciation.³⁵

Resignation

A personal representative generally has the right to resign, and the court may, after notice to all interested persons, accept the resignation and then revoke the letters of the resigning personal

²⁸ Fla. Prob. R. 5.400.

²⁹ Section 733.617(1), F.S.

³⁰ Those rates are: 3 percent for the first \$1 million; 2.5 percent for all above \$1 million and not exceeding \$5 million; 2 percent for all above \$5 million and not exceeding \$10 million; 1.5 percent for all above \$10 million. Section 733.617(2), F.S.

³¹ Section 733.617(7), F.S.

³² Section 733.617(3), F.S.

³³ Section 733.617(6), F.S. The Florida Supreme Court regulates the practice of law in Florida, through the Florida Bar. The Florida Bar, *About the Bar*, <https://www.floridabar.org/about/> (last visited Mar. 14, 2025); FLA. CONST. art. V, s. 15.

³⁴ Section 733.617(3), F.S.

³⁵ Section 733.617(4), F.S.

representative if the resignation does not jeopardize the estate's interests.³⁶ Once the court accepts the resignation, the court must then appoint a successor personal representative or, as discussed below, a curator to serve until a successor personal representative is appointed.³⁷

Further, the resigning personal representative must:

- Surrender to the successor fiduciary all estate assets, records, documents, papers, and other property of or concerning the estate in the resigning personal representative's possession or control.³⁸
- File and serve a final accounting of the personal representative's administration.³⁹

Ultimately, a resigning personal representative may be discharged only after:

- Determination of the liability, if any, of such resigning personal representative;
- Compensation of the resigning personal representative and the attorney and other persons employed thereby; and
- Receipt of evidence that undistributed estate assets have been delivered to the successor fiduciary.⁴⁰

Removal

The court must remove and revoke the letters of a personal representative if the personal representative was not qualified to act at the time of appointment.⁴¹ Further, the court may remove and revoke the letters of a personal representative for any of the following causes:

- An adjudication of the personal representative's incapacity.
- Physical or mental incapacity.
- Failure of the personal representative to comply with any court order.
- Failure of the personal representative to account for the sale of property or to produce and exhibit estate assets when so required.
- Wasting or maladministration of the estate.
- Failure of the personal representative to give bond or security.
- The personal representative's felony conviction.
- The insolvency of, or the appointment of a receiver or liquidator for, a corporate personal representative.
- Holding or acquiring conflicting or adverse interests against the estate that will or may interfere with the administration of the estate as a whole.
- Revocation of the probate of the decedent's will that authorized or designated the personal representative's appointment.
- Termination of Florida residence, if such residence was a requirement of initial appointment.
- The personal representative was qualified to act at the time of appointment but would not now qualify.⁴²

³⁶ Section 733.502, F.S.

³⁷ Section 733.503, F.S.

³⁸ Section 733.5035, F.S.

³⁹ Section 733.5036(1), F.S.

⁴⁰ Section 733.5036(2), F.S.

⁴¹ Section 733.504, F.S.

⁴² *Id.*

A removal proceeding may begin upon the petition of an interested person, or the court may begin such a proceeding upon its own initiative.⁴³ In either case, the court must revoke the letters of a removed personal representative and appoint a successor personal representative or, as discussed below, a curator to serve until a successor personal representative is appointed.⁴⁴

Curators

State law provides that, when necessary, the court may appoint⁴⁵ a “curator”⁴⁶ after formal notice to the person apparently entitled to letters of administration (that is, to the personal representative, or the person likely to be so appointed); however, where there is great danger that any of the decedent’s property is likely to be wasted, destroyed, or removed beyond the court’s jurisdiction, and if a curator’s appointment would be delayed by giving notice, the court may appoint a curator without giving notice.⁴⁷

In either case, curators may be authorized to perform any duty or function of a personal representative, may be subject to removal and surcharge, and may be required to post a bond as the court deems necessary; however, no bond may be required of a bank or trust company acting as a curator. Further, curators are entitled to reasonable compensation for their services, and the court may consider the provisions applicable to personal representative compensation in awarding such compensation.⁴⁸

Though the necessity for which a curator’s appointment might arise is not specified in Florida law, Florida courts have recognized that such necessity may include a delay in a personal representative’s appointment, or in the appointment of a successor personal representative where the original personal representative resigns or otherwise becomes unwilling or unable to oversee the estate’s administration.⁴⁹ However, Florida courts have also found that it is legally improper to simultaneously have a curator and a personal representative acting on behalf of an estate; thus, a court would likely need to remove any appointed personal representative before appointing a curator.⁵⁰ This comports with the general understanding, acknowledged by the courts, that a curator is usually only appointed as a temporary expedient to take possession of and preserve an estate’s assets until a qualified personal representative may be appointed to manage the estate’s administration.⁵¹

⁴³ Section 733.506, F.S.

⁴⁴ *Id.*; s. 733.5061, F.S.

⁴⁵ Curator appointment may occur upon the filing of a sufficient petition for such appointment, which petition must include, among other things, a statement as to why a curator should be appointed. A court may also appoint a curator on its own initiative. Fla. Prob. R. 5.122.

⁴⁶ “Curator” means a person appointed by the court to take charge of the estate of a decedent until letters of administration are issued. Section 731.201(8), F.S.

⁴⁷ Section 733.501(1), F.S.

⁴⁸ Section 733.501, F.S.

⁴⁹ *Gordin v. Estate of Maisel*, 179 So. 3d 518, 520-21 (Fla. 4th DCA 2015); *In re Estate of Miller*, 568 So. 2d 487, 488-90 (Fla. 1st DCA 1990)).

⁵⁰ *Gordin*, 179 So. 3d at 521.

⁵¹ *In re Sale’s Estate*, 227 So. 2d 199, 202 (Fla. 1969).

III. Effect of Proposed Changes:

The bill amends s. 733.501, F.S., regarding curators of estates, to significantly expand the role of curators in state probate proceedings.

Appointment of a Curator

The bill changes when a court may or must appoint a curator. Current law provides that the court may appoint a curator when it is necessary after formal notice to the person apparently entitled to letters of administration. The bill revises the statute to allow the court to appoint a curator at any time with notice to interested persons as the court deems appropriate. The bill also provides that in any other proper case, the court may appoint a curator when deemed necessary to protect the interests of the estate.

Authorities and Duties of the Curator

Current law authorizes curators to perform any duty or function of a personal representative, but is otherwise silent as to their authority and duties. The bill specifies curators' authority and duties.

First, the bill requires curators to take into their custody the estate of a decedent or a person in any of the following circumstances:

- When a decedent dies intestate in the county without heirs.
- When a decedent dies leaving a will, and the named personal representative is absent or fails to qualify.
- When an unknown decedent dies or is found dead in the county.
- For any other cause in which the court finds it necessary to protect the estate from injury, waste, theft, loss, or mismanagement.

Second, the bill requires curators to act as trustee when appointed by the court.

Bond Requirements

Current law provides that a bond "shall be required of the curator as the court deems necessary." However, the bill requires curators to post a reasonable bond, to be determined by the court.

Periodic Court Review

The bill requires curators to file periodic reports with the court. The reports must detail the actions taken by the curator in managing the estate. The court must review the reports at regular intervals to ensure that the curator is effectively managing the estate and fulfilling its duties. The court may require more frequent reporting or additional documentation as it deems necessary to protect the interests of the estate.

Consistent Terminology

To provide clarity and avoid confusion, the bill states that the term “curator” as used in Part V of ch. 733, F.S., refers to the appointed entity responsible for managing the estate.

Reenactment of s. 90.5021(1), F.S.

The bill reenacts s. 90.5021(1), F.S., to incorporate the amendments to s. 733.501, F.S., made by the bill.

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.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Florida law currently requires the court to appoint a curator only “after formal notice to the person apparently entitled to letters of administration.”⁵² The bill eliminates this requirement and allows the court to appoint a curator at any time with notice to “interested persons as the court deems appropriate.” This change in the bill raises due process concerns to the extent it makes notice to the person entitled to letters of administration no longer mandatory but discretionary with the court. The bill could also be construed as conflicting with case law recognizing that testators have a constitutional right to select the appropriate person to administer the decedent’s estate.⁵³

⁵² Section 733.501(1), F.S.

⁵³ See *Pontrello v. Estate of Kelper*, 528 So. 2d 441, 443 (Fla. 2d DCA 1988) (providing that “[a] judge treads on sacred ground, not only when he overrides the testator’s directions regarding the custody of his children, but also when he overrides directions regarding the appointment of the person in whom the decedent placed his trust to administer his estate according to the powers given in the will”); see also *Shriner’s Hospitals for Crippled Children v. Zrillic*, 563 So. 2d 64, 67 (Fla. 1990) (concluding that testators have a constitutional right to be free from unreasonable legislative restraint upon their right to devise property).

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

None.

B. Private Sector Impact:

Under current law, curators are not required to post a bond in all cases. However, the bill generally requires curators to post a reasonable bond (excluding only banks and trust companies that serve as curators). This requirement in the bill will impose bond procurement costs on decedent estates which may not have required a bond under current law.

The bill also requires curators to file periodic reports with the court. These reports must detail the actions taken by the curator in managing the estate. This requirement may impose additional costs on the decedent's estate, which will now have to compensate curators for preparing and filing these reports with the court.

C. Government Sector Impact:

The bill requires courts to review the periodic reports submitted by curators at regular intervals to ensure that the curator is effectively managing the estate and fulfilling his or her duties. Moreover, the court may require more frequent reporting or additional documentation as it deems necessary to protect the interests of the estate, which it would also have to review. Accordingly, the bill may impose additional costs on courts associated with reviewing curator's periodic reports.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 733.501 of the Florida Statutes.

This bill reenacts section 90.5021 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 19, 2025:
The committee substitute eliminates:

- The requirement that a court appoint a curator to represent an estate for which probate has not been initiated within 2 years after the decedent's death.
- A catch-all provision allowing courts to appoint a curator in unique circumstances not outlined in the bill.
- Four circumstances in the bill under which the curator is required to take custody of a decedent or person's estate.

B. Amendments:

None.



912258

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Burgess) recommended the following:

Senate Amendment

Delete lines 42 - 81
and insert:

(c) In any other proper case, the court may appoint a curator when deemed necessary to protect the interest of the estate or a decedent's heirs.

(2) AUTHORITY AND DUTIES OF THE CURATOR.—

(a) The curator has the same authority and powers as set forth in this part.

(b) The curator must take into its custody the estate of a



912258

decedent or a person in any of the following circumstances:

1. When a decedent dies intestate in the county without heirs.

2. When a decedent dies leaving a will, and the personal representative named is absent or fails to qualify.

3. When an unknown decedent dies or is found dead in the county.

4. For any other cause in which the court finds it

By Senator Burgess

23-00393-25

2025520__

A bill to be entitled

An act relating to curators of estates; amending s. 733.501, F.S.; revising the requirements for a court to appoint a curator of certain estates; providing that a curator has specified authority and duties; providing the circumstances in which a curator must take into its custody the estate of specified decedents or persons; requiring a curator to act as trustee when appointed by the court; requiring a curator to post a reasonable bond, determined by the court; providing an exception; providing that a curator is subject to removal and surcharge by the court; requiring a curator to file periodic reports with the court; requiring that certain details be included in such reports; requiring the court to review such reports at regular intervals; authorizing the court to require more frequent reporting or additional documents under certain circumstances; providing construction; making technical changes; reenacting s. 90.5021(1), F.S., relating to fiduciary lawyer-client privilege, to incorporate the amendment made to s. 733.501, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 733.501, Florida Statutes, is amended to read:

733.501 Curators.—

Page 1 of 5

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

23-00393-25

2025520__

(1) APPOINTMENT OF A CURATOR.—

(a) ~~When it is necessary,~~ The court may appoint a curator at any time with notice to interested persons as the court deems appropriate ~~after formal notice to the person apparently~~ entitled to letters of administration. The curator may be authorized to perform any duty or function of a personal representative.

(b) If there is significant ~~great~~ danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court and if the appointment of a curator would be delayed by giving notice, the court may appoint a curator without giving notice.

(c) If probate has not been initiated within 2 years after the date of the decedent's death, the court must appoint a curator to represent the estate.

(d) In any other proper case, the court may appoint a curator when deemed necessary to protect the interests of the estate.

(e) The court may appoint a curator in unique circumstances not outlined in this section to ensure that the interests of the estate and its beneficiaries are adequately protected.

(2) AUTHORITY AND DUTIES OF THE CURATOR.—

(a) The curator has the same authority and powers as set forth in this part.

(b) The curator must take into its custody the estate of a decedent or a person in any of the following circumstances:

1. When a decedent dies intestate in the county without heirs.

2. When a decedent dies leaving a will, and the personal

Page 2 of 5

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

23-00393-25

2025520

representative named is absent or fails to qualify.

3. When an unknown decedent dies or is found dead in the county.

4. When money, property, papers, or other portions of the estate are left exposed to injury, waste, theft, loss, or mismanagement and no other person administers such property in the estate.

5. When a decedent dies intestate and his or her estate is located in the county, or is left in the county, and such estate is exposed to injury, waste, theft, loss, or mismanagement and the decedent does not leave a known spouse or heir in this state.

6. When the estate is that of a minor whose parents are dead, or if living, refuse or neglect to qualify as a conservator, or having been qualified, have been removed, or who have been found incompetent to serve as a conservator, and who have no person appointed by law to take care of and manage the estate.

7. When the estate is that of a disabled or incapacitated person in the county who has no legal guardian or conservator and has no person competent to take charge of such estate, or to act as such guardian or conservator, can be found who qualifies.

8. For any other cause in which the court finds it necessary to protect the estate from injury, waste, theft, loss, or mismanagement.

(c) The curator shall act as trustee when appointed by the court. ~~Bond shall be required of the curator as the court deems necessary. No bond shall be required of banks and trust companies as curators.~~

Page 3 of 5

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

23-00393-25

2025520

(3) BOND REQUIREMENTS.—Curators must post a reasonable bond, to be determined by the court. However, bonds are not required for banks and trust companies that serve as curators.

(4) COMPENSATION.—Curators ~~are shall be~~ allowed reasonable compensation for their services, and the court may consider ~~the provisions of~~ s. 733.617.

(5) ~~(4)~~ REMOVAL AND SURCHARGE.—Curators ~~are shall be~~ subject to removal and surcharge by the court.

(6) PERIODIC COURT REVIEW.—

(a) The curator shall file periodic reports with the court. Such reports must detail the actions taken by the curator in managing the estate. The court shall review such reports at regular intervals to ensure that the curator is effectively managing the estate and fulfilling its duties.

(b) The court may require more frequent reporting or additional documentation as it deems necessary to protect the interests of the estate.

(7) CONSISTENT TERMINOLOGY.—For clarity and to avoid confusion, the term “curator” is used consistently throughout this part to refer to the appointed entity responsible for managing the estate.

Section 2. For the purpose of incorporating the amendment made by this act to section 733.501, Florida Statutes, in a reference thereto, subsection (1) of section 90.5021, Florida Statutes, is reenacted to read:

90.5021 Fiduciary lawyer-client privilege.—

(1) For the purpose of this section, a client acts as a fiduciary when serving as a personal representative or a trustee as defined in ss. 731.201 and 736.0103, an administrator ad

Page 4 of 5

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

23-00393-25

2025520

117 litem as described in s. 733.308, a curator as described in s.
118 733.501, a guardian or guardian ad litem as defined in s.
119 744.102, a conservator as defined in s. 710.102, or an attorney
120 in fact as described in chapter 709.

121 Section 3. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 26, 2025

I respectfully request that **Senate Bill #520**, relating to Curator of Estates, be placed on the:

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

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

Senator Danny Burgess
Florida Senate, District 23

CC: Tom Cibula, Staff Director
CC: Lisa Larson, Committee Administrative Assistant

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

3/14/2025

Meeting Date

Judiciary

Committee

520

Bill Number or Topic

Amendment Barcode (if applicable)

Name Matthew T Morrison

Phone (863) 273-2094

Address 5121 S Lakeland Dr Ste 2
Street

Email Morrison32130@mtmfirm.com

Lakeland FL 33813
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
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 Judiciary

BILL: CS/SB 1650

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Vexatious Litigants

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Fav/CS
2.			ACJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1650 amends the Florida Vexatious Litigant Law, following suggestions from a workgroup appointed by the Supreme Court to examine the law. A vexatious litigant is one who files pro se meritless actions for the purpose of abusing or harassing the other party. Once found to be a vexatious litigant, a person is barred from filing pro se civil actions or pleadings in civil actions without court permission and the posting of security.

The bill expands the scope of the law to apply to family law and small claim cases, counts other instances where a person was found to be a vexatious litigant in another state or in federal court, lowers the threshold of adverse rulings that qualify one as a vexatious litigant from five cases in the past 5 years to a threshold of three cases in the past 7 years, allows a court to find that an individual qualifies as a vexatious litigant based on behavior in a single case, and clarifies that an individual found to be a vexatious litigant is prohibited from pro se filing of a new civil case and also is prohibited from the pro se filing of pleadings in a civil case. The bill also clarifies language and structure, including removing the terms “plaintiff” and “defendant” with more accurate references to “party.”

The bill is effective July 1, 2025.

II. Present Situation:

Background

The term “vexatious” generally means annoying, bothersome or irritating. In the legal context, a vexatious litigant is someone who files lawsuits or pleadings in legal actions which have little chance of succeeding but are intended to annoy someone or cause problems for them.¹ The problem with vexatious litigants is described as follows:

Vexatious conduct by litigants impedes the court system’s ability to timely and justly process cases. This conduct can take many forms. Common examples include: (1) filing multiple meritless lawsuits; (2) attempting to relitigate matters already decided by the court; and (3) submitting documents with harassing, scandalous, or sham material to the court.²

Current Law on Vexatious Litigants

A court has always had the inherent authority to sanction litigants and others appearing before the court for vexatious, bad faith, or oppressive conduct.³ The 2000 Legislature enacted the first law to address the issue of vexatious litigants at s. 68.093, F.S. A vexatious litigant is defined as:

A person . . . who, in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity; or any person or entity previously found to be a vexatious litigant.⁴

If a person has been found to be a vexatious litigant, a defendant in any action involving the vexatious litigant may ask the court to order the vexatious litigant to post security before commencing.⁵ If the court finds that person is a vexatious litigant and that the person is unlikely to prevail in the action, the court may order the vexatious litigant to post security before proceeding. The amount and form of security is not specified. The apparent purpose of security is to have a fund from which the defendant can collect attorney fees and costs should the defendant ultimately prevail in defeating the vexatious litigation or motion and the defendant then prevail on a motion for attorney fees and costs related to the litigation or motion.⁶ If the security is not timely posted, the court must dismiss the action with prejudice.

The court may also enter an order prohibiting a vexatious litigant from commencing any new pro se action without permission. A vexatious litigant subject to this order must ask the administrative judge of that circuit for permission to file an action. The vexatious litigant must

¹ Cambridge English Dictionary, <https://dictionary.cambridge.org/us/dictionary/english/vexatious>.

² Workgroup on Vexatious Litigants, *Final Report and Recommendations*, September 6, 2024, at page 11.

³ *Final Report*, at 13.

⁴ Section 68.093(2)(d), F.S.

⁵ Section 68.093(3), F.S.

⁶ In some lawsuits a party may have statutory or contractual right to attorney fees. Attorney fees may also be awarded in civil actions for filing or prosecuting a claim that is without merit. Section 57.105, F.S.

show that the proposed action is meritorious and is not being filed for the purpose of delay or harassment.⁷ The court may require the posting of security. The clerk of the court must refuse to file a lawsuit from a vexatious litigant absent permission of the administrative judge.⁸ The clerk of court must forward a copy of an order finding a person to be a vexatious litigant to the Supreme Court, where a statewide list of vexatious litigants is kept.⁹ Currently, there are 233 entries on the list representing 116 individuals.¹⁰ The Workgroup speculates that there are many more persons who qualify for and should be on the list.¹¹

The Florida Vexatious Litigant Law has not been amended since passage in 2000.

Other statutes address vexatious behavior, notably s. 57.105, F.S., which authorizes a court to award attorney fees and costs to the prevailing party on certain unsupported claims or defenses. If the nonprevailing party was represented, the sanction generally must be paid in equal parts by the losing party and the losing party's attorney.

Perceived Concerns Regarding Current Law

In 2024, the Florida Supreme Court created the Workgroup on Vexatious Litigants. The charge was "to enhance the effectiveness of Florida's Vexatious Litigant Law and to address issues related to the public disclosure of harmful and defamatory content in noncriminal court filings."¹²

The Workgroup found that the current law does not adequately address the harm from vexatious litigation. This harm is not limited to the harm done to defendants who are dragged into the fray. In a recent survey, 18.2% of circuit court judges and 14% of county court judges estimated that dealing with improper litigation consumed more than 10% of their judicial workload.¹³ Only 27% of trial court judges found the current Vexatious Litigant Law effective in addressing improper litigation.¹⁴ The Workgroup suggests that the law "should be expanded to cover a wider range of improper conduct."¹⁵

The Workgroup also recommends that certain court pleadings of a vexatious nature be shielded from public inspection. The recommendation related to public records is reflected in a separate bill.

III. Effect of Proposed Changes:

The bill amends and expands the Florida Vexatious Litigant Law to reflect the suggestions of the Florida Supreme Court Workgroup.

⁷ Section 68.093(4), F.S.

⁸ Section 68.093(5), F.S.

⁹ Section 68.093(6), F.S.

¹⁰ Vexatious Litigants list dated March 6, 2025. Link to list at: <https://supremecourt.flcourts.gov/About-the-Court/Departments-of-the-Court/Clerk-s-Office>. One individual has 11 findings that he is a vexatious litigant.

¹¹ *Final Report*, at 18.

¹² *Final Report* at 4.

¹³ *Id.* at 11-12.

¹⁴ *Id.* at 13.

¹⁵ *Id.* at 23.

The test for categorization of one as a vexatious litigant is a formula based on the number of previous adverse rulings of limited types over a limited period of time. The bill expands the definitions of “action” and “vexatious litigant” to:

- Expand the types of actions that apply to include family law actions and small claims litigation.¹⁶
- Expand the court jurisdictions in which a case filing will apply the formula to include federal courts and courts of other states, where those courts have heard civil matters of a type that would qualify if filed in a Florida court.
- Lower the threshold of cases that resulted in an adverse result from 5 to 3.
- Expand the look-back period from 5 years to 7 years.
- Remove references to “plaintiff” and “defendant” to more accurately refer to “party.”
- Provide that actions by a pro se party acting after withdrawal of his or her attorney are counted as if the case had initially been filed pro se.
- Provide that an adverse ruling where the person acted in good faith does not count against the person in calculating the number of adverse prior results.

The bill expands the definition of a vexatious litigant to include a person who, in any civil case:

- After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate either the validity of the determination against the same party as to whom the action was finally determined or the cause of action, claim, controversy, or any of the issues of fact or law determined by the final and adverse determination against the same party as to whom the action was finally determined;
- Repeatedly files pleadings, requests for relief, or other documents that have been the subject of previous rulings by the court in the same action; or
- Repeatedly files unmeritorious pleadings, requests for relief, or other documents; conducts unnecessary discovery; or engages in other tactics that are frivolous or solely intended to cause unnecessary delay in any action.

Current law also defines a vexatious litigant (in the case at issue) as any person who has previously been found to be a vexatious litigant pursuant to s. 68.093, F.S. The bill expands this to provide that anyone found to be a vexatious litigant in any other state or by any federal court is a vexatious litigant in Florida.

The bill clarifies that a vexatious litigant is barred not only from the pro se filing of any new civil action but is barred from pro se filing of pleadings in any civil action. The remedies provisions of the bill are amended to provide that a complaint by a vexatious litigant is subject to dismissal; whereas, a motion or other pleading filed by a vexatious litigant is subject to being stricken or denied.

Where the clerk mistakenly files a case or pleading from a vexatious litigant, or where the court finds that a party qualifies as a vexatious litigant, the bill provides that the action is automatically stayed pending review by the court and possible order requiring the vexatious litigant to post security. The bill also specifies that the automatic stay is in effect until the court acts.

¹⁶ The Small Claim Rules currently apply to a civil action for \$8,000 or less. Fla.Sm.Cl.R. 7.010(b). At the time that this law was passed in 2000, they applied to a civil action for \$2,500 or less.

The bill is effective 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 discourage the filing of frivolous lawsuits and allow the private sector to avoid costs for defending against these lawsuits.

C. Government Sector Impact:

The Office of the State Courts Administrator furnished the following information regarding potential workload and fiscal impacts of this bill:

If the proposed amendments are enacted, judicial workload to enforce the expanded Florida Vexatious Litigant Law may increase (e.g., conducting hearings and entering orders); however, any increase in judicial workload is expected to be offset by the reduction in filings by vexatious litigants. The revenue impact of this legislation is indeterminate negative, due to the potential reduction of filing fee revenue associated with expanded applicability of the Florida Vexatious Litigant Law. The fiscal impact of this legislation cannot be accurately determined due to the unavailability

of data needed to quantifiably establish the effects on judicial time and workload resulting from enforcement of the expanded Florida Vexatious Litigant Law and a potential reduction in filings.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 68.093 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 Judiciary on March 19, 2025:

The committee substitute clarified language regarding the filing of a case and the filing of a pleading in a case.

B. Amendments:

None.

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

¹⁷ Office of the State Courts Administrator, *2025 Judicial Impact Statement for SB 1650*, March 17, 2025, at 4.



595830

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Grall) recommended the following:

Senate Amendment

Delete lines 141 - 147
and insert:
action or any pleading, request for relief, or other document in
an action on behalf of a pro se ~~by a~~ vexatious litigant against
whom a prefiling order has been entered ~~pro se~~ unless the
vexatious litigant has obtained an order from the court allowing
~~administrative judge permitting~~ such filing. If the clerk of the
court mistakenly allows a pro se ~~permits a~~ vexatious litigant to
file any new ~~an~~ action or any pleading, request for relief, or

By Senator Grall

29-00954-25

20251650

A bill to be entitled

An act relating to vexatious litigants; amending s. 68.093, F.S.; revising definitions; expanding actions subject to the Florida Vexatious Litigant Law; revising eligibility for designation as a vexatious litigant; revising sanctions and remedies for vexatious litigation; prohibiting clerks of the court from accepting certain filings from a vexatious litigant; specifying the duration of an automatic stay imposed against vexatious litigation; providing an effective date.

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

Section 1. Section 68.093, Florida Statutes, is amended to read:

68.093 Florida Vexatious Litigant Law.—

(1) This section may be cited as the "Florida Vexatious Litigant Law."

(2) As used in section, the term:

(a) "Action" means an action:

1. Governed by the Florida Family Law Rules of Procedure, the Florida Rules of Civil Procedure, rule 5.025 of and proceedings governed by the Florida Probate Rules, the Florida Small Claims Rules; or

2. In another state court or federal court governed by rules of procedure that are comparable to the rules of procedure specified in subparagraph 1 but does not include actions concerning family law matters governed by the Florida Family Law

29-00954-25

20251650

~~Rules of Procedure or any action in which the Florida Small Claims Rules apply.~~

~~(b) "Defendant" means any person or entity, including a corporation, association, partnership, firm, or governmental entity, against whom an action is or was commenced or is sought to be commenced.~~

(b)(e) "Security" means an undertaking by a vexatious litigant to ensure payment to a party defendant in an amount reasonably sufficient to cover the party's defendant's anticipated, reasonable expenses of litigation, including attorney attorney's fees and taxable costs.

(c)(d) "Vexatious litigant" means a person, as defined in s. 1.01(3), proceeding pro se, who:

1. A person as defined in s. 1.01(3) who, In the immediately preceding 7-year 5-year period, has commenced, prosecuted, or maintained, pro se, three five or more civil actions in any court that in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person, except that an action may not be included for purposes of this subparagraph if the court finds that the action was commenced, prosecuted, or maintained in good faith; or entity; or
2. After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate either the validity of the determination against the same party as to whom the action was finally determined or the cause of action, claim, controversy, or any of the issues of fact or law determined by the final and adverse determination against the same party as to whom the action was

29-00954-25

20251650

59 finally determined;

60 3. Repeatedly files pleadings, requests for relief, or
 61 other documents that have been the subject of previous rulings
 62 by the court in the same action;

63 4. Repeatedly files unmeritorious pleadings, requests for
 64 relief, or other documents; conducts unnecessary discovery; or
 65 engages in other tactics that are frivolous or solely intended
 66 to cause unnecessary delay in any action; or

67 5.2- Has been Any person or entity previously found to be a
 68 vexatious litigant pursuant to this section or by another state
 69 court or a federal court.

70
 71 An action is not deemed to be "finally and adversely determined"
 72 if an appeal in that action is pending. ~~If an action has been~~
 73 ~~commenced on behalf of a party by an attorney licensed to~~
 74 ~~practice law in this state, that action is not deemed to be pro~~
 75 ~~se even if the attorney later withdraws from the representation~~
 76 ~~and the party does not retain new counsel.~~

77 (3) (a) In any action pending in any court of this state,
 78 ~~including actions governed by the Florida Small Claims Rules,~~
 79 any party defendant may move the court, upon notice and hearing,
 80 for an order requiring an opposing party the plaintiff to
 81 furnish security. The motion shall be based on the grounds, and
 82 supported by a showing, that the opposing party subject to the
 83 motion plaintiff is a vexatious litigant and is not reasonably
 84 likely to prevail on the merits of the action against the moving
 85 party defendant.

86 (b) At the hearing ~~upon any defendant's motion~~ for an order
 87 to post security, the court shall consider any evidence, written

29-00954-25

20251650

88 or oral, by witness or affidavit, which may be relevant to the
 89 consideration of the motion. No determination made by the court
 90 in such a hearing shall be admissible on the merits of the
 91 action or deemed to be a determination of any issue in the
 92 action. If, after hearing the evidence, the court determines
 93 that the opposing party subject to the motion plaintiff is a
 94 vexatious litigant and is not reasonably likely to prevail on
 95 the merits of the action against the moving party defendant, the
 96 court shall order the vexatious litigant plaintiff to furnish
 97 security to the moving party defendant in an amount and within
 98 such time as the court deems appropriate.

99 (c) If the vexatious litigant plaintiff fails to post
 100 security required by an order of the court under this section
 101 and the vexatious litigant is:

102 1. A plaintiff or petitioner, the court shall immediately
 103 issue an order dismissing the action with prejudice as to the
 104 moving party defendant for whose benefit the security was
 105 ordered; or

106 2. A defendant or respondent, the court may immediately
 107 issue an order imposing one or more of the following sanctions,
 108 as appropriate:

109 a. Denial of the vexatious litigant's request for relief;
 110 b. Striking of the vexatious litigant's pleading or other
 111 document or part thereof; or

112 c. Rendition of a judgment by default against the vexatious
 113 litigant.

114 (d) If ~~the a~~ motion for an order to post security is filed
 115 before prior to the trial in an action, the action shall be
 116 automatically stayed and the moving party defendant need not

29-00954-25

20251650__

plead or otherwise respond to the vexatious litigant's
complaint, pleading, request for relief, or other document until
 10 days after the motion for an order to post security is
 denied. If the motion for an order to post security is granted,
 the moving party defendant shall respond or plead no later than
 10 days after the required security has been furnished.

(4) In addition to any other relief provided in this
 section, the court in any judicial circuit may, on its own
 motion or on the motion of any party, enter a prefiling order
 prohibiting a vexatious litigant from commencing, pro se, any
 new action in the courts of that circuit or from filing, pro se,
any pleading, request for relief, or other document in an action
in the courts of that circuit without first obtaining leave of
 the court administrative judge of that circuit. Disobedience of
 such an order may be punished as contempt of court by the
administrative judge of that circuit. Leave of court shall be
 granted by the court administrative judge only upon a showing
 that the proposed action, pleading, request for relief, or other
document is meritorious and is not being filed for the purpose
 of delay or harassment. The court administrative judge may
 condition the filing of the proposed action, pleading, request
for relief, or other document upon the furnishing of security as
 provided in this section.

(5) The clerk of the court may shall not file any new
 action, pleading, request for relief, or other document in an
action on behalf of a pro se by a vexatious litigant against
whom a prefiling order has been entered pro-se unless the
 vexatious litigant has obtained an order from the court allowing
administrative judge permitting such filing. If the clerk of the

29-00954-25

20251650__

court mistakenly allows a pro se permits a vexatious litigant to
 file any new an action, or any pleading, request for relief, or
other document in an action pro-se in contravention of a
 prefiling order, any party to that action may file with the
 clerk and serve on the vexatious litigant plaintiff and all
 other parties defendants a notice stating that the plaintiff is
a pro-se vexatious litigant is subject to a prefiling order. The
 filing of such a notice shall automatically stay the litigation
 against all parties defendants to the action. The court
administrative judge shall automatically dismiss the action or
deny the pleading, request for relief, or other document filed
by the vexatious litigant in an action with prejudice within 10
 days after the filing of such notice unless the vexatious
litigant plaintiff files a motion for leave to file the new
action or the pleading, request for relief, or other document.
 If the court administrative judge issues an order granting
leave, the pleadings, or other responses permitting the action
to be filed, the defendants need not plead or otherwise respond
to the complaint or the pleading, request for relief, or other
document need not be filed until 10 days after the date of
 service by the vexatious litigant plaintiff, by United States
mail, of a copy of the order granting leave to file the action.

(6) The clerk of a court shall provide copies of all
 prefiling orders to the Clerk of the Florida Supreme Court, who
 shall maintain a registry of all vexatious litigants.

(7) An automatic stay imposed under this section remains in
effect until the court:

(a) In its discretion, vacates the stay;

(b) Rules, as applicable, on the motion for an order to

29-00954-25

20251650

175 post security under paragraph (3)(d) or the motion for leave
176 under subsection (5); or

177 (c) Dismisses the action or denies the pleading, request
178 for relief, or other document under subsection (5).

179 (8)(7) The relief provided under this section shall be
180 cumulative to any other relief or remedy available ~~to a~~
181 ~~defendant~~ under the laws of this state or the rules of court and
182 ~~the Florida Rules of Civil Procedure~~, including, but not limited
183 to, the relief provided under s. 57.105.

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



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: March 7, 2025

I respectfully request that **Senate Bill #1650**, relating to Vexatious Litigants, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Senator Erin Grall
Florida Senate, District 29

March 19, 2025

Meeting Date

Judiciary Committee

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 1650

Bill Number or Topic

Amendment Barcode (if applicable)

Name Judge Christopher Kelly - Workgroup on Vexatious Litigants

Phone (386) 822-5016

Address 101 N. Alabama Ave.

Street

DeLand

City

Florida

State

32724

Zip

Email _____

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

OFFICE OF THE STATE COURTS ADMINISTRATOR
2025 JUDICIAL IMPACT STATEMENT

DATE: March 17, 2025

BILL NUMBER: SB 1650

SPONSOR(S): Senator Grall

STATUTE(S) AFFECTED: s. 68.093, F.S.

COMPANION BILL(S): HB 1559 (Representative Sapp)

AGENCY CONTACT: Tashiba Robinson, Chief of Legislative Affairs

TELEPHONE: (850) 922-5692

ASSIGNED OSCA STAFF: DWM

I. SUMMARY:

Vexatious litigation burdens the court system, hindering its ability to process cases efficiently and fairly. The bill strengthens the Florida Vexatious Litigant Law (s. 68.093, F.S.) as a deterrent against frivolous lawsuits by expanding its scope to cover additional case types and vexatious conduct in other state and federal courts; reducing the number of finally and adversely determined actions required for a litigant to be designated as vexatious; designating certain repeat conduct within a single action as vexatious; and authorizing the court to require any vexatious party, not just a vexatious plaintiff, to furnish security for the benefit of another party and to request leave of court before filing any new action or any document in an action. Enacting such changes to the Florida Vexatious Litigant Law will enable Florida courts to mitigate the impact of vexatious litigation and to allocate limited resources to resolving legitimate legal disputes.

II. ANALYSIS:

Current Situation:

The Florida Vexatious Litigant Law (s. 68.093, F.S.) was enacted to deter frivolous lawsuits by pro se litigants who repeatedly file unsuccessful civil actions. A “vexatious litigant” is defined as a person who, within the immediately preceding five-year period, has commenced, prosecuted, or maintained at least five civil actions in Florida state courts that were finally and adversely determined against the litigant. The law provides two remedies: (1) defendants may request that the court order the plaintiff to furnish security to cover reasonable litigation costs if the vexatious litigant is unlikely to prevail on the merits of the action; and (2)

OFFICE OF THE STATE COURTS ADMINISTRATOR
2025 JUDICIAL IMPACT STATEMENT

the court may issue a prefiling order to prevent a vexatious litigant from filing any new action in the judicial circuit without leave of the administrative judge. Failure to comply with these orders may result in contempt, and failure to furnish security or obtain leave of court may result in the dismissal of a vexatious litigant's action. Trial court clerks are responsible for forwarding all prefiling orders to the Clerk of the Florida Supreme Court, who must maintain a registry of vexatious litigants.

In 2021, pursuant to *In re: Workgroup on Sanctions for Vexatious and Sham Litigation*, Fla. Admin Order No. AOSC21-62 (Dec. 9, 2021), the Workgroup on Sanctions for Vexatious and Sham Litigation (Initial Workgroup) was established by the Florida Supreme Court and charged with reviewing rules and statutes related to vexatious and sham litigation in noncriminal cases, surveying court personnel on their usage of those provisions, and recommending necessary amendments to improve the handling of such improper litigation. The Initial Workgroup recommended expanding the Florida Vexatious Litigant Law (s. 68.093, F.S.) to cover a wider range of litigants, but did not propose specific legislation.

Subsequently, the Florida Supreme Court established the Workgroup on Vexatious Litigants (Reconvened Workgroup) to make recommendations to improve the effectiveness of the Florida Vexatious Litigant Law. *See In re: Workgroup on Vexatious Litigants*, Fla. Admin. Order No. AOSC24-19 (April 26, 2024). The Reconvened Workgroup issued its final report and recommendations on September 6, 2024.

SB 1650 implements the Reconvened Workgroup's recommendations to improve the Florida Vexatious Litigant Law.

Effect of Proposed Changes:

The bill amends s. 68.093, F.S., to broaden the definition of "vexatious litigant" and expand the available remedies. The amendments:

- Expand the law to cover cases governed by the Florida Family Law Rules of Procedure and the Florida Small Claims Rules.
- Clarify that the law applies to adversary probate proceedings only.
- Expand the definition of "action" to include cases in another state or federal court governed by rules of procedure that are comparable to the Florida rules covered by the statute.
- Authorize the court to require any vexatious party, not just a vexatious plaintiff, to ensure the payment of another party's reasonable expenses of

OFFICE OF THE STATE COURTS ADMINISTRATOR
2025 JUDICIAL IMPACT STATEMENT

litigation.

- Extend the qualifying period for qualifying vexatious conduct from five to seven years.
- Decrease the number of finally and adversely determined actions commenced, prosecuted, or maintained to qualify as vexatious from five to three .
- Introduce a carve-out from the designation as a “vexatious litigant” if the court finds the qualifying actions were commenced, prosecuted, or maintained in good faith.
- Expand the definition of “vexatious litigant” to include a pro se litigant who, after an action has been finally and adversely decided against them, repeatedly relitigates or attempts to relitigate the validity of the determination, cause of action, claim, controversy, or any issues of fact or law against the same party.
- Extend the designation to pro se litigants who repeatedly file pleadings, motions, and other documents that have been the subject of previous rulings by the court.
- Extend the designation to a pro se litigant who repeatedly files unmeritorious pleadings, motions, and other documents, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.
- Authorize the court to consider vexatious litigation in another state or federal court for purposes of the designation.
- Repeal provisions specifying that actions are not deemed pro se if the action was commenced on behalf of a party by an attorney who later withdraws, and the party does not retain new counsel.
- Authorize sanctions against defendants, not just plaintiffs, who are deemed to be vexatious litigants.
- Clarify when an automatic stay imposed under the statute is vacated.
- Authorize pre-filing orders to be entered against defendants, not just plaintiffs.
- Replace the term “administrative judge” with “the court” throughout the statute.
- Make other conforming edits to clarify clerk duties and the remedies that are available to parties given the expanded provisions of the statute.

III. ANTICIPATED JUDICIAL OR COURT WORKLOAD IMPACT:

If the proposed amendments are enacted, judicial workload to enforce the

OFFICE OF THE STATE COURTS ADMINISTRATOR
2025 JUDICIAL IMPACT STATEMENT

expanded Florida Vexatious Litigant Law may increase (e.g., conducting hearings and entering orders); however, any increase in judicial workload is expected to be offset by the reduction in filings by vexatious litigants.

IV. **IMPACT TO COURT RULES/JURY INSTRUCTIONS:**

None anticipated.

V. **ESTIMATED FISCAL IMPACTS ON THE JUDICIARY:**

- A. **Revenues:** The revenue impact of this legislation is indeterminate negative, due to the potential reduction of filing fee revenue associated with expanded applicability of the Florida Vexatious Litigant Law.
- B. **Expenditures:** The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting from enforcement of the expanded Florida Vexatious Litigant Law and a potential reduction in filings, as discussed in Section III, above.

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 Judiciary

BILL: CS/SB 1652

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court

DATE: March 19, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Fav/CS
2.			ACJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1652 creates a public records exemption for certain information in a document stricken by a court in a noncriminal case. For the exemption to apply, the court must find that the matter is immaterial, impertinent, or sham and would defame or cause unwarranted damage to an individual's good name or reputation or jeopardize his or her safety. This kind of information often appears in court proceedings involving a "vexatious litigant." A vexatious litigant is a person who has filed multiple lawsuits that are meritless; however, these individuals are also known to submit documents that are considered scandalous or harassing.

The bill also contains a statement of public necessity as required by law. The statement recounts that it is a public necessity that an immaterial, impertinent, or sham matter that has been stricken by a court in a noncriminal case be made confidential and exempt from public records laws. This is necessary because the matter would cause unwarranted damage and ongoing harm to an individual and perhaps jeopardize the individual's safety. The potential harm that could result from the release of the stricken matter outweighs the public benefit that could be derived from the information if it were disclosed.

The bill will take effect July 1, 2025.

II. Present Situation:

Vexatious Litigant

A “vexatious litigant” is defined in general terms to be a person or entity who, in the immediate past 5 years, has commenced, prosecuted, or maintained, pro se,¹ five or more civil actions in any court in the state except in small claims court, and all of the cases were decided adversely against the person or entity.²

In 2000, the Florida Vexatious Litigant Law was enacted to deter vexatious litigants from repeatedly filing lawsuits that were determined to be frivolous.³ These filings consume a considerable amount of the court system’s time as well as the time and financial resources of the person being taken to court. Although the law has been challenged in court as denying a person access to the court system as guaranteed in the State Constitution,⁴ the law has been upheld on appeal as being constitutional.⁵ Courts have noted that, while the State Constitution does provide a right of access to the courts, the right is not without limits and may be properly restricted when a litigant abuses the legal process with repeated and frivolous pleadings.⁶

In 2021, an initial “Workgroup on Sanctions for Vexatious and Sham Litigation” was established by the Chief Justice of the Florida Supreme Court to make recommendations on rule and statutory amendments that would effectively address vexatious or sham litigation in noncriminal cases.⁷ Three years later, another workgroup was established. In 2024, the Chief Justice of the Florida Supreme Court established the “Workgroup on Vexatious Litigants.”⁸ The purpose of the workgroup was to recommend ways the law could be improved and address the public disclosure of “improper matters stricken from noncriminal court filings” that could defame individuals and harm their reputations. Among the recommendations made by the workgroup was the recommendation to create a public records exemption for the damaging material described above that could harm, defame or endanger a person in a noncriminal action filed by a vexatious litigant.⁹

Public Records Requirements

The State Constitution guarantees every person the right to inspect or copy any public record made or received in connection with the official business of the state, except for records

¹ A pro se litigant is someone who represents himself or herself in a judicial proceeding without a lawyer. BLACK’S LAW DICTIONARY (12th ed. 2024).

² See s. 68.093, F.S. The law has not been amended since it was enacted 25 years ago.

³ Ch. 2000-314, s. 1, Laws of Fla.

⁴ FLA. CONST. art. I, s. 21.

⁵ *Smith v. Fisher*, 965 So. 2d 205 (Fla. 4th DCA 2007) and *Brown v. Miami-Dade County*, 319 So. 3d 81 (Fla. 3rd DCA 2021).

⁶ *Id.*

⁷ *In re: Workgroup on Sanctions for Vexatious and Sham Litigation*, Fla. Admin Order No. AOSC21-62 (Dec. 9, 2021) (<https://supremecourt.flcourts.gov/content/download/813326/file/AOSC21-62.pdf>).

⁸ *In re: Workgroup on Vexatious Litigants*, Fla. Admin. Order no. AOSC24-19 (April 26, 2024), (<https://supremecourt.flcourts.gov/content/download/2424918/file/AOSC24-19.pdf>).

⁹ *Workgroup on Vexatious Litigants, Final Report and Recommendations*, The Florida Supreme Court, (Sept. 6, 2024) <https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24.pdf>.

exempted under the Constitution. This right of access to inspect or copy records encompasses records of the judicial branch.¹⁰

Separation of Powers and the Judicial Branch

However, under the doctrine of separation of powers found in Article II, section 3 of the State Constitution, the Florida Supreme Court has the authority to regulate the public's access to judicial records and bears the responsibility to protect records of the judicial branch.¹¹ To implement this "inherent authority," the Court adopted what is now referred to as Rule of General Practice and Judicial Administration 2.420.¹² The rule governs public access to judicial branch records and provides which records are exempt from the public.

In its report, the workgroup noted that under existing law, "even the most inflammatory and palpably false allegations struck by the court remain in the public record." The workgroup further noted that its authority to seal records has its limitations and concluded that the "only tool available to prevent the ongoing publication" of the defamatory remarks was a public records exemption.¹³ Accordingly, the substance of that conclusion is contained in this bill.

Open Government Sunset Review Act – Exceptions for the Judicial Branch

The "Open Government Sunset Review Act" contained in s. 119.15, F.S., provides for the review and repeal or reenactment of an exemption in the 5th year after the enactment of a new exemption or substantial amendment of an existing exemption. However, these requirements do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System. As such, public records exemptions enacted by the Legislature which apply solely to the State Court System are not subject to the 5 year review.

III. Effect of Proposed Changes:

The bill exempts from public disclosure any matter in a pleading, a request for relief, or other document that has been stricken by the court in a noncriminal case pursuant to the rules of court if the court finds the matter:

- Is immaterial, impertinent, or sham; and
- Would defame an individual or cause unwarranted damage to that person's good name or reputation or jeopardize his or her safety.

The bill contains a statement of public necessity that must accompany a public records exemption. The statement recounts that it is a public necessity that an immaterial, impertinent, or sham matter that would defame or cause unwarranted damage to the good name or reputation of

¹⁰ FLA. CONST. art. I, s. 24.

¹¹ See *supra* note 9 which cites *Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988) and *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

¹² See *supra* note 9. The rule is found here: <https://www.flcourts.gov/content/download/219096/file/RULE-2-420-Jan2014.pdf>.

¹³ *Workgroup on Vexatious Litigants, Final Report and Recommendations*, The Florida Supreme Court, 42-43 (Sept. 6, 2024), <https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%20209-6-24.pdf>.

an individual or jeopardize his or her safety, and that has been stricken by a court in a noncriminal case be made confidential and exempt from public record provisions. This is necessary because the stricken matters would cause unwarranted and ongoing harm if they remain in the public record. These matters also serve no identifiable public purpose. The potential harm that could result from the release of the information outweighs the public benefit that could be derived from the information if it were disclosed.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 creates a new exemption, 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 that an exemption to the public records requirements be no broader than necessary to accomplish the stated purpose of the law. This bill exempts from the public records requirements only specific matters in noncriminal cases. 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:

The bill may reduce the financial harm to individuals which results from defamatory information in court files.

C. Government Sector Impact:

Judges and court clerks may have additional workloads resulting from the need to redact information in filed documents. An amendment to Florida Rule of General Practice and Judicial Administration 2.420(d)(1)(B) might be needed to incorporate the provisions of the public records exemption.¹⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0714 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 19, 2025:

The committee substitute differs from the underlying bill by:

- Replacing the term “information in a document” with the expanded term “matter in a pleading, a request for relief, or other document ... pursuant to the rules of court.”
- Replaces the word “untrue” with the word “sham,” which is a term of art having a specific meaning.
- Deletes the retroactive provision.

¹⁴ SB 1652 Judicial Impact Statement 2025, Office of the State Courts Administrator (March 17, 2025) (on file with the Senate Committee on Judiciary).

- Deletes the 5-year legislative review process under the Open Government Sunset Review.
- Changes the effective date to July 1, 2025, and removes the reference to the bill being tied to SB 1650.

B. Amendments:

None.

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



268404

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (m) is added to subsection (1) of
section 119.0714, Florida Statutes, to read:

119.0714 Court files; court records; official records.—

(1) COURT FILES.—Nothing in this chapter shall be construed
to exempt from s. 119.07(1) a public record that was made a part
of a court file and that is not specifically closed by order of
court, except:



268404

(m) Any matter in a pleading, a request for relief, or other document that has been stricken by the court in a noncriminal case pursuant to the rules of court if the court finds that such matter:

1. Is immaterial, impertinent, or sham; and
2. Would defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual.

Section 2. The Legislature finds that it is a public necessity that an immaterial, impertinent, or sham matter that would defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual, and that has been stricken by a court in a noncriminal case, be made confidential and exempt from s. 119.071(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that such stricken matters, if they remain in the public record, cause unwarranted and ongoing harm to affected persons and serve no identifiable public purpose. The Legislature further finds that the harm that may result from the release of such stricken matters outweighs any public benefit that may be derived from the disclosure of the stricken matter.

Section 3. This act shall take effect July 1, 2025.

===== 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



268404

41 An act relating to public records; amending s.
42 119.0714, F.S.; providing an exemption from public
43 records requirements for a matter in a pleading, a
44 request for relief, or other document which has been
45 stricken by the court in a noncriminal case if the
46 court makes specific findings; providing a statement
47 of public necessity; providing an effective date.

By Senator Grall

29-00955-25

20251652__

A bill to be entitled

An act relating to public records; amending s.

119.0714, F.S.; providing an exemption from public records requirements for information in a pleading, a request for relief, or other document which has been stricken by the court in a noncriminal case if the court makes specific findings; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraph (m) is added to subsection (1) of section 119.0714, Florida Statutes, to read:

119.0714 Court files; court records; official records.—

(1) COURT FILES.—Nothing in this chapter shall be construed to exempt from s. 119.07(1) a public record that was made a part of a court file and that is not specifically closed by order of court, except:

(m)1. Any information in a document which has been stricken by the court in a noncriminal case if the court finds that such information:

a. Is immaterial, impertinent, or untrue; and

b. Would defame or cause unwarranted damage to the name or reputation of an individual or jeopardize the safety of an individual.

2. The public records exemption provided in this paragraph any document stricken by the court in noncriminal cases before,

29-00955-25

20251652__

on, or after the effective date of this exemption.

3. 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 by the Legislature.

Section 2. The Legislature finds that it is a public necessity that immaterial, impertinent, or untrue information contained in a document which has been stricken by a court in a noncriminal case be made confidential and exempt from s. 119.0714(1), Florida Statutes, and s. 24(a), Article I of the State Constitution and that such exemption be applied retroactively. The Legislature finds that such information would defame or cause unwarranted damages to the name and reputation of an individual, and that such information may jeopardize the safety of an individual. The Legislature further finds that the harm that may result from the release of such stricken information outweighs any public benefit that may be derived from the disclosure of the stricken information.

Section 3. This act shall take effect on the same date that SB 1650 or similar legislation takes effect, if such legislation is adopted in the same session or an extension thereof and becomes a law.



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: March 7, 2025

I respectfully request that **Senate Bill #1652**, relating to Public Records/ Pleading, Request for Relief, or Other Document Stricken by a Court, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Senator Erin Grall
Florida Senate, District 29

March 19, 2025

Meeting Date

Judiciary Committee

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 1652

Bill Number or Topic

Amendment Barcode (if applicable)

Name Judge Christopher Kelly - Workgroup on Vexatious Litigants

Phone (386) 822-5016

Address 101 N. Alabama Ave.

Street

DeLand

City

Florida

State

32724

Zip

Email _____

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

OFFICE OF THE STATE COURTS ADMINISTRATOR
2025 JUDICIAL IMPACT STATEMENT

DATE: March 17, 2025

BILL NUMBER: SB 1652

SPONSOR(S): Senator Grall

STATUTE(S) AFFECTED: s. 119.0714, F.S.

COMPANION BILL(S): HB 1569 (Representative Johnson)

AGENCY CONTACT: Tashiba Robinson, Chief of Legislative Affairs

TELEPHONE: (850) 922-5692

ASSIGNED OSCA STAFF: DWM

I. **SUMMARY:**

The bill prevents the continued publication of information stricken from a court record in noncriminal cases when the court has determined the matter is immaterial, impertinent, or sham, and would defame or cause other specified harm to an individual. Without a public records exemption, such stricken information remains publicly accessible in a court file.

II. **ANALYSIS:**

Current Situation:

Motions to strike pleadings are used in legal proceedings to remove redundant, immaterial, impertinent, or scandalous allegations from a court filing or to challenge the validity of a sham defense. When a court strikes a pleading or portion thereof, the stricken matter is disregarded and treated as if it never existed. Striking the pleadings is a severe sanction, reserved for extreme situations. Although the stricken matter is removed from consideration by the judge and jury, it remains accessible as a public record in the court file.

Article I, section 24(a), of the Florida Constitution guarantees the public's right to inspect any public record related to the official business of the state, including judicial branch records, unless exempted by the Legislature. There is no exemption from public records requirements for matters stricken from a court file. Additionally, existing court rules allow sealing of court records only when necessary to prevent substantial injury to a party or innocent third parties, and only matters peripheral to the litigation may be sealed for parties.

OFFICE OF THE STATE COURTS ADMINISTRATOR
2025 JUDICIAL IMPACT STATEMENT

The court's limited authority to seal harmful matter is further compounded by the litigation privilege, which shields false and inflammatory allegations from defamation liability if they bear any relation to a lawsuit. As a result, litigants have little deterrent from making harmful allegations that remain publicly accessible long after litigation ends.

In 2021, pursuant to *In re: Workgroup on Sanctions for Vexatious and Sham Litigation*, Fla. Admin Order No. AOSC21-62 (Dec. 9, 2021), the Workgroup on Sanctions for Vexatious and Sham Litigation (Initial Workgroup) was established by the Florida Supreme Court and charged with recommending necessary statutory and rule amendments to improve the handling of improper litigation. The Initial Workgroup recommended creating a public records exemption for stricken matters that would defame and harm a party or third party but did not propose specific legislation.

Subsequently, the Florida Supreme Court established the Workgroup on Vexatious Litigants (Reconvened Workgroup) to make recommendations to protect individuals from the public disclosure of defamatory and harmful matters that have been stricken from noncriminal court filings. *See In re: Workgroup on Vexatious Litigants*, Fla. Admin. Order No. AOSC24-19 (April 26, 2024). The Reconvened Workgroup issued its final report and recommendations on September 6, 2024.

SB 1652 substantially implements the Reconvened Workgroup's recommendations to protect individuals from the public disclosure of defamatory and harmful matters that have been stricken from noncriminal court filings.

II. EFFECT OF PROPOSED CHANGES:

The bill amends s. 119.0714, F.S., to create a public records exemption for information in a court file which has been stricken by the court in a noncriminal case if the court finds:

- The stricken information is immaterial, impertinent, or untrue; and
- The information would defame or cause unwarranted damage to the name or reputation of an individual or jeopardize the safety of an individual.

The bill provides for retroactive application of the exemption and provides that the exemption is subject to the Open Government Sunset Review Act.

OFFICE OF THE STATE COURTS ADMINISTRATOR
2025 JUDICIAL IMPACT STATEMENT

III. **ANTICIPATED JUDICIAL OR COURT WORKLOAD IMPACT:**

Judicial workload may slightly increase due to litigants seeking to invoke the exemption.

IV. **IMPACT TO COURT RULES/JURY INSTRUCTIONS:**

If the Legislature approves the proposed public records exemption, an amendment to Florida Rule of General Practice and Judicial Administration 2.420(d)(1)(B) may be required to incorporate the provisions of the proposed public records exemption.

V. **ESTIMATED FISCAL IMPACTS ON THE JUDICIARY:**

A. **Revenues:** None.

B. **Expenditures:** The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting from litigants seeking to invoke the exemption from public records, as discussed in Section III, above.

CourtSmart Tag Report

Room: SB 110
Caption: Senate Judiciary Committee

Case No.:

Type:
Judge:

Started: 3/19/2025 9:01:19 AM
Ends: 3/19/2025 10:14:41 AM **Length:** 01:13:23

9:01:24 AM Chair Yarborough calls meeting to order
9:01:29 AM Roll Call
9:01:42 AM Chair Yarborough makes opening remarks
9:02:04 AM Tab 4, SB 20 by Senator Burgess, Relief of J.N., a Minor, by Hillsborough County
9:02:06 AM Chair Yarborough recognizes Senator Burgess
9:02:14 AM Senator Burgess explains the bill
9:03:46 AM Senator Burgess waives close
9:03:50 AM Roll Call
9:04:24 AM Tab 11, SB 520 by Senator Burgess, Curators of Estates
9:04:29 AM Chair Yarborough recognizes Senator Burgess
9:04:36 AM Senator Burgess explains the bill
9:05:02 AM Amendment Barcode #912258
9:05:12 AM Senator Burgess explains the amendment
9:05:20 AM Chair Yarborough reports the amendment
9:05:43 AM Chair Yarborough recognizes public testimony
9:05:53 AM Senator Burgess waives close
9:05:57 AM Roll Call
9:06:20 AM Tab 3, SB 14 by Senator Jones, Relief of the Estate of Peniel Janvier by the City of Miami Beach
9:06:42 AM Chair Yarborough recognizes Senator Jones
9:06:48 AM Senator Jones explains the bill
9:07:24 AM Senator Jones waives close
9:07:28 AM Roll Call
9:07:55 AM Tab 2, SB 10 by Senator Pizzo on Relief of Sidney Holmes by the State of Florida
9:08:12 AM Chair Yarborough recognizes Senator Pizzo
9:08:22 AM Amendment Barcode# 607118
9:08:29 AM Senator Pizzo explains the amendment
9:09:16 AM Chair Yarborough reports amendment
9:09:26 AM Chair Yarborough recognizes public testimony:
9:09:45 AM Sidney Holmes
9:10:17 AM Debate:
9:10:19 AM Senator Hooper
9:11:00 AM Senator Pizzo closes on the bill
9:11:25 AM Roll Call
9:11:54 AM Tab 10, SB 386 by Senator Harrell on Self-storage Spaces
9:12:09 AM Chair Yarborough recognizes Senator Harrell
9:12:16 AM Senator Harrell explains the bill
9:14:13 AM Amendment Barcode #657096
9:14:23 AM Senator Harrell explains the amendment
9:14:55 AM Chair Yarborough recognizes public testimony
9:15:07 AM Chair Yarborough reports amendment
9:15:20 AM Chair Yarborough recognizes public testimony:

9:15:41 AM Carolyn Nolte, Florida Press Association
9:19:17 AM Anna Higgins, Self Storage Association
9:22:56 AM Senator Burton
9:22:58 AM Anna Higgins
9:23:01 AM Gail Hope
9:24:18 AM Senator Harrell closes on the bill
9:25:11 AM Roll Call
9:25:43 AM Tab 1, SB 8 by Senator Simon on Relief of Marcus Button by the Pasco County School Board
9:25:57 AM Chair Yarborough recognizes Senator Simon
9:26:03 AM Senator Simon explains the bill
9:27:28 AM Chair Yarborough reads appearance cards waiving
9:27:39 AM Debate:
9:27:41 AM Senator Hooper
9:27:56 AM Senator Simon waives close
9:28:01 AM Roll Call
9:28:33 AM Senator Gaetz
9:28:45 AM Senator Simon
9:29:00 AM Tab 7, CS/SB 248 by Senator Simon on Student Participation in Interscholastic and Intrasccholastic Extracurricular Sports
9:29:09 AM Chair Yarborough recognizes Senator Simon
9:29:18 AM Senator Simon explains the bill
9:29:56 AM Amendment Barcode #847808
9:30:09 AM Senator Simon explains the amendment
9:30:25 AM Senator Simon closes on the amendment
9:31:31 AM Chair Yarborough reports amendment
9:31:44 AM Questions:
9:31:46 AM Senator Polsky
9:32:05 AM Senator Simon
9:32:25 AM Senator Polsky
9:32:49 AM Senator Simon
9:33:12 AM Senator Polsky
9:33:49 AM Senator Simon
9:34:12 AM Senator Burton
9:34:24 AM Senator Simon
9:34:33 AM Chair Yarborough recognizes public testimony:
9:34:58 AM Trevor Huff, Pensacola Christian College
9:38:45 AM Question:
9:38:48 AM Senator Burton
9:39:18 AM Trevor Huff
9:39:21 AM Senator Burton
9:39:50 AM Trevor Huff
9:40:18 AM Senator Burton
9:40:28 AM Trevor Huff
9:40:51 AM Zahira Pena-Andino
9:42:00 AM Chair Yarborough reads appearance cards waiving
9:42:15 AM Debate:
9:42:17 AM Senator Polsky
9:45:03 AM Senator Simon closes on the bill
9:47:04 AM Roll Call
9:47:44 AM Tab 5, SB 22 by Senator Rodriguez on Relief of Eric Miles, Jr, and Jennifer Miles by the South Broward Hospital District

9:47:52 AM Chair Yarborough recognizes Senator Rodriguez
9:47:59 AM Senator Rodriguez explains the bill
9:48:34 AM Senator Rodriguez waives close
9:48:40 AM Roll Call
9:49:04 AM Tab 6, SB 26 by Senator Gruters on Relief of Kristen and Lia McIntosh by the Department of Agriculture and Consumer Services
9:49:15 AM Chair Yarborough recognizes Senator Gruters
9:49:25 AM Senator Gruters explains the bill
9:50:15 AM Amendment Barcode #550226
9:50:25 AM Senator Gruters explains the amendment
9:50:34 AM Chair Yarborough reports amendment
9:50:53 AM Senator Gruters waives close
9:51:03 AM Roll Call
9:51:32 AM Tab 12, SB 1650 by Senator Grall on Vexatious Litigants
9:51:46 AM Chair Yarborough recognizes Senator Grall
9:51:53 AM Senator Grall explains the bill
9:54:23 AM Questions:
9:54:40 AM Senator Berman
9:54:48 AM Senator Grall
9:55:06 AM Senator Berman
9:55:23 AM Senator Grall
9:55:58 AM Senator Berman
9:56:01 AM Senator Grall
9:56:25 AM Senator Berman
9:56:41 AM Senator Grall
9:56:44 AM Senator Berman
9:56:54 AM Senator Grall
9:57:28 AM Amendment Barcode #595830
9:57:37 AM Senator Grall explains the amendment
9:57:51 AM Senator Grall waives close
9:57:56 AM Chair Yarborough reports amendment
9:58:10 AM Chair Yarborough reads public testimony
9:58:23 AM Senator Grall waives close
9:58:25 AM Roll Call
9:58:47 AM Tab 13, SB 1652 by Senator Grall on Public Records/Pleading, Request for Relief, or Other Documents Stricken by a Court
9:58:56 AM Chair Yarborough recognizes Senator Grall
9:59:04 AM Amendment Barcode 268404
9:59:15 AM Senator Grall explains the amendment
9:59:58 AM Senator Grall waives close
10:00:02 AM Chair Yarborough reports amendment
10:00:12 AM Chair Yarborough reads appearance cards waiving
10:00:23 AM Senator Grall waives close
10:00:28 AM Roll Call
10:00:56 AM Tab 9, SB 362 by Senator Osgood on Reusable Tenant Screening Reports
10:01:14 AM Chair Yarborough recognizes Senator Osgood
10:01:20 AM Senator Osgood explains the bill
10:02:47 AM Questions:
10:02:51 AM Senator Burton
10:03:07 AM Senator Osgood
10:03:50 AM Senator Burton
10:03:55 AM Senator Osgood

10:04:13 AM Senator Burton
10:04:20 AM Senator Osgood
10:04:41 AM Senator Burton
10:04:56 AM Amendment Barcode #744286
10:05:04 AM Senator Osgood explains the amendment
10:07:01 AM Senator Osgood waives close
10:07:05 AM Chair Yarborough reports amendment
10:07:24 AM Senator Osgood waives close
10:07:28 AM Roll Call
10:07:56 AM Tab 8, SB 316 by Senator Berman on Limited Liability Companies
10:08:07 AM Chair Yarborough recognizes Senator Berman
10:08:17 AM Senator Berman explains the bill
10:09:56 AM Questions:
10:09:58 AM Senator Passidomo
10:10:33 AM Senator Berman
10:11:42 AM Chair Yarborough reads appearance cards waiving
10:11:52 AM Debate:
10:11:53 AM Senator Passidomo
10:12:37 AM Senator Berman closes on the bill
10:13:05 AM Roll Call
10:13:35 AM Chair Yarborough recognizes Senators making motions to record missed votes
10:13:46 AM Senator Osgood
10:14:01 AM Senator DiCeglie
10:14:25 AM Senator Leek moves to adjourn
10:14:33 AM Meeting adjourned