

Tab 1	SB 278 by Martin; Estoppel Certificates					
--------------	--	--	--	--	--	--

Tab 2	SB 234 by Polsky (CO-INTRODUCERS) Martin; (Similar to H 00117) Disclosure of Grand Jury Testimony					
--------------	--	--	--	--	--	--

103388	A	S	RCS	JU, Polsky	Delete L.67:	12/13 10:06 AM
--------	---	---	-----	------------	--------------	----------------

Tab 3	SB 462 by Grall; (Similar to H 00461) Excusal From Jury Service					
--------------	--	--	--	--	--	--

668184	A	S	RCS	JU, Grall	Delete L.13 - 16:	12/13 10:06 AM
--------	---	---	-----	-----------	-------------------	----------------

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Yarborough, Chair
Senator Burton, Vice Chair

MEETING DATE: Wednesday, December 13, 2023

TIME: 9:00—10:30 a.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Yarborough, Chair; Senator Burton, Vice Chair; Senators Albritton, Book, Boyd, Broxson, DiCeglie, Harrell, Stewart, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 278 Martin	Estoppel Certificates; Prohibiting community associations from charging a fee for the production and delivery of estoppel certificates, etc. JU 12/13/2023 Temporarily Postponed FP	Temporarily Postponed
2	SB 234 Polsky (Similar H 117)	Disclosure of Grand Jury Testimony; Revising the list of persons prohibited from disclosing the testimony of a witness examined before, or the evidence received by, a grand jury; creating an exception for a request by the media or an interested person to the prohibited publishing, broadcasting, disclosing, divulging, or communicating of any testimony of a witness examined before the grand jury, or the content, gist, or import thereof; providing criminal penalties, etc. JU 12/13/2023 Fav/CS CJ RC	Fav/CS Yeas 8 Nays 0
3	SB 462 Grall (Similar H 461)	Excusal From Jury Service; Requiring that a woman who has recently given birth be excused from certain jury service under specified conditions, etc. JU 12/13/2023 Fav/CS HP RC	Fav/CS Yeas 8 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 278

INTRODUCER: Senator Martin

SUBJECT: Estoppel Certificates

DATE: December 12, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Pre-meeting
2.			FP	

I. Summary:

SB 278 repeals the statutory authority of a condominium, cooperative, or homeowners association to charge a fee for preparation and delivery of an estoppel certificate. Instead, the bill requires an association to furnish an estoppel certificate within 10 business days after a request and without charge. Estoppel certificates protect the buyer and the closing agent from otherwise undisclosed financial obligations or unresolved violations of the covenants and rules of the association.

The bill is effective July 1, 2024.

II. Present Situation:

Estoppel Certificates

In general, an estoppel certificate is a legal document that stops someone from later claiming different facts or terms regarding an agreement.¹ It is sometimes referred to as an estoppel letter.

In regards to real estate, estoppel certificates are typically used to confirm amounts of moneys owed that attach to a certain piece of property, such as mortgage debt, condominium association fees, homeowners' association fees, and outstanding claims or deposits due to tenants. Estoppel certificates are sought prior to closing on a real estate transaction as part of the closing agent's due diligence. Closing agents rely on estoppel certificates to determine proper amounts due as part of the settlement process, and real estate purchasers rely on such certificates to warrant that old charges or violations will not appear after closing.

¹ *Estoppel Letter*, CREPedia, <https://www.crepedia.com/dictionary/definitions/estoppel-letter/> (last visited Nov. 30, 2023); and *What is an Estoppel Certificate*, Redfin <https://www.redfin.com/definition/estoppel-certificate> (last visited Nov. 30, 2023).

Where the property being transferred is subject to a condominium association, cooperative association, or homeowners' association, a closing agent will solicit an estoppel certificate from the association to determine if any past due monies are due the association, determine the proper allocation of current assessments between the seller and buyer, and certify whether there are any unresolved violations of the covenants and restrictions.

The forms of these estoppel certificates are provided in the statutes. The forms that apply to condominiums, cooperatives and homeowners' associations are nearly the same. The estoppel certificate must contain all of the following information and must be substantially in the following form:

1. Date of issuance: _____
2. Name(s) of the unit owner(s) as reflected in the books and records of the association: _____
3. Unit designation and address: _____
4. Parking or garage space number, as reflected in the books and records of the association: _____
5. Attorney's name and contact information if the account is delinquent and has been turned over to an attorney for collection. No fee may be charged for this information.
6. Fee for the preparation and delivery of the estoppel certificate: _____
7. Name of the requestor: _____
8. Assessment information and other information: _____

Assessment Information:

- a. The regular periodic assessment levied against the unit is \$ _____ per (insert frequency of payment).
- b. The regular periodic assessment is paid through (insert date paid through).
- c. The next installment of the regular periodic assessment is due (insert due date) in the amount of \$ _____
- d. An itemized list of all assessments, special assessments, and other moneys owed on the date of issuance to the association by the unit owner for a specific unit is provided.
- e. An itemized list of any additional assessments, special assessments, and other moneys that are scheduled to become due for each day after the date of issuance for the effective period of the estoppel certificate is provided. In calculating the amounts that are scheduled to become due, the association may assume that any delinquent amounts will remain delinquent during the effective period of the estoppel certificate.

Other Information:

- f. Is there a capital contribution fee, resale fee, transfer fee, or other fee due? ____ (Yes) ____ (No). If yes, specify the type and the amount of the fee.
- g. Is there any open violation of rule or regulation noticed to the unit owner in the association official records? ____ (Yes) ____ (No).
- h. Do the rules and regulations of the association applicable to the unit require approval by the board of directors of the association for the transfer of the unit? ____ (Yes) ____ (No). If yes, has the board approved the transfer of the unit? ____ (Yes) ____ (No).

- i. Is there a right of first refusal provided to the members or the association? _____ (Yes) _____ (No). If yes, have the members or the association exercised that right of first refusal? _____ (Yes) _____ (No).
- j. Provide a list of, and contact information for, all other associations of which the unit is a member.
- k. Provide contact information for all insurance maintained by the association.
- l. Provide the signature of an officer or authorized agent of the association.

Completing the form requires time and skill. The association risks a financial loss should it incorrectly calculate monies due and thereafter is unable to collect; and the association risks an inability to enforce its covenants and rules if a current violation is overlooked. The applicable statutes allow an association up to 10 business days to furnish the certificate, and waive the fees if the certificate is furnished after the deadline.

To account for the time and risk of production, current law allows the association to charge up to \$299 for a single unit or parcel, plus \$119 for expedited service (3 business days rather than 10) and plus \$179 should the owner's account be delinquent at the time.² A sliding scale applies to a certificate covering multiple units.³ The fees were originally set in 2017,⁴ the current fees were set in 2022 pursuant to an inflationary adjustment, and are scheduled for inflationary adjustment again in 2027 and every 5 years thereafter.

Practical Considerations

Often, associations do not prepare estoppel certificates. Their management firms prepare them. Some associations keep estoppel certificate fees as additional income, but others give some or all of the fee to the management firm as additional income to account for the added work and related assumption of liability. Statutory changes to the estoppel certificate fees which occur during the term of a management agreement may impact community association managers, associations, owners, and their respective reasonable contract expectations. Statutory changes to the fee may also impact association budgets and may require mid-year amendments to association budgets.

It is reported that some associations are effectively charging fees in excess of those authorized by the statutes. They do so by adding additional fees that are designated by other titles, such as "convenience fee," "archive fee," "service fee," "processing fee," or "third party fee."⁵ Current law implies that such add-on fees are not authorized, but does not specifically prohibit such add-on fees.

² Department of Business and Professional Regulation, Estoppel Certificate Fees Revised: Chapter 2017-93 Laws of Florida, http://www.myfloridalicense.com/dbpr/lsc/documents/ESTOPPEL_CERTIFICATE_FEES.pdf

³ For 25 or fewer units, \$896; for 26 to 50 units, \$1,194; for 51 to 100 units, \$1,791; and for more than 100 units, \$2,985.

⁴ Chapter 2017-93, Laws of Fla.

⁵ Examples are on file with the Senate Committee on Judiciary.

III. Effect of Proposed Changes:

The bill repeals the statutory authority of a condominium, cooperative, or homeowners association to charge a fee for the preparation and delivery of an estoppel certificate, and requires an association to furnish an estoppel certificate free of charge within 10 business days.

The bill takes effect July 1, 2024.

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:

Under Florida law, statutes are presumed to operate prospectively, not retroactively. In other words, statutes generally apply only to actions that occur on or after the effective date of the legislation, not before the legislation becomes effective. The Florida Supreme Court has noted that, under the rules of statutory construction, if statutes are to operate retroactively, the Legislature must clearly express that intent for the statute to be valid.⁶ When statutes that are expressly retroactive have been litigated and appealed, the courts have been asked to determine whether the statute applies to cases that were pending at the time the statute went into effect. The conclusion often depends on whether the statute is procedural or substantive.

In a recent Florida Supreme Court case, the Court acknowledged that “[t]he distinction between substantive and procedural law is neither simple nor certain.”⁷ The Court further acknowledged that their previous pronouncements regarding the retroactivity of procedural laws have been less than precise and have been unclear.⁸

⁶ *Walker & LaBerge, Inc., v. Halligan*, 344 So. 2d 239 (Fla. 1977).

⁷ *Love v. State*, 286 So. 3d 177, 183 (Fla. 2019) (quoting *Caple v. Tuttle’s Design-Build, Inc.*, 753 So. 2d 49, 53 (Fla. 2000)).

⁸ *Love*, at 184.

Courts, however, have invalidated the retroactive application of a statute if the statute impairs vested rights, creates new obligations, or imposes new penalties.⁹ Still, in other cases, the courts have permitted statutes to be applied retroactively if they do not create new, or take away, vested rights, but only operate to further a remedy or confirm rights that already exist.¹⁰

Florida's contracts clause states that "no bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed."¹¹ Regarding the impairment of an existing contract by the retroactive application of a statute, the Florida Supreme Court recently said:

"[V]irtually no degree of contract impairment is tolerable." However, we also recognized that the holding that "virtually" no impairment is tolerable "necessarily implies that some impairment is tolerable." The question thus becomes how much impairment is tolerable and how to determine that amount. To answer that question, in *Pomponio* we proposed a balancing test that "allow[ed] the court to consider the actual effect of the provision on the contract and to balance a party's interest in not having the contract impaired against the State's source of authority and the evil sought to be remedied." "[T]his becomes a balancing process to determine whether the nature and extent of the impairment is constitutionally tolerable in light of the importance of the State's objective, or whether it unreasonably intrudes into the parties' bargain to a degree greater than is necessary to achieve that objective."

An impairment may be constitutional if it is reasonable and necessary to serve an important public purpose. However, where the impairment is severe, "[t]he severity of the impairment is said to increase the level of scrutiny to which the legislation will be subjected." There must be a "significant and legitimate public purpose behind the regulation."¹²

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may reduce revenues to community associations and their management companies related to the preparation and delivery of an estoppel certificate. The lost revenues may create incentives for associations and management companies to raise other assessments or fees.

⁹ *R.A.M. of South Florida, Inc. v. WCI Communities, Inc.*, 869 So. 2d 1210, 1217 (Fla. 2004) (quoting *LaForet* 658 So. 2d 55, 61 (Fla. 1995)).

¹⁰ *Ziccardi v. Strother*, 570 So. 2d 1319 (Fla. 2d DCA 1990).

¹¹ FLA. CONST. art. I, s. 10.

¹² *Searcy, Denney, Scarola, Barnhart & Shipley, etc. v. State*, 209 So. 3d 1181, 1192 (Fla. 2017) (internal citations omitted for clarity).

The bill may reduce expenditures for those seeking an estoppel certificate as part of a real estate transaction. The elimination of the estoppel certificates fees may facilitate real estate transactions by reducing transaction costs.

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: 718.116, 719.108, and 720.30851.

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 Martin

33-00343A-24

2024278__

1 A bill to be entitled
 2 An act relating to estoppel certificates; amending ss.
 3 718.116, 719.108, and 720.30851, F.S.; prohibiting
 4 community associations from charging a fee for the
 5 production and delivery of estoppel certificates;
 6 providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Paragraphs (a) and (d) through (i) of subsection
 11 (8) of section 718.116, Florida Statutes, are amended to read:
 12 718.116 Assessments; liability; lien and priority;
 13 interest; collection.—
 14 (8) Within 10 business days after receiving a written or
 15 electronic request therefor from a unit owner or the unit
 16 owner's designee, or a unit mortgagee or the unit mortgagee's
 17 designee, the association shall issue the estoppel certificate.
 18 Each association shall designate on its website a person or
 19 entity with a street or e-mail address for receipt of a request
 20 for an estoppel certificate issued pursuant to this section. The
 21 estoppel certificate must be provided by hand delivery, regular
 22 mail, or e-mail to the requestor on the date of issuance of the
 23 estoppel certificate.
 24 (a) An estoppel certificate may be completed by any board
 25 member, authorized agent, or authorized representative of the
 26 association, including any authorized agent, authorized
 27 representative, or employee of a management company authorized
 28 to complete this form on behalf of the board or association. The
 29 estoppel certificate must contain all of the following

Page 1 of 15

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

33-00343A-24

2024278__

30 information and must be substantially in the following form:
 31 1. Date of issuance:....
 32 2. Name(s) of the unit owner(s) as reflected in the books
 33 and records of the association:....
 34 3. Unit designation and address:....
 35 4. Parking or garage space number, as reflected in the
 36 books and records of the association:....
 37 5. Attorney's name and contact information if the account
 38 is delinquent and has been turned over to an attorney for
 39 collection. No fee may be charged for this information.
 40 6. ~~Fee for the preparation and delivery of the estoppel~~
 41 ~~certificate:....~~
 42 ~~7.~~ Name of the requestor:....
 43 7.8. Assessment information and other information:
 44
 45 ASSESSMENT INFORMATION:
 46
 47 a. The regular periodic assessment levied against the unit
 48 is \$.... per ...(insert frequency of payment)....
 49 b. The regular periodic assessment is paid through
 50 ...(insert date paid through)....
 51 c. The next installment of the regular periodic assessment
 52 is due ...(insert due date)... in the amount of \$.....
 53 d. An itemized list of all assessments, special
 54 assessments, and other moneys owed on the date of issuance to
 55 the association by the unit owner for a specific unit is
 56 provided.
 57 e. An itemized list of any additional assessments, special
 58 assessments, and other moneys that are scheduled to become due

Page 2 of 15

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

33-00343A-24

2024278__

for each day after the date of issuance for the effective period of the estoppel certificate is provided. In calculating the amounts that are scheduled to become due, the association may assume that any delinquent amounts will remain delinquent during the effective period of the estoppel certificate.

OTHER INFORMATION:

f. Is there a capital contribution fee, resale fee, transfer fee, or other fee due?(Yes)(No). If yes, specify the type and the amount of the fee.

g. Is there any open violation of rule or regulation noticed to the unit owner in the association official records?(Yes)(No).

h. Do the rules and regulations of the association applicable to the unit require approval by the board of directors of the association for the transfer of the unit?(Yes)(No). If yes, has the board approved the transfer of the unit?(Yes)(No).

i. Is there a right of first refusal provided to the members or the association?(Yes)(No). If yes, have the members or the association exercised that right of first refusal?(Yes)(No).

j. Provide a list of, and contact information for, all other associations of which the unit is a member.

k. Provide contact information for all insurance maintained by the association.

l. Provide the signature of an officer or authorized agent of the association.

33-00343A-24

2024278__

The association, at its option, may include additional information in the estoppel certificate.

~~(d) If an association receives a request for an estoppel certificate from a unit owner or the unit owner's designee, or a unit mortgagee or the unit mortgagee's designee, and fails to deliver the estoppel certificate within 10 business days, a fee may not be charged for the preparation and delivery of that estoppel certificate.~~

~~(e)~~ A summary proceeding pursuant to s. 51.011 may be brought to compel compliance with this subsection, and in any such action the prevailing party is entitled to recover reasonable attorney fees.

(e)(f) An association may not charge a fee for the preparation and delivery of an estoppel certificate
~~Notwithstanding any limitation on transfer fees contained in s. 718.112(2)(k), an association or its authorized agent may charge a reasonable fee for the preparation and delivery of an estoppel certificate, which may not exceed \$250, if, on the date the certificate is issued, no delinquent amounts are owed to the association for the applicable unit. If an estoppel certificate is requested on an expedited basis and delivered within 3 business days after the request, the association may charge an additional fee of \$100. If a delinquent amount is owed to the association for the applicable unit, an additional fee for the estoppel certificate may not exceed \$150.~~

~~(g) If estoppel certificates for multiple units owned by the same owner are simultaneously requested from the same association and there are no past due monetary obligations owed~~

33-00343A-24

2024278__

to the association, the statement of moneys due for those units may be delivered in one or more estoppel certificates, and, even though the fee for each unit shall be computed as set forth in paragraph (f), the total fee that the association may charge for the preparation and delivery of the estoppel certificates may not exceed, in the aggregate:

1. For 25 or fewer units, \$750.
2. For 26 to 50 units, \$1,000.
3. For 51 to 100 units, \$1,500.
4. For more than 100 units, \$2,500.

(h) The authority to charge a fee for the preparation and delivery of the estoppel certificate must be established by a written resolution adopted by the board or provided by a written management, bookkeeping, or maintenance contract and is payable upon the preparation of the certificate. If the certificate is requested in conjunction with the sale or mortgage of a unit but the closing does not occur and no later than 30 days after the closing date for which the certificate was sought the preparer receives a written request, accompanied by reasonable documentation, that the sale did not occur from a payer that is not the unit owner, the fee shall be refunded to that payer within 30 days after receipt of the request. The refund is the obligation of the unit owner, and the association may collect it from that owner in the same manner as an assessment as provided in this section. The right to reimbursement may not be waived or modified by any contract or agreement. The prevailing party in any action brought to enforce a right of reimbursement shall be awarded damages and all applicable attorney fees and costs.

(i) The fees specified in this subsection shall be adjusted

33-00343A-24

2024278__

every 5 years in an amount equal to the total of the annual increases for that 5-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items. The Department of Business and Professional Regulation shall periodically calculate the fees, rounded to the nearest dollar, and publish the amounts, as adjusted, on its website.

Section 2. Paragraphs (a) and (d) through (i) of subsection (6) of section 719.108, Florida Statutes, are amended to read:

719.108 Rents and assessments; liability; lien and priority; interest; collection; cooperative ownership.-

(6) Within 10 business days after receiving a written or electronic request for an estoppel certificate from a unit owner or the unit owner's designee, or a unit mortgagee or the unit mortgagee's designee, the association shall issue the estoppel certificate. Each association shall designate on its website a person or entity with a street or e-mail address for receipt of a request for an estoppel certificate issued pursuant to this section. The estoppel certificate must be provided by hand delivery, regular mail, or e-mail to the requestor on the date of issuance of the estoppel certificate.

(a) An estoppel certificate may be completed by any board member, authorized agent, or authorized representative of the association, including any authorized agent, authorized representative, or employee of a management company authorized to complete this form on behalf of the board or association. The estoppel certificate must contain all of the following information and must be substantially in the following form:

1. Date of issuance:....
2. Name(s) of the unit owner(s) as reflected in the books

33-00343A-24

2024278__

and records of the association:....

3. Unit designation and address:....

4. Parking or garage space number, as reflected in the books and records of the association:....

5. Attorney's name and contact information if the account is delinquent and has been turned over to an attorney for collection. No fee may be charged for this information.

~~6. Fee for the preparation and delivery of the estoppel certificate:....~~

~~7.~~ Name of the requestor:....

7.8. Assessment information and other information:

ASSESSMENT INFORMATION:

a. The regular periodic assessment levied against the unit is \$.... per ...(insert frequency of payment)....

b. The regular periodic assessment is paid through ...(insert date paid through)....

c. The next installment of the regular periodic assessment is due ...(insert due date)... in the amount of \$.....

d. An itemized list of all assessments, special assessments, and other moneys owed by the unit owner on the date of issuance to the association for a specific unit is provided.

e. An itemized list of any additional assessments, special assessments, and other moneys that are scheduled to become due for each day after the date of issuance for the effective period of the estoppel certificate is provided. In calculating the amounts that are scheduled to become due, the association may assume that any delinquent amounts will remain delinquent during

Page 7 of 15

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

33-00343A-24

2024278__

the effective period of the estoppel certificate.

OTHER INFORMATION:

f. Is there a capital contribution fee, resale fee, transfer fee, or other fee due?(Yes)(No). If yes, specify the type and amount of the fee.

g. Is there any open violation of rule or regulation noticed to the unit owner in the association official records?(Yes)(No).

h. Do the rules and regulations of the association applicable to the unit require approval by the board of directors of the association for the transfer of the unit?(Yes)(No). If yes, has the board approved the transfer of the unit?(Yes)(No).

i. Is there a right of first refusal provided to the members or the association?(Yes)(No). If yes, have the members or the association exercised that right of first refusal?(Yes)(No).

j. Provide a list of, and contact information for, all other associations of which the unit is a member.

k. Provide contact information for all insurance maintained by the association.

l. Provide the signature of an officer or authorized agent of the association.

The association, at its option, may include additional information in the estoppel certificate.

~~(d) If an association receives a request for an estoppel~~

Page 8 of 15

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

33-00343A-24

2024278

~~certificate from a unit owner or the unit owner's designee, or a unit mortgagee or the unit mortgagee's designee, and fails to deliver the estoppel certificate within 10 business days, a fee may not be charged for the preparation and delivery of that estoppel certificate.~~

~~(e)~~ A summary proceeding pursuant to s. 51.011 may be brought to compel compliance with this subsection, and in any such action the prevailing party is entitled to recover reasonable attorney fees.

(e)(f) An association may not charge a fee for the preparation and delivery of an estoppel certificate
~~Notwithstanding any limitation on transfer fees contained in s. 719.106(1)(i), an association or its authorized agent may charge a reasonable fee for the preparation and delivery of an estoppel certificate, which may not exceed \$250 if, on the date the certificate is issued, no delinquent amounts are owed to the association for the applicable unit. If an estoppel certificate is requested on an expedited basis and delivered within 3 business days after the request, the association may charge an additional fee of \$100. If a delinquent amount is owed to the association for the applicable unit, an additional fee for the estoppel certificate may not exceed \$150.~~

~~(g) If estoppel certificates for multiple units owned by the same owner are simultaneously requested from the same association and there are no past due monetary obligations owed to the association, the statement of moneys due for those units may be delivered in one or more estoppel certificates, and, even though the fee for each unit shall be computed as set forth in paragraph (f), the total fee that the association may charge for~~

33-00343A-24

2024278

~~the preparation and delivery of the estoppel certificates may not exceed, in the aggregate:~~

~~1. For 25 or fewer units, \$750.~~

~~2. For 26 to 50 units, \$1,000.~~

~~3. For 51 to 100 units, \$1,500.~~

~~4. For more than 100 units, \$2,500.~~

~~(h) The authority to charge a fee for the preparation and delivery of the estoppel certificate must be established by a written resolution adopted by the board or provided by a written management, bookkeeping, or maintenance contract and is payable upon the preparation of the certificate. If the certificate is requested in conjunction with the sale or mortgage of a parcel but the closing does not occur and no later than 30 days after the closing date for which the certificate was sought the preparer receives a written request, accompanied by reasonable documentation, that the sale did not occur from a payor that is not the parcel owner, the fee shall be refunded to that payor within 30 days after receipt of the request. The refund is the obligation of the parcel owner, and the association may collect it from that owner in the same manner as an assessment as provided in this section. The right to reimbursement may not be waived or modified by any contract or agreement. The prevailing party in any action brought to enforce a right of reimbursement shall be awarded damages and all applicable attorney fees and costs.~~

~~(i) The fees specified in this subsection shall be adjusted every 5 years in an amount equal to the total of the annual increases for that 5-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items. The~~

33-00343A-24

2024278

291 ~~Department of Business and Professional Regulation shall~~
 292 ~~periodically calculate the fees, rounded to the nearest dollar,~~
 293 ~~and publish the amounts, as adjusted, on its website.~~

294 Section 3. Subsections (1) and (4) through (9) of section
 295 720.30851, Florida Statutes, are amended to read:
 296 720.30851 Estoppel certificates.—Within 10 business days
 297 after receiving a written or electronic request for an estoppel
 298 certificate from a parcel owner or the parcel owner's designee,
 299 or a parcel mortgagee or the parcel mortgagee's designee, the
 300 association shall issue the estoppel certificate. Each
 301 association shall designate on its website a person or entity
 302 with a street or e-mail address for receipt of a request for an
 303 estoppel certificate issued pursuant to this section. The
 304 estoppel certificate must be provided by hand delivery, regular
 305 mail, or e-mail to the requestor on the date of issuance of the
 306 estoppel certificate.

307 (1) An estoppel certificate may be completed by any board
 308 member, authorized agent, or authorized representative of the
 309 association, including any authorized agent, authorized
 310 representative, or employee of a management company authorized
 311 to complete this form on behalf of the board or association. The
 312 estoppel certificate must contain all of the following
 313 information and must be substantially in the following form:

314 (a) Date of issuance:....

315 (b) Name(s) of the parcel owner(s) as reflected in the
 316 books and records of the association:....

317 (c) Parcel designation and address:....

318 (d) Parking or garage space number, as reflected in the
 319 books and records of the association:....

33-00343A-24

2024278

320 (e) Attorney's name and contact information if the account
 321 is delinquent and has been turned over to an attorney for
 322 collection. No fee may be charged for this information.

323 (f) ~~Fee for the preparation and delivery of the estoppel~~
 324 ~~certificate:....~~

325 ~~(g)~~ Name of the requestor:....

326 (g) ~~(h)~~ Assessment information and other information:

327

328 ASSESSMENT INFORMATION:

329

330 1. The regular periodic assessment levied against the
 331 parcel is \$.... per ...(insert frequency of payment)....

332 2. The regular periodic assessment is paid through
 333 ...(insert date paid through)....

334 3. The next installment of the regular periodic assessment
 335 is due ...(insert due date)... in the amount of \$....

336 4. An itemized list of all assessments, special
 337 assessments, and other moneys owed on the date of issuance to
 338 the association by the parcel owner for a specific parcel is
 339 provided.

340 5. An itemized list of any additional assessments, special
 341 assessments, and other moneys that are scheduled to become due
 342 for each day after the date of issuance for the effective period
 343 of the estoppel certificate is provided. In calculating the
 344 amounts that are scheduled to become due, the association may
 345 assume that any delinquent amounts will remain delinquent during
 346 the effective period of the estoppel certificate.

347

348 OTHER INFORMATION:

33-00343A-24

2024278__

6. Is there a capital contribution fee, resale fee, transfer fee, or other fee due?(Yes)(No). If yes, specify the type and amount of the fee.

7. Is there any open violation of rule or regulation noticed to the parcel owner in the association official records?(Yes)(No).

8. Do the rules and regulations of the association applicable to the parcel require approval by the board of directors of the association for the transfer of the parcel?(Yes)(No). If yes, has the board approved the transfer of the parcel?(Yes)(No).

9. Is there a right of first refusal provided to the members or the association?(Yes)(No). If yes, have the members or the association exercised that right of first refusal?(Yes)(No).

10. Provide a list of, and contact information for, all other associations of which the parcel is a member.

11. Provide contact information for all insurance maintained by the association.

12. Provide the signature of an officer or authorized agent of the association.

The association, at its option, may include additional information in the estoppel certificate.

(4) ~~If an association receives a request for an estoppel certificate from a parcel owner or the parcel owner's designee, or a parcel mortgagee or the parcel mortgagee's designee, and fails to deliver the estoppel certificate within 10 business~~

33-00343A-24

2024278__

~~days, a fee may not be charged for the preparation and delivery of that estoppel certificate.~~

~~(5)~~ A summary proceeding pursuant to s. 51.011 may be brought to compel compliance with this section, and the prevailing party is entitled to recover reasonable attorney fees.

(5)(6) An association may not charge a fee for the preparation and delivery of an estoppel certificate ~~or its authorized agent may charge a reasonable fee for the preparation and delivery of an estoppel certificate, which may not exceed \$250, if, on the date the certificate is issued, no delinquent amounts are owed to the association for the applicable parcel. If an estoppel certificate is requested on an expedited basis and delivered within 3 business days after the request, the association may charge an additional fee of \$100. If a delinquent amount is owed to the association for the applicable parcel, an additional fee for the estoppel certificate may not exceed \$150.~~

~~(7) If estoppel certificates for multiple parcels owned by the same owner are simultaneously requested from the same association and there are no past due monetary obligations owed to the association, the statement of moneys due for those parcels may be delivered in one or more estoppel certificates, and, even though the fee for each parcel shall be computed as set forth in subsection (6), the total fee that the association may charge for the preparation and delivery of the estoppel certificates may not exceed, in the aggregate:~~

~~(a) For 25 or fewer parcels, \$750.~~

~~(b) For 26 to 50 parcels, \$1,000.~~

33-00343A-24

2024278__

~~(c) For 51 to 100 parcels, \$1,500.~~

~~(d) For more than 100 parcels, \$2,500.~~

~~(8) The authority to charge a fee for the preparation and delivery of the estoppel certificate must be established by a written resolution adopted by the board or provided by a written management, bookkeeping, or maintenance contract and is payable upon the preparation of the certificate. If the certificate is requested in conjunction with the sale or mortgage of a parcel but the closing does not occur and no later than 30 days after the closing date for which the certificate was sought the preparer receives a written request, accompanied by reasonable documentation, that the sale did not occur from a payor that is not the parcel owner, the fee shall be refunded to that payor within 30 days after receipt of the request. The refund is the obligation of the parcel owner, and the association may collect it from that owner in the same manner as an assessment as provided in this section. The right to reimbursement may not be waived or modified by any contract or agreement. The prevailing party in any action brought to enforce a right of reimbursement shall be awarded damages and all applicable attorney fees and costs.~~

~~(9) The fees specified in this section shall be adjusted every 5 years in an amount equal to the total of the annual increases for that 5-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items. The Department of Business and Professional Regulation shall periodically calculate the fees, rounded to the nearest dollar, and publish the amounts, as adjusted, on its website.~~

Section 4. This act shall take effect July 1, 2024.

Estoppel Certificate
Brookestone Property Owners Association Inc
Aspire Community Management

Property Information:

1901 Tumblewater Blvd
Ocoee, FL 34761
Seller: Richard Koon
Buyer: Carol Constantino

Requestor:

Bowen & Schroth P.A.
Christie Mihm
352-589-1414
Estimated Closing Date: 06-17-2019

General Information

The effective period is 30 days from the date of issuance indicated below.

Additional Owners as reflected in the books and records of the association:

Is this account delinquent?	No
Is this account in collections?	No
Parking space number:	n/a
Garage space number:	n/a
Do the rules and regulations of the association applicable to the unit require approval by the board of directors of the association for the transfer of the unit?	No
If yes, has the board approved the transfer of the unit?	Not Applicable
Is there a right of first refusal provided to the members or the association?	No
If yes, have the members or the association exercised that right of first refusal?	Not Applicable
Is the unit a member of any other associations?	No
What is the regular periodic assessment against the unit?	850.00
What is the frequency of the assessment charge?	Annually
The regular periodic assessment is paid through:	12-31-2019
The next installment of the regular periodic assessment is due:	01-01-2020
The amount of the next regular periodic assessment due is:	not determined at this time
Are additional moneys scheduled to become due to the association within the effective period?	No
What day of the month are regular assessments due?	1st
How many days after the due date is the regular assessment considered delinquent?	30
The penalty for delinquent assessments is:	5% late fee + 18% per annum interest

Specific Fees Due To Brookestone Property Owners Association Inc

Closing agent is required to collect the following number of additional regular assessments at closing:

Are there any current special assessments or governing body approved special assessments, against units within the association? If yes, a comment is provided.	No
--	----



Estoppel Certificate
Brookestone Property Owners Association Inc
Aspire Community Management

Property Information:

1901 Tumblewater Blvd
Ocoee, FL 34761
Seller: Richard Koon
Buyer: Carol Constantino

Requestor:

Bowen & Schroth P.A.
Christie Mihm
352-589-1414
Estimated Closing Date: 06-17-2019

Is there a capital contribution fee, resale fee, transfer fee, or other fee due? If yes, specify the type and the amount of the fee. Yes

Comments: \$250.00 Initiation Fee

\$100.00 Transfer Fee paid to Aspire Community Management

Owner's current balance due: \$0.00

General Association Information

Is there any open violation of rule or regulation noticed to the unit owner in the association official records?

Is the association or the developer (if the project has not been turned over to the homeowners association) involved in any current or pending litigation? If yes, a comment is required. No

Insurance Information

Insurance broker's or agent's company name: Insurance Office of America

Identify the insurance agent's name: Collette Ridenour

Insurance agent's phone number: 407-998-5544

Insurance agent's fax number:

Insurance agent's email address:



Kathy Bollo, President

Issuance Date: 06-13-2019

Aspire Community Management

Phone: 407-614-6144



Estoppel Certificate
Brookestone Property Owners Association Inc
Aspire Community Management

Property Information:

1901 Tumblewater Blvd
Ocoee, FL 34761
Seller: Richard Koon
Buyer: Carol Constantino

Requestor:

Bowen & Schroth P.A.
Christie Mihm
352-589-1414
Estimated Closing Date: 06-17-2019

Comments:

Please remit email address so purchaser can be included in owners portal and receive welcome information.



Estoppel Certificate
Brookestone Property Owners Association Inc
Aspire Community Management

Property Information:

1901 Tumblewater Blvd
Ocoee, FL 34761
Seller: Richard Koon
Buyer: Carol Constantino

Requestor:

Bowen & Schroth P.A.
Christie Mihm
352-589-1414
Estimated Closing Date: 06-17-2019

FEES ARE REQUIRED DISCLOSURE PER FLORIDA ss. 718.116, 719.108, and 720.30851

Fee Summary

Amounts Prepaid

Rush Fee	\$100.00
Convenience Fee	\$5.00
Estoppel Certificate	\$280.00
Total	\$385.00

Payments Due At Closing

Fees Due to Aspire Community Management

Transfer Fee	\$100.00
Total	\$100.00

Fees Due to Brookestone Property Owners Association Inc

Purchaser Assessment	\$250.00
Total	\$250.00



Estoppel Certificate
Brookestone Property Owners Association Inc
Aspire Community Management

Property Information:

1901 Tumblewater Blvd
Ocoee, FL 34761
Seller: Richard Koon
Buyer: Carol Constantino

Requestor:

Bowen & Schroth P.A.
Christie Mihm
352-589-1414
Estimated Closing Date: 06-17-2019

PLEASE RETURN THIS FORM WITH YOUR CHECK AND CERTIFIED COPIES OF THE CLOSING DISCLOSURE FORM (FORMERLY THE HUD-1 FORM) AND THE GRANT OR WARRANTY DEED. PLEASE INDICATE CONFIRMATION NUMBER D2JQSEZ2S ON THE CHECK TO ENSURE PAYMENT IS CREDITED PROPERLY.

Payments Due At Closing

Fees Due to Aspire Community Management

Transfer Fee	\$100.00
Total	\$100.00

Fees Due to Brookestone Property Owners Association Inc

Purchaser Assessment	\$250.00
Total	\$250.00

Include this confirmation number D2JQSEZ2S on the check for \$100.00 payable to and send to the address below.

Aspire Community Management
P.O. Box 785169
Winter Garden, FL 34778

Include this confirmation number D2JQSEZ2S on the check for \$250.00 payable to and send to the address below.

Brookestone Property Owners Association Inc
P.O. Box 785169
Winter Garden, FL 34778



Estoppel Certificate
Brookestone Property Owners Association Inc
Aspire Community Management

Property Information:

1901 Tumblewater Blvd
Ocoee, FL 34761
Seller: Richard Koon
Buyer: Carol Constantino

Requestor:

Bowen & Schroth P.A.
Christie Mihm
600 Jennings Ave.
Eustis, FL 32726
352-589-1414
cmihm@bowenschroth.com

Buyer and Seller Contact Information

Seller's New Address:

Phone:
Email: rakoon@barrierone.com

Buyer's Address:

Phone:
Email: cconstantino@noteworthy.com
Is buyer occupant? Yes

Closing Information

File/Escrow Number: RE-19-130
Estimated Close Date: 06-17-2019
Homewise Confirmation Number: D2JQSEZ2S

Sales Price: 380000
Closing Date:
Homewise Transaction ID: 4176732

Status Information

Date of Order: 06-12-2019
Board Approval Date:
Order Complete Date: 06-13-2019
Date Paid: 06-12-2019

Order Retrieved Date:
Inspection Date:

Community Manager Information

Company: Aspire Community Management
Completed By: Kathy Bollo
Primary Contact: Kathy Bollo
Address:
P.O. Box 785169
Winter Garden, FL 34778
Phone: 407-614-6144
Fax:
Email: kathyb@aspiremanagement.org





3900 Woodlake Blvd Suite 309
Lake Worth, FL 33463

Billing Address

James Brown
James N Brown, PA
1110 N Olive Ave
West Palm Beach, FL 33401
United States (US)

Shipping Address

James Brown
James N Brown, PA
1110 N Olive Ave
West Palm Beach, FL 33401
United States (US)

Order

Order Number	51435
Order Date	December 6, 2018
Payment Method	Credit card
Email	stacey@jnbpa.com
Telephone	5618389595

Product	Price	Quantity	Total
Estoppel Certificate - Standard Processing (10 Business Days) = \$250 SKU: estoppel Unit Location: 13790 Oneida Drive, Unit B1, Delray Beach, Florida, 33446, United States Association Name: Pine Ridge at Delray Seller's Name: Hal Schneider Buyer's Name: Diana Mortillo Co-Buyer's Full Name: Jonathan Mortillo Phone: (732) 547-2983 Email: dianac2084@gmail.com Projected Closing Date: 01/16/2018	\$250.00	1	\$250.00
Subtotal			\$250.00
Shipping			Standard USPS (5 Business Day)
Credit Card Convenience Fee (Non Refundable):			\$49.95
Total			\$299.95

GRS Management Associates, Inc

Order Confirmation

Welcome back, Liliana Selz!

[User Center](#) [Logout](#)[Printer Friendly](#)

Thank You, Liliana Selz

Order Confirmation Number : HK2983365

(See Package Selections below for details)
Please print this page for your records.

You will receive an email when your order is complete.

Bill to :
N/A

Payment Method :
N/A

Ship to :
N/A

Shipping Method :
N/A

Documents :
N/A

HomeWiseDocs internal tracking



ESTIMATED COMPLETION TIMEFRAME

Your order has been sent to the management company for processing. The management company will process your order within 5 business days. Once your order has been completed, you will receive an email notifying you that your documents and forms are available for download from your HomeWiseDocs.com account. Please allow for extra shipping time if a Hard Copy has been ordered.

HOW TO RETRIEVE YOUR ORDER

Your documents and forms are available online from your HomeWise account once you pay for your order.

1. Go to www.HomeWiseDocs.com and sign into your account
2. Click on Completed Orders
3. Click the Owner Name of the order
4. Select the forms you wish to view, print, and/or download

You may also check your order status at any time. Go to www.HomeWisedocs.com and click Track Your Order. Enter your confirmation number and click Track.

Your Order

Item	Price	
Estoppel Certificate ONLY	Pay Now \$0.00	At Close: \$250.00
HomeWiseDocs.com Access/Archive Fee	Pay Now \$0.00	At Close: \$25.00

TOTAL PAYMENT DUE NOW :\$0.00[Home](#) [About Us](#) [Contact Us](#)

Copyright © 2008-2018 HomeWiseDocs.com All rights reserved.

Review & Place Order

Welcome back, Colleen Bushl
[User Center](#) [Logout](#)

BILLING AND SHIPPING INFORMATION

Bill to : Edit
 John Spear
 9420 Bonita Beach Road
 Suite 100
 Bonita Springs, FL 34135

Payment Method : Edit
 Credit Card
 XXXX-XXXX-XXXX-007
 08 / 2020

Ship to : Edit
 N/A

Shipping Method : Edit
 N/A

Documents : Edit
 N/A

Order Summary

Estimated Totals	Pay Now	Pay At Closing
Ordered Items	\$250.00	\$0.00
Associated Fees	\$0.00	\$0.00
Rush Fees	\$0.00	\$0.00
Shipping	\$0.00	\$0.00
Convenience Fees	\$5.00	\$0.00
HomeWiseDocs.com Access/Archive Fee	\$25.00	\$0.00
Total Fees	\$280.00	\$0.00

Your Order

Item	Price	
Estoppel Certificate ONLY	Pay Now \$250.00	At Close: \$0.00
Convenience Fee	Pay Now \$5.00	At Close: \$0.00
HomeWiseDocs.com Access/Archive Fee	Pay Now \$25.00	At Close: \$0.00

TOTAL PAYMENT DUE NOW :\$280.00

[Home](#) [About Us](#) [Contact Us](#)

Copyright © 2008-2018 HomeWiseDocs.com All rights reserved.



ESTOPPEL VALID FOR 30 DAYS AS OF ISSUED DATE

11/27/17

ASSOCIATION:

Lago Grande HOA

2765 W 64 Pl unit 101-16

CURRENT OWNER:

U.S Bank National Association

REQUESTED BY:

Pursuant to your request for an estoppel letter, enclosed is an accounting of the principal amount claimed to be due and owing to the Association pursuant to Florida Statute §718.116, as follows:

CERTIFICATE OF TITLE:

Association:

Pursuant to Florida Statute §718.116

Prior Assessment (12 month or 1%)	\$	-
<u>Association Past Dues</u>		
Assessment Due thru 12/31/2017 (\$63.35 monthly)	\$	63.35
Special Assessment		
Sub Total	\$	63.35

Collection Services:

Late Fees through 11/30/2017 at \$25.00 per month
Total Interest Due on all Past Due Assessments at 18%

Collection Services

Legal and/or Collections

Association Title Services:

Association Lien Search	\$	350.00
Transfer Title	\$	295.00
Release of Liens	\$	250.00
Buyers Verification	\$	275.00

Administrative Services:

Processing Fee
Legal Estoppel fee
Legal Administrative Services

TOTAL

\$ 1,233.35

(PAYMENTS ISSUED TO: Association Title Firm)

FOR PURPOSES OF SETTLEMENT NOT TO BE USED FOR ANY OTHER PURPOSE

7900 NW 155th Street 101/ Miami Lakes, FL 33016



ESTOPPEL VALID FOR 30 DAYS AS OF ISSUED DATE

11/27/17

ASSOCIATION: Lago Grande Five A
2765 W 64 Pl unit 101-16

CURRENT OWNER: U.S Bank National Association

REQUESTED BY: _____

Pursuant to your request for an estoppel letter, enclosed is an accounting of the principal amount claimed to be due and owing to the Association pursuant to Florida Statute §718.116, as follows:

CERTIFICATE OF TITLE: _____

Association:

Pursuant to Florida Statute §718.116		
Prior Assessment (12 month or 1%)	\$	-
Association Past Dues		
Assessment Due thru 12/31/2017 (\$172.43 monthly)	\$	172.43
Special Assessment		
Sub Total	\$	172.43

Collection Services:

Late Fees through 11/30/2017 at \$25.00 per month	
Total Interest Due on all Past Due Assessments at <u>18%</u>	
Collection Services	
Legal and/or Collections	

Association Title Services:

Association Lien Search	\$	350.00
Transfer Title	\$	295.00
Release of Liens	\$	250.00
Buyers Verification	\$	275.00

Administrative Services:

Processing Fee	
Legal Estoppel fee	
Legal Administrative Services	

TOTAL **\$ 1,342.43**

(PAYMENTS ISSUED TO: Association Title Firm)

FOR PURPOSES OF SETTLEMENT NOT TO BE USED FOR ANY OTHER PURPOSE

7900 NW 155th Street 101/ Miami Lakes, FL 33016

The Closing Table of Florida, LLC
9010 SW 137 Avenue, Suite 113
Miami, FL 33186
Telephone: 786-542-6287 / Facsimile 305-503-7494

To: Lago Grande Five-A
Attention: Estoppel Department

Re: P and G Florida Group Corp purchase from U.S Bank National Association

Owner: U.S Bank National Association Buyer: P and G Florida Group Corp

Property Address: 2765 W 64th Pl # 101-16, Hialeah, FL 33016

We represent the Buyer of the above-referenced property. Pursuant to Section 718.116(7), Florida Statutes, request is hereby made for a letter showing the amount of unpaid assessments against the property. Such assessments include regular monthly maintenance assessments, recreation or similar fees, as well as special assessments. If any special assessments are pending, please advise as to the purpose of such assessments and when same were voted by the Board of Directors. Thank you.

****PLEASE ANSWER WHERE APPLICABLE AND FAX BACK****

1. Any open Recreation Lease? N/A
2. Recreation Mortgage Lease? N/A
3. Maintenance \$ 172.43 Paid Monthly/Quarterly/Semi-Annual/Annual: Monthly
4. Last Maintenance Payment Made? 11/20/17
5. Next Maintenance Payment Due? 12/01/17
6. Are utilities included in maintenance payment? garbage only
7. When does maintenance payment become late? 15th Fee:
8. Is a PARKING SPACE SOLD with this unit? yes If yes, space no. 16-101
9. ANY SPECIAL ASSESSMENTS? NO Date voted on by Board:
For: (If yes to special assessment, please give additional information.)
10. Is there any CERTIFICATE OF APPROVAL NEEDED? yes
11. Are there any other associations? yes
If yes, Name/Phone no. is: Lago grande HOA PH# 7864016727
12. Which applies: (circle one)
Coupon Book - Monthly/Quarterly Statement - Just Mail Check to: 6520 W 24th St Hialeah, FL
13. MASTER POLICY INSURANCE AGENT: Marshall Roberson Agency 7868712086
14. Who should checks be made payable to?: Lago grande Five-A
15. Address to send checks: 6520 W 24th St Hialeah, FL 33016
16. Copy of Warranty Deed required? YES NO

IF A FEE IS REQUIRED FOR INFORMATION REQUESTED, PLEASE CALL IMMEDIATELY SO THAT WE MAY FORWARD A CHECK TO YOU.

The Closing Table of Florida, LLC
9010 SW 137 Avenue, Suite 113
Miami, FL 33186

Telephone: 786-542-6287 / Facsimile 305-593-7494

To: Lago Grande ^{HOA} Five-A
Attention: Estoppel Department

Re: P and G Florida Group Corp purchase from U.S Bank National Association

Owner: U.S Bank National Association

Buyer: P and G Florida Group Corp

Property Address: 2765 W 64th Pl # 101-16, Hialeah, FL 33016

We represent the Buyer of the above-referenced property. Pursuant to Section 718.116(7), Florida Statutes, request is hereby made for a letter showing the amount of unpaid assessments against the property. Such assessments include regular monthly maintenance assessments, recreation or similar fees, as well as special assessments. If any special assessments are pending, please advise as to the purpose of such assessments and when same were voted by the Board of Directors. Thank you.

****PLEASE ANSWER WHERE APPLICABLE AND FAX BACK****

1. Any open Recreation Lease? No
2. Recreation Mortgage Lease? No
3. Maintenance \$ 63.35 Paid Monthly/Quarterly/Semi-Annual/Annual:
4. Last Maintenance Payment Made? 11/27/17
5. Next Maintenance Payment Due? 12/6/17
6. Are utilities included in maintenance payment? no
7. When does maintenance payment become late? 15th Fee: \$15.00
8. Is a PARKING SPACE SOLD with this unit? yes If yes, space no. 10-101
9. ANY SPECIAL ASSESSMENTS? _____ Date voted on by Board: _____
For: _____ (If yes to special assessment, please give additional information. _____)
10. Is there any CERTIFICATE OF APPROVAL NEEDED? yes
11. Are there any other associations? yes
If yes, Name/Phone no. is: Lago grande Five - A Ph# 786 461 4727
12. Which applies: (circle one)
Coupon Book Monthly/Quarterly Statement Just Mail Checks to: 6520 W 24th St Hialeah, FL 33016
13. MASTER POLICY INSURANCE AGENT: Harshard Melennan 786 871 2086
14. Who should checks be made payable to?: Lago grande HOA
15. Address to send checks: 6520 W 24th St Hialeah, FL 33016
16. Copy of Warranty Deed required? (YES) NO

IF A FEE IS REQUIRED FOR INFORMATION REQUESTED, PLEASE CALL IMMEDIATELY SO THAT WE MAY FORWARD A CHECK TO YOU.

LAGO GRANDE HOA PENDING LAWSUITS

1-Insured: Lago Grande HOA
Claimant: Brian Vina
Case No.: 2016-018908 CA 11

Jill Torabi, FRP, Paralegal Specialist
For: David Lefton, Julie Karron and Carla Howard
Law Offices of Patricia Garagozlo
8151 Peters Road, #2005
Plantation, FL 33324
Direct Tel: 954-233-6637
Fax: 855-234-8544
jill.torabi@nationwide.com

2-Insured: Lago Grande HOA
Claimant: Edelmira Blanco

Jonathan Lanni | Attorney
9130 South Dadeland Blvd | Suite 2000
Miami, Florida 33156
Office 305.670.3700 | Direct 305.929.3010
Cell 305.450.2698 | Fax 305.670.8592
Toll Free 800.329.2911
LanniJ@kgplp.com

3- Insured: Lago Grande HOA
Claimant: Claimant: Obdulia Ortiz
Date of Loss: 03/18/2015
Case No.: 2015-023603 CA 01

Jacob M. Even, Esq.
Lydecker/Diaz
1221 Brickell Avenue
19th Floor
Miami, FL 33131
(305)416-3180
(305)416-3190
je@lydeckerdiaz.com

Insured: Lago Grande One Condominium Association, Inc.
Claimant: Obdulia Ortiz
Date of Loss: 03/18/2015
Case No.: 2015-023603 CA 01

Jacob M. Even, Esq.
Lydecker/Diaz
1221 Brickell Avenue
19th Floor
Miami, FL 33131
(305)416-3180
(305)416-3190
je@lydeckerdiaz.com



A Mutual of Omaha Bank Company

Demand for Harding Hall Condominium

Requestor	Association Manager
Name: The Law Offices Of Cristina M Pelaez Contact: Cristina Pelaez Address: 2555 Ponce De Leon Boulevard 600 Coral Gables, FL 33134 Phone: (305) 476-7100 Fax: (888) 511-3543 Email: cpelaez@pelaezlaw.com	Name: Lynx Property Services Contact: Yuley Gonzalez Address: 12485 Sw 137 Ave., Ste. 309 Miami, FL 33186 Phone: (305) 251-2234 Fax: (305) 252-6165 Email: Yuley Gonzalez

Property Information

Seller	Buyer
Name: Eulalia Landrove Address: 8233 Harding Avenue 504 Miami Beach, FL 33141 Email: cpelaez@pelaezlaw.com	Name: Nedko Panayotov Address: 7823 Sw 91 Avenue Miami, FL 33173 Email: cpelaez@pelaezlaw.com
File/Escrow #: 1032-46 Date Ordered: 08/01/2017 Estimated Closing Date: 08/04/2017	

Transaction Information

Order Total:	\$479.00	Transaction Number:	3882869
--------------	----------	---------------------	---------

Ordered Documents

- ACH Form

Unit Assessment Information

Lynx Property Services provides the following information on the association unit referenced above.

This account is in collections: No			
Total regular HOA assessments:	\$385.00	Assessment is paid:	Monthly
Assessments are paid through:	07/01/2017	Next assessment due:	09/01/2017
Owner's current balance as of 08/04/2017: \$385.00			
Regular assessments are due on the 1 of the month and are delinquent 15 days after the regular due date. The penalty charged on each delinquent assessment payments is 25.00			
Are there any additional assessments: No			
Is the association involved in any current or pending litigation? No			
Are there any association violations pertaining to this unit? No			
Brief description of violation: N/A			

Remit the Following Checks at Close

Type	Payment Status	Send Check To	Amount
Closing Fees (See Addendum for breakdown)	At Close	Lynx Property Services 12485 SW 137 Ave., Ste 309 Miami, FL 33186	\$0.00
Assessment Fees*: Includes all assessments, liens, penalties (if any).	At Close	Harding Hall Condominium 12485 SW 137 Ave., Ste 309 Miami, FL 33186	\$385.00
CondoCerts Service Fees	At Close	CondoCerts P.O. Box 61390 Phoenix, AZ 85082-1390	\$0.00

Reference Transaction Number 3882869 and the Property Address on all checks you issue

*** Please contact CondoCerts.com for final figures prior to closing this transaction and to notify us when this transaction records or cancels. Additionally, please provide the association manager listed at the top of this form with a copy of the grant deed to ensure accurate transfer of ownership for their records.**

Cancellation Policy	Insurance Information
<p>If this transaction cancels or fails to close please remit \$29.00</p> <p>Payable to: CondoCerts P.O. Box 61390 Phoenix, AZ 85082-1390</p> <p>Or overnight: CondoCerts 4950 S. 48th St. Phoenix, AZ 85040</p>	<p>Company: Various</p> <p>Agent: Wells Fargo Insurance Services</p> <p>Phone: (305) 443-4886</p> <p>Fax: (305) 443-4886</p>

Schedule of Fees Charged for HUD-1 Closing Statement

Item	Charge Paid To	Payment Status	Amount
Estoppel Letter	Community Management Company	Paid	\$250.00
Resale Demand Expedited Response Fee	Community Management Company	Paid	\$200.00
CondoCerts Service Fees	CondoCerts	Paid	\$29.00
Owner's Current Balance	Homeowner's Association	Pay at Close	\$385.00

Additional Comments

It is mandatory upon title transfer that a recorded warranty deed is forwarded to association in order for the records of the association are changed. You are required to submit a copy of the warranty deed or settlement statement within thirty (30) days from the date of issuance of this letter. Should our office not receive a copy of the warranty deed or settlement statement within the required time frame, the association will process a title search and the account will be charged \$100.00 for said title search. If the closing does not go through within the required time frame, your office is responsible to let us know or a title search will be processed and the account will be charged the above-mentioned fee.

Please have the seller give the buyer the association documents including the declaration, articles of incorporation, by laws, and rules and regulations.

This information is furnished with the understanding that in the event of an error or omission, the association does not in any way prejudice its right and entitlements to all monies lawfully due. These figures are subject to verification and may be adjusted if any check or money order previously received is rejected by the institution upon which it was drawn.

*** Transfer fee is payable to Lynx Property Services and should be mailed along with warranty deed. ***

****The property exterior inspection performed for the Estoppel Letter does not include research of any municipal permits and finding out about the unit permit history (open permit or lack of permit for work performed at the unit) is the responsibility of the purchaser/purchaser's agent.****

Estoppel good through: September 04, 2017

Orders

Orders

Order Detail - EST-20220207-3075 - Cancelled (2/14/2022)[Send Order Details \(?view=send_detail\)](#)**Order ID :** #33415**Order Number :** #EST-20220207-3075**Order Date :** 2/7/2022**Closing Date :** 2/24/2022**Need By :** 2/10/2022**IP Address :** 205.170.185.242**Address :**

4706 Montego Pointe Way

101 Bonita Springs, FL 34134

Owner : Thomas L. Place, Karen Place**Buyer :** Julie Lidester**Sale/Refinance :** No**Rush :** Yes[View Report \(https://report.estoppels.com/print_report.php?JOspr7b0IzY6svaQ05RHE8h83SsUv2hwXNIa\)](https://report.estoppels.com/print_report.php?JOspr7b0IzY6svaQ05RHE8h83SsUv2hwXNIa)[View Admin Report \(https://report.estoppels.com/print_report.php?JOspr7b0IzY6svaQ05RHE8h83SsUv\)](https://report.estoppels.com/print_report.php?JOspr7b0IzY6svaQ05RHE8h83SsUv)[Print Invoice \(https://report.estoppels.com/print_report.php?JOspr7b0IzY6svaQ05RHE1jy5GNYlg9k1I6E\)](https://report.estoppels.com/print_report.php?JOspr7b0IzY6svaQ05RHE1jy5GNYlg9k1I6E)

Order Details

Invoice

Status Info

Notes

Communications

Transactions

Files 1

Need Assistance? contact us

Customers

#	Product	Total
1	Estoppel	\$250.00
2	Estoppel Rush Fee	\$100.00
3	Processing Fee	\$24.00
Net Total		\$374.00
Amount Paid		\$124.00
Amount Refunded		\$250.00
Amount Owed		\$0.00

Copyright Estoppel © 2022

Need Assistance? contact us

Order Summary
NEW HAMPTON OF LEGENDS NBH ASSOCIATION INC
Spires & Associates, PA

Property Information:

14579 New Hampton Pl
Fort Myers, FL 33912-7011
Seller: Clyde & Patricia Berger
Buyer: Mark & Brenda Doering
Confirmation Number: 6K7XPNLCR

Requestor:

Henderson Franklin Starn & Holt, P.A.
Colleen Bush
239-344-1152

Payment Summary

Payment Method: Credit Card
Name: Kenneth Crooks
Payment Amount: \$331.95
Payment Date: 07-26-2022

Payment Details

Amounts Prepaid

Convenience Fee	\$7.95
Estoppel Certificate ONLY	\$299.00
HWD Third Party Service Fee	\$25.00
Up Front Total	\$331.95

No returns, exchanges, price adjustments, or cancellations are permitted after products are received unless mandated by state statute.
NOTE: This receipt is acknowledgment of your order. **DO NOT USE** for payoff or closing instructions.

The Florida Senate

APPEARANCE RECORD

12-13-23

Meeting Date

SB 278

Bill Number or Topic

Judiciary

Committee

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

Amendment Barcode (if applicable)

Name Travis Moore

Phone 727.421.6902

Address P.O. Box 2020

Email travis@moore-relations.com

Street

St. Petersburg FL

33731

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Community Associations Institute
First Service Residential

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

278

Bill Number or Topic

Amendment Barcode (if applicable)

12-13-23

Meeting Date

Judiciary

Committee

Name

Mark Anderson

Phone

813-205-0658

Address

110 S. Monroe St Ste I

Street

Email

mark@consultanderson.com

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

Community Association Managers

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

12-13-23

Meeting Date

Judiciary

Committee

278

Bill Number or Topic

Amendment Barcode (if applicable)

Name Catie Marks

Phone 904-669-4266

Address 475 W. Town PL #112
Street

Email cmarks@mayresort.com

St. Augustine
City

FL
State

32092
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

May Management

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

12/13/2023

Meeting Date

JUDICIARY

Committee

SB 278

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kyle Meagher

Phone 904-945-6069

Address 2309 Emily's Way
Street

Email Kyle@Fpm.com

Fleming Island
City

FL
State

32003
Zip

Reset Form

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ 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

12-13-23

Meeting Date

Judiciary

Committee

278

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Sean Stafford

Phone

727-5000

Address

115 E. Park

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

12/13/23

Meeting Date

SB 278

Bill Number or Topic

Judiciary

Committee

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

Amendment Barcode (if applicable)

Name Murphy Kennedy Giering Phone (407) 332-3820

Address 200 S. Monroe St Email murphykg@florida reactors.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:

Florida Reactors

☐ 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 234

INTRODUCER: Judiciary Committee and Senators Polsky and Martin

SUBJECT: Disclosure of Grand Jury Testimony

DATE: December 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Fav/CS
2.			CJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 234 amends a statute that generally prohibits the disclosure of testimony or evidence received by a grand jury. There are currently three exceptions to this general prohibition: ascertaining whether the testimony is consistent with the testimony given by a witness before the court, determining whether a witness is guilty of perjury, or furthering justice.

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

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

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

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

The bill takes effect July 1, 2024.

II. Present Situation:

The Grand Jury

“There is a tradition in the United States, a tradition that is “older than our Nation itself,” that proceedings before a grand jury shall generally remain secret. ... The rule of secrecy, however, is not without exceptions.”¹

Background

The state court system has two types of juries: grand juries and petit juries. While a petit jury, also known as a trial jury, weighs evidence and returns a verdict of guilt or innocence after hearing from both sides, a grand jury does not hear from both sides. A grand jury only hears witnesses presented by a state attorney and determines whether there is sufficient evidence to formally indict, or charge, an accused person with a crime.² In other words, the grand jury simply initiates the criminal prosecution.³

The modern grand jury is rooted in ancient tradition. It originated in England centuries ago and was brought to this country by the early colonists. A grand jury was formally recognized in the Magna Carta in 1215 but can be traced even earlier to 997 A.D., when an Anglo-Saxon king, unfortunately named “Ethelred the Unready,” tasked an investigative body to perform “its duty by accusing no innocent person and sheltering no guilty one.”⁴

The State Constitution

According to the State Constitution, no one may be tried for a capital crime, a crime punishable by death, unless he or she is indicted by a grand jury.⁵ This is the only instance in which a grand jury indictment is required. For all other crimes, the state attorney may initiate criminal charges.

Composition and Investigative Power

A grand jury is composed of at least 15 and no more than 21 citizens who have been summoned and empaneled by a circuit court judge.^{6,7} In order to return an indictment, at least 12 grand

¹ *CA Florida Holdings, LLC v. Aronberg*, 360 So. 3d 1149, 1153 (Fla. 4th DCA 2023) (quoting *In re Petition of Craig*, 131 F.3d 99, 101 (2d Cir. 1997)).

² The Supreme Court Committee on Standard Jury Instructions in Criminal Cases, *Chapter 30 Florida Grand Jury Handbook*.

³ Gregg D. Thomas, Carol Jean LoCicero, and Linda R. Norbut, The Florida Bar, *The Reporters' Handbook on Law-Related Topics: The Grand Jury* (Revised Aug. 1, 2020) <https://www.floridabar.org/news/resources/rpt-hbk/#1619193085264-69d9d83a-2799>.

⁴ The Supreme Court Committee on Standard Jury Instructions in Criminal Cases, *supra* note 2.

⁵ FLA. CONST. art. I, s. 15(a). The full text of section 15 is “No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.”

⁶ Section 905.01(1), F.S.

⁷ The Supreme Court Committee on Standard Jury Instructions in Criminal Cases, *supra* note 2.

jurors must agree.⁸ Although the grand jury is considered an agency of the circuit court, it works separately and independently from the court.⁹

To aid a grand jury in its broad power of investigation, it is given the authority to subpoena witnesses through the state attorney.¹⁰ While grand juries primarily focus on capital cases, they may also be used to investigate controversies involving the alleged illegal acts of public officials.¹¹

The Work of the Grand Jury

Secrecy

Grand jury evidence is rarely, if ever, disclosed to the public. By shielding the grand jury's work from public scrutiny, grand jurors can speak freely with one another, witnesses who appear may speak openly without fear of being identified, a potential defendant who is not aware of the proceedings is prevented from destroying evidence that could be damaging, and the reputation of a potential defendant who is not indicted is not damaged. The majority of a grand jury's work is focused on listening to witnesses and deciding whether the evidence presented justifies an indictment. For the proceedings to function as they are designed, it is essential that the proceedings are kept secret. Section 905.24, F.S., states:

Grand jury proceedings are secret, and a grand juror or an interpreter appointed pursuant s. 90.6063(2) shall not disclose the nature or substance of the deliberations or vote of the grand jury.

Consistently and similarly applying the need for secrecy, s. 905.25, F.S., states:

A grand juror shall not be permitted to state or testify in any court how she or he or any other grand juror voted on any matter before them or what opinion was expressed by herself or himself or any other grand juror about the matter.

Who May Attend a Grand Jury Session

To underscore the importance of secrecy, the statutes provide the limited number and specific persons who may be present during a session. No person may be present at the grand jury sessions except:

- The witness under examination;
- One attorney who represents the witness and advises and consults the witness;
- The state attorney and her or his assistant state attorneys;
- The court reporter or stenographer; and
- The interpreter.¹²

⁸ Section 905.23, F.S.

⁹ The Supreme Court Committee on Standard Jury Instructions in Criminal Cases, *supra* note 2.

¹⁰ Section 905.185, F.S.

¹¹ Thomas, et al., *supra* at note 3.

¹² Section 905.17(1), F.S.

No one is allowed to be present while the grand jurors are deliberating or voting, except an interpreter who may be present after he or she swears to refrain from making any personal interjections and who also commits to uphold the secrecy of the proceeding.¹³

Confidential Nature of Notes and Transcripts

The notes, records, and transcripts of the stenographer or court reporter are filed with the clerk who is charged with keeping them in a sealed container that is not subject to public inspection. They are confidential and exempt from the disclosure requirements of the public records laws, and may be released by the clerk *only* upon the request by a grand jury for use by the grand jury or upon order of the court pursuant to s. 905.27, F.S.¹⁴

Grand Jury Testimony May Not Be Disclosed

Section 905.27(1), F.S., prohibits a grand juror, state attorney, assistant state attorney, reporter, stenographer, interpreter, or any other person who appears before the grand jury from disclosing the testimony of a witness who was examined before the grand jury or any other evidence received by it except when required by a court to disclose the testimony for the purpose of:

- Ascertaining whether it is consistent with the testimony given by the witness before the court;
- Determining whether the witness is guilty of perjury; or
- Furthering justice.¹⁵

Section 905.27(2), F.S., states that it is unlawful for any person knowingly to publish, broadcast, disclose, divulge, or communicate to any other person, or knowingly to cause, or permit to be published, broadcast, disclosed, divulged, or communicated to any other person, in any manner whatsoever, any testimony of a witness examined before the grand jury, except when the testimony is or has been disclosed in a court proceeding.

When the court orders the disclosure of the testimony for use in a *criminal* case it may be disclosed:

- To the prosecuting attorney in the court where the case is pending.
- By the prosecuting attorney to his or her assistants, associates, and employees.
- To the defendant.
- To the defendant's attorney.
- By the defendant's attorney to his or her legal associates and employees.

When the court orders the disclosure of the testimony for use in a *civil* case, it may be disclosed to the parties and their attorneys, and by the attorneys to their legal associates and employees. However, the grand jury testimony provided to those persons by the court may only be used in the defense or prosecution of the civil and criminal case and for no other purpose.

¹³ Section 905.17(3), F.S.

¹⁴ Section 905.17(1), F.S.

¹⁵ Section 905.27(1), F.S.

The unlawful disclosure of grand jury testimony is a first degree misdemeanor and is criminal contempt of court.¹⁶

Jeffrey Epstein Grand Jury Testimony, 2006

In 2006, Jeffrey Epstein was investigated by the Palm Beach Police Department for allegedly sexually abusing five young girls, all under the age of 16 years, at his mansion. In addition, several other young girls who were not yet 18 years old also alleged that they were sexually abused by Jeffrey Epstein at his mansion.¹⁷

The Palm Beach Police Department contacted State Attorney Barry Krischer and asked that he charge Mr. Epstein with four counts of unlawful sexual activity with a minor and one count of lewd and lascivious molestation. If convicted of those charges, Mr. Epstein would have been sent to prison for decades. Instead of charging Jeffrey Epstein as the police recommended, State Attorney Krischer chose an unusual legal maneuver and presented the case to a grand jury. The grand jury returned only one charge, that of soliciting a prostitute. Mr. Epstein was arrested after the indictment and charged with one felony count of soliciting a prostitute.¹⁸

According to the Palm Beach Post, this was the first time a sex crime case was presented to a grand jury by State Attorney Krischer's office. Although 13 teenage girls gave virtually identical accounts of their interactions with Mr. Epstein, the state attorney's office called only one 14-year-old girl to testify before the grand jury.¹⁹

Litigation

Trial Court

In November 2019, The Palm Beach Post sued the then current State Attorney, who was no longer Mr. Krischer, and the Clerk and Comptroller of Court in an effort to obtain a court order to unseal the grand jury proceedings and reveal why the grand jury returned only minimal charges. Because the grand jury's proceedings are private, The Post relied on s. 905.27(1), F.S., which allows a judge to disclose testimony for the purpose of "furthering justice."

The Palm Beach Post, through its attorney, argued in part:

Access to the grand jury materials will allow the public to determine whether the grand jury process, and the secrecy that comes with it, was used

¹⁶ Section 905.27 (4) and (5), F.S.

¹⁷ Holly Baltz, THE PALM BEACH POST, *Why Was Jeffrey Epstein in 2006 Charged Only with Picking Up a Prostitute? Where We Stand* (Feb.9, 2023) <https://www.palmbeachpost.com/story/news/2023/02/09/palm-beach-post-lawsuit-to-unseal-jeffrey-epstein-grand-jury-records/69867241007/>.

¹⁸ *Id.*

¹⁹ Jane Musgrave, John Pacenti, and Lulu Ramadan, THE PALM BEACH POST, *How the Epstein Saga Could've Been Ended Years Ago: To His First Prosecutors, Victims Were Prostitutes* (Nov. 20, 2019). <https://www.usatoday.com/story/news/2019/11/20/jeffrey-epstein-saga-couldve-been-ended-attorney-barry-krischer/4237757002/>.

to further justice or, instead, operated to shield Epstein and his co-conspirators from the consequences of their criminal activities.²⁰

In December 2021, the circuit judge determined that the court’s “inherent authority” had its boundaries and its authority to release the records was constrained by s. 905.27, F.S. Accordingly, the publisher’s access to the grand jury materials was denied and the documents and records would not be released.

In the final order the trial judge said:

Perhaps the circumstances presented above will induce the Legislature to amend section 905.27 to grant the courts additional authority or leeway in ruling on unique cases such as this one.²¹

The Palm Beach Post appealed the ruling to the Fourth District Court of Appeal.

Appellate Court

The Fourth District Court of Appeal issued a decision on May 10, 2023. The appellate court held that the trial court was required to determine whether the disclosure of the requested grand jury proceedings would have furthered justice. In support of its conclusion, and after citing related cases on point, the court stated:

We extract from these decisions the court’s inherent authority to disclose grand jury materials despite the traditional rule of secrecy. In fact, this is contemplated and supported by section 905.27’s language.²²

The appellate court reversed the case and remanded it for further proceedings. The trial court was directed to conduct an in-camera inspection of the materials and decide whether disclosure of the grand jury materials would further justice. The trial court was instructed to evaluate the materials guided by the following non-exhaustive criteria cited in an earlier federal decision dealing with the disclosure of materials reviewed by a federal grand jury:

- The identity of the party seeking disclosure;
- Whether the defendant to the grand jury proceeding or the government opposes the disclosure;
- Why disclosure is being sought in the particular case;
- What specific information is being sought for disclosure;
- How long ago the grand jury proceedings took place;
- The current status of the principals of the grand jury proceedings and that of their families;

²⁰ *CA Florida Holdings, LLC, Publisher of The Palm Beach Post, v. Dave Aronberg, as State Attorney of Palm Beach County, Florida; Sharon R. Bock, as Clerk and Comptroller of Palm Beach, County, Florida*, Motion of Plaintiff for Summary Judgment, p. 3 (April 22, 2021).

²¹ *CA Florida Holdings, LLC, Publisher of The Palm Beach Post, v. Dave Aronberg, as State Attorney of Palm Beach County, Florida; Sharon R. Bock, as Clerk and Comptroller of Palm Beach, County, Florida*, Final Judgment, p. 12 (Dec. 20, 2021).

²² *CA Florida Holdings, LLC v. Aronberg*, 360 So. 3d 1149, 1153 (Fla. 4th DCA 2023).

- The extent to which the desired material – either permissibly or impermissibly – has been previously made public;
- Whether witnesses to the grand jury proceedings who might be affected by disclosure are still alive; and
- The additional need for maintaining secrecy in the particular case in question.²³

On June 9, 2023, the trial court ordered the Clerk of the Circuit Court in Palm Beach County to provide him the materials presented to the grand jury in the Jeffrey Epstein case.²⁴ When the materials were delivered, the court determined that the materials were audio recordings and needed to be transcribed. On June 29, 2023, the court ordered the transcripts with the costs being paid for by the plaintiff seeking the information.²⁵ To date, the court has not released any testimony from the Epstein grand jury.

III. Effect of Proposed Changes:

- IV. CS/SB 234 amends a statute that generally prohibits the disclosure of testimony or evidence received by a grand jury. There are currently three exceptions to this general prohibition: ascertaining whether the testimony is consistent with the testimony given by a witness before the court, determining whether a witness is guilty of perjury, or furthering justice.

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

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

Even if these provisions are met, the court may limit the disclosure of testimony, including redacting certain testimony.

The bill also amends s. 905.27(1), F.S., to include the custodian of a grand jury record to the list of persons who may not disclose the testimony of a witness examined before a grand jury or other evidence received by the grand jury.

Section 2 of the bill reenacts s. 905.17(1) and (2), F.S., which relates to who may be present during a session of a grand jury, to incorporate the amendments made to s. 905.27, F.S.

The bill takes effect July 1, 2024.

²³ *Id.* (citing *In re Petition of Craig*, 131 F.3d 99, 106 (2d Cir. 1997)).

²⁴ *CA Florida Holdings, LLC, Publisher of The Palm Beach Post, v. Dave Aronberg, as State Attorney of Palm Beach County, Florida, and Joseph Abruzzo, as Clerk of the Circuit Court and Comptroller of Palm Beach, County, Florida*, Order Directing Clerk of Court To Deliver Grand Jury Materials for In Camera Inspection (June 9, 2023).

²⁵ *CA Florida Holdings, LLC, Publisher of The Palm Beach Post, v. Dave Aronberg, as State Attorney of Palm Beach County, Florida, and Joseph Abruzzo, as Clerk and Comptroller of Palm Beach, County, Florida*, Order Directing Transcription of the Testimony in The Grand Jury Proceeding (June 29, 2023).

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VII. Technical Deficiencies:

None.

VIII. Related Issues:

The Legislature may wish to consider whether it should incorporate into the bill all the interest-of-justice factors identified by the Fourth District Court of Appeal in *CA Florida Holdings, LLC v. Aronberg*, 360 So. 3d 1149 (2023).

IX. Statutes Affected:

This bill substantially amends section 905.27 of the Florida Statutes.

X. 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 December 13, 2023:

A technical amendment was adopted to add the omitted word “for” to the end of line 67 of the original bill.

B. Amendments:

None.



103388

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/13/2023	.	
	.	
	.	
	.	

The Committee on Judiciary (Polsky) recommended the following:

Senate Amendment

Delete line 67
and insert:
or an interested person, regardless of whether that purpose
is for

By Senator Polsky

30-00454-24

2024234__

A bill to be entitled

An act relating to disclosure of grand jury testimony; amending s. 905.27, F.S.; revising the list of persons prohibited from disclosing the testimony of a witness examined before, or the evidence received by, a grand jury; creating an exception for a request by the media or an interested person to the prohibited publishing, broadcasting, disclosing, divulging, or communicating of any testimony of a witness examined before the grand jury, or the content, gist, or import thereof; providing criminal penalties; providing construction; making technical changes; reenacting s. 905.17(1) and (2), F.S., relating to who may be present during a session of a grand jury, to incorporate the amendment made to s. 905.27, F.S., in references thereto; providing an effective date.

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

Section 1. Section 905.27, Florida Statutes, is amended to read:

905.27 Testimony not to be disclosed; exceptions.—

(1) Persons present or appearing during a grand jury proceeding, including a grand juror, a state attorney, an assistant state attorney, a reporter, a stenographer, or an interpreter, as well as the custodian of a grand jury record, may not or any other person appearing before the grand jury shall not disclose the testimony of a witness examined before the grand jury or other evidence received by it except when

Page 1 of 5

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

30-00454-24

2024234__

required by a court to disclose the testimony for the purpose of:

(a) Ascertaining whether it is consistent with the testimony given by the witness before the court;

(b) Determining whether the witness is guilty of perjury; or

(c) Furthering justice, which may encompass furthering a public interest when the disclosure is requested pursuant to paragraph (2)(c).

(2) It is unlawful for any person knowingly to publish, broadcast, disclose, divulge, or communicate to any other person, or knowingly to cause or permit to be published, broadcast, disclosed, divulged, or communicated to any other person, in any manner whatsoever, any testimony of a witness examined before the grand jury, or the content, gist, or import thereof, except when such testimony is or has been disclosed in a court proceeding in any of the following circumstances:—

(a) When a court orders the disclosure of such testimony pursuant to subsection (1) for use in a criminal case, it may be disclosed to the prosecuting attorney of the court in which such criminal case is pending, and by the prosecuting attorney to his or her assistants, legal associates, and employees, and to the defendant and the defendant's attorney, and by the latter to his or her legal associates and employees. However, the grand jury testimony afforded such persons by the court may only be used in the defense or prosecution of the criminal case and for no other purpose.

(b) When a court orders the ~~such~~ disclosure of such testimony is ordered by a court pursuant to subsection (1) for

Page 2 of 5

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

30-00454-24

2024234__

use in a civil case, it may be disclosed to all parties to the case and to their attorneys and by the latter to their legal associates and employees. However, the grand jury testimony afforded such persons by the court ~~may~~ ~~can~~ only be used in the defense or prosecution of the civil ~~or criminal~~ case and for no other purpose ~~whatsoever~~.

(c) When a court orders the disclosure of such testimony pursuant to subsection (1) in response to a request by the media or an interested person, regardless of whether that purpose is use of the testimony in a criminal or civil case, it may be disclosed if the subject of the grand jury inquiry is deceased, the grand jury inquiry is related to criminal or sexual activity between a subject of the grand jury investigation and a person who at the time was a minor, the testimony was previously disclosed by a court order, and the state attorney is provided notice of the request. This paragraph does not restrict the court's ability to limit the disclosure of testimony, including, but not limited to, by redaction.

~~(3) Nothing in~~ This section ~~does not shall~~ affect the attorney-client relationship. A client ~~has shall have~~ the right to communicate to his or her attorney any testimony given by the client to the grand jury, any matters involving the client discussed in the client's presence before the grand jury, and any evidence involving the client received by or proffered to the grand jury in the client's presence.

(4) A person who violates ~~Persons convicted of violating~~ this section ~~commits shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.083, or by fine not exceeding \$5,000, or both.

30-00454-24

2024234__

(5) A violation of this section constitutes ~~shall constitute~~ criminal contempt of court.

Section 2. For the purpose of incorporating the amendment made by this act to section 905.27, Florida Statutes, in references thereto, subsections (1) and (2) of section 905.17, Florida Statutes, are reenacted to read:

905.17 Who may be present during session of grand jury.—

(1) No person shall be present at the sessions of the grand jury except the witness under examination, one attorney representing the witness for the sole purpose of advising and consulting with the witness, the state attorney and her or his assistant state attorneys, designated assistants as provided for in s. 27.18, the court reporter or stenographer, and the interpreter. The stenographic records, notes, and transcriptions made by the court reporter or stenographer shall be filed with the clerk who shall keep them in a sealed container not subject to public inspection. The notes, records, and transcriptions are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall be released by the clerk only on request by a grand jury for use by the grand jury or on order of the court pursuant to s. 905.27.

(2) The witness may be represented before the grand jury by one attorney. This provision is permissive only and does not create a right to counsel for the grand jury witness. The attorney for the witness shall not be permitted to address the grand jurors, raise objections, make arguments, or otherwise disrupt proceedings before the grand jury. The attorney for the witness shall be permitted to advise and counsel the witness and shall be subject to the provisions of s. 905.27 in the same

30-00454-24

2024234__

117 manner as all who appear before the grand jury. An attorney or
118 law firm may not represent more than one person or entity in an
119 investigation before the same grand jury or successive grand
120 juries in the same investigation.

121 Section 3. This act shall take effect July 1, 2024.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Vice Chair*
Appropriations
Appropriations Committee on Agriculture, Environment,
and General Government
Criminal Justice
Environment and Natural Resources
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR TINA SCOTT POLSKY

30th District

November 15, 2023

Chairman Clay Yarborough
Committee on Judiciary
515 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Yarborough,

I respectfully request that you place SB 234, relating to Disclosure of Grand Jury Testimony on the agenda of the Committee on Judiciary, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

A handwritten signature in dark ink, appearing to read "Tina S. Polsky".

Senator Tina S. Polsky
Florida Senate, District 30

cc: Tom Cibula, Staff Director
Lisa Larson, Administrative Assistant

REPLY TO:

- ☐ 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- ☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

12/13/23

Meeting Date

Judiciary

Committee

Name **Mat Forrest**

Phone **850-577-0444**

Address **201 E. Park Ave.**
Street

Email **Mat@ballardpartners.com**

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Joseph Abruzzo, Clerk of the Circuit Court & Comptroller, Palm Beach County

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

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

DUPLICATE

234 Disclosure of Grand Jury Testimony

Bill Number or Topic

Amendment Barcode (if applicable)

December 13, 2023

Meeting Date

Judiciary

Committee

Name

Barney Bishop III

Address

1454 Vieux Carre Drive

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate
APPEARANCE RECORD

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

234

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

850/510-9922

Email

Barney@BarneyBishop.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

☐

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 462

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Excusal From Jury Service

DATE: December 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Fav/CS
2.			HP	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 462 creates a new basis for someone to be excused from jury duty. The bill provides that a woman who has given birth within the 6 months before the reporting date on a summons for jury service shall be excused from service if she submits the request in writing with a photocopy of the newborn child's birth certificate.

The bill takes effect July 1, 2024.

II. Present Situation:

The Right to Trial by Jury

The right to a trial by jury is deeply ingrained in American law. Both the United States Constitution and the State Constitution guarantee the right to a trial by jury. In a jury trial, jurors, not judges, serve as the fact-finders who determine what actually happened in the case before them and render a verdict.¹

¹ Alexis de Tocqueville observed the importance of the American jury system in his 1835 treatise *Democracy in America*. He wrote that "The institution of the jury ... places the real direction of society in the hands of the governed, or of a portion of the governed, instead of leaving it under the authority of the Government. ... Now the institution of the jury raises the people itself, or at least a class of citizens, to the bench of judicial authority." Alexis de Tocqueville, *Democracy in America*, 312 (Henry Reeve, trans., 2002) (1835), <http://seas3.elte.hu/coursematerial/LojkoMiklos/Alexis-de-Tocqueville-Democracy-in-America.pdf>.

The U.S. Constitution ensures the right to a federal jury trial in the Sixth and Seventh Amendments. The Sixth Amendment states that “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed”² The Seventh Amendment states that in matters at common law where the amount in controversy exceeds “twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”³

The State Constitution provides that “The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.”⁴ Additionally, s. 918.0157, F.S., states, in part, that a defendant in a trial which is punishable by imprisonment, shall have, upon demand, the right to a trial by an impartial jury in the county where the offense was committed. The right to a jury trial is effectuated by laws requiring citizens to appear for jury selection and serve as jurors.

State Jury Selection Process

The clerks of the court are responsible for summoning prospective jurors at least 14 days before they are to appear in court for jury selection.⁵

If a person is summoned to attend as a juror and fails to attend without providing a sufficient excuse, he or she may be fined up to \$100 by the court and held in contempt of court.⁶ The statute does not specify or limit the sanctions a court may impose for contempt of court.

Potential jurors are randomly selected from a list of names provided quarterly to the clerk of the circuit court by the Department of Highway Safety and Motor Vehicles.⁷ Jurors must:

- Be at least 18 years old.
- Be citizens of the United States.
- Be legal residents of the state and their respective counties.
- Possess a driver license or identification card issued by the Department of Highway Safety and Motor Vehicles or have executed an affidavit, as prescribed by statute, in which they indicate a desire to serve as a juror.⁸

People Who are Disqualified or Excused from Jury Service

Although most adult citizens of this state may be summoned for jury service, the statutes allow any person summoned to postpone his or her service for any reason for a period not to exceed 6

² U.S. CONST. amend. VI.

³ U.S. CONST. amend. VII. The right to a jury trial for crimes in other types of cases, except impeachment cases, is also stated in Article III, Section 2.

⁴ FLA. CONST. art. 1, s. 22.

⁵ Section 40.23(1), F.S.

⁶ Section 40.23(3), F.S.

⁷ Section 40.011, F.S.

⁸ Section 40.01, F.S.

months.⁹ Additionally, the statutes specify grounds for many persons summoned to be excused from service upon request. Finally, statutes and court rules identify persons who are disqualified from serving on a jury. The grounds for excusal and disqualification are detailed below.

Excusal

These people *must be excused* from jury service *unless* they choose to serve:

- Any full-time federal, state, or local law enforcement officer or those entities' investigative personnel.¹⁰

People who *must be excused* from jury service *upon request*:

- Any expectant mother and any parent who is not employed full time and has custody of a child under 6 years of age.
- A person who is 70 years of age or older. This person may be permanently excused upon written request.
- Anyone who is responsible for the care of a person who is incapable of caring for himself or herself because of mental illness, intellectual disability, senility, or other physical or mental incapacity.
- A full-time student between 18 and 21 years of age who is attending high school or any state university, private postsecondary educational institution, Florida College System institution, or career center.¹¹

People who *may be excused*:

- A person who demonstrates a showing of hardship, extreme inconvenience, or public necessity.¹²
- A person who, because of mental illness, intellectual disability, senility, or other physical or mental incapacity and is permanently incapable of caring for himself or herself may be permanently excused if a written statement to that effect is provided by a physician.¹³

People who are *exempt* from jury service:

- People who, within the last year, were summoned and reported for jury duty in the county where they reside.¹⁴

A presiding judge has the discretion to excuse a practicing attorney, a practicing physician, or a person who is physically infirm from jury service.¹⁵

Disqualification

Prospective jurors may be disqualified from jury service based upon grounds specified in statute. Others may be excused if the court believes that the juror is not qualified to serve.¹⁶ If a potential

⁹ Section 40.23(2), F.S.

¹⁰ Section 40.013(2)(b), F.S.

¹¹ Section 40.013(4), (8), (10), (11), F.S.

¹² Section 40.013(6), F.S.

¹³ Section 40.013(9), F.S.

¹⁴ Section 40.013(7), F.S.

¹⁵ Section 40.013(5), F.S.

¹⁶ Fla. R. Crim. P. 3.300.

juror in a civil trial does not have the reading, writing, and math skills to understand the evidence that will be offered, he or she may be excused.¹⁷

People who are *disqualified* from the jury selection process include:

- A person under prosecution for a crime or who has been convicted of a felony, unless his or her civil rights have been restored.¹⁸
- The Governor, Lieutenant Governor, Cabinet officer, clerk of court, or judge.¹⁹
- A person having an interest in an issue that is being tried.²⁰

Statutes Permitting Excusal from Jury Service to Take Care of Young Children

While there is no specific provision in current law exempting a woman from jury service who has recently given birth, existing law may address many of these circumstances indirectly. As discussed above, one statute permits any person who has been summoned for jury duty to postpone his or her service for a period that does not exceed 6 months by making a written or oral request.²¹ Another statute, requires a person to be excused from jury service if she is an expectant mother or if he or she is a parent who is not employed full time and has custody of a child under 6 years of age.²² The potential juror needs only to request the excuse.

Legislation Passed by Other States

According to the National Conference of State Legislatures (NCSL), no state permits a woman to be excused from jury service solely on the basis that she has given birth within the last 6 months. However, NCSL research has found that at least 22 states and Puerto Rico allow mothers who are breastfeeding their infants to postpone or be exempt from jury service.²³

III. Effect of Proposed Changes:

The bill creates a new basis for someone to be excused from jury duty. The bill provides that a woman who has given birth within the 6 months before the reporting date on a summons for jury service shall be excused from service if she submits the request in writing with a photocopy of the newborn child's birth certificate.

The bill takes effect July 1, 2024.

¹⁷ Fla. R. Civ. P. 1.431(c)(3).

¹⁸ Section 40.013(1), F.S.

¹⁹ Section 40.013(2)(a), F.S.

²⁰ Section 40.013(3), F.S.

²¹ Section 40.23(2), F.S.

²² Section 40.013(4), F.S.

²³ National Conference of State Legislatures, *Breastfeeding State Laws* (Aug. 26, 2021), <https://www.ncsl.org/ncsl-search-results/searchtext/breastfeeding%20laws>.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The bill will financially benefit businesses employing mothers of newborns and the mothers of newborns themselves to the extent that the mothers of newborns use an excusal from jury service to attend a job instead of jury service.

C. Government Sector Impact:

The bill will increase costs to impanel jurors to the extent that courts will be required to issue additional summons for jury service. However, the costs are likely to be minimal as the excusal authorized by the bill somewhat overlaps the right to be excused or postpone jury service under current law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 40.013 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 December 13, 2023:

The committee substitute clarifies that the “6 months” period in the bill is measured from the birth of the child to the reporting date on the summons.

- B. **Amendments:**

None.

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



668184

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/13/2023	.	
	.	
	.	
	.	

The Committee on Judiciary (Grall) recommended the following:

Senate Amendment

Delete lines 13 - 16
and insert:

(12) A woman who has given birth within the 6 months before
the reporting date on a summons for jury service shall be
excused upon a written request for excusal accompanied by a
photocopy of the newborn's birth certificate. The excusal
applies only to the specific summons for which the excusal is
requested.

By Senator Grall

29-01029-24

2024462__

1 A bill to be entitled
2 An act relating to excusal from jury service; amending
3 s. 40.013, F.S.; requiring that a woman who has
4 recently given birth be excused from certain jury
5 service under specified conditions; providing an
6 effective date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Subsection (12) is added to section 40.013,
11 Florida Statutes, to read:
12 40.013 Persons disqualified or excused from jury service.—
13 (12) Upon written request with an accompanying photocopy of
14 the newborn's birth certificate, a woman who has given birth
15 less than 6 months before being summoned for jury service shall
16 be excused from that specific summons for jury service.
17 Section 2. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: November 28, 2023

I respectfully request that **Senate Bill #462**, relating to Excusal From Jury Service, 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".

Senator Erin Grall
Florida Senate, District 29

December 13, 2023

Meeting Date

Judiciary

Committee

Name

Barney Bishop III

Phone

850/510-9922

Address

1454 Vieux Carre Drive

Email

Barney@BarneyBishop.com

Street

Tallahassee

FL

32308

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

☐

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

462

Bill Number or Topic

Amendment Barcode (if applicable)

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education Postsecondary, *Chair*
Appropriations
Appropriations Committee on Agriculture, Environment,
and General Government
Education Pre-K - 12
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR ERIN GRALL

29th District

December 13, 2023

Dear Chair Yarborough,

Please accept this letter as notification that Senator Burton will be presenting SB 642, Excusal from Jury Service in the Committee on Judiciary on Wednesday, December 13, 2023.

Please let me know if you need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Erin K. Grall".

Erin Grall

REPLY TO:

- ☐ 3209 Virginia Avenue, Suite A149, Fort Pierce, Florida 34981 (772) 595-1398
- ☐ 1069 U.S. Highway 27 North, Lake Placid, Florida 33852 (863) 699-1080
- ☐ 305 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Judiciary Committee

Judge:

Started: 12/13/2023 9:13:08 AM

Ends: 12/13/2023 9:23:49 AM

Length: 00:10:42

9:13:08 AM Meeting called to order, roll call
9:13:21 AM Quorum is present
9:13:26 AM Chair Yarborough makes opening remarks
9:13:53 AM Tab 3- SB 462, Excusal from Jury Service, Senator Grall
9:13:58 AM Senator Burton explains the bill
9:14:36 AM Amendment 668184
9:15:03 AM Senator Burton explains the amendment
9:16:03 AM Questions:
9:16:06 AM Senator Thompson
9:16:24 AM Senator Burton
9:16:48 AM Chair Yarborough reads appearance cards waiving
9:16:56 AM Chair Yarborough reports the amendment
9:17:03 AM Senator Burton closes on the bill
9:17:21 AM Roll call on SB 462
9:17:45 AM Chair Yarborough reports the bill
9:17:54 AM Tab 2- SB 234, Disclosure of Grand Jury Testimony, Senator Polsky
9:17:58 AM Senator Polsky explains the bill
9:19:47 AM Amendment 103388
9:19:52 AM Senator Polsky explains the amendment
9:20:17 AM Senator Polsky waives close
9:20:25 AM Chair Yarborough reports the amendment
9:20:52 AM Senator Polsky waives close
9:21:02 AM Chair Yarborough reports the bill
9:21:32 AM Committee Recessed
9:23:06 AM Meeting called to order
9:23:08 AM Chair Yarborough temporarily postpones SB 278-Estoppel Certificates, Senator Martin
9:23:17 AM Senator Boyd makes a motion to record a missed vote
9:23:32 AM Senator Stewart motions to adjourn
9:23:37 AM Meeting adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Fiscal Policy
Governmental Oversight and Accountability
Health Policy
Judiciary

SELECT COMMITTEE:

Select Committee on Resiliency, *Chair*

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR BEN ALBRITTON

Majority Leader
27th District

December 13, 2023

Chair Yarborough,

I regrettably am unable to attend the Judiciary Committee on Dec. 13th, 2023. I humbly ask to be excused from the meeting. Your grace and consideration is greatly appreciated.

Apologies,

A handwritten signature in black ink, appearing to read "Ben Albritton", with a large, stylized flourish at the end.

REPLY TO:

- ☐ 150 North Central Avenue, Bartow, Florida 33830 (863) 534-0073
- ☐ 410 Taylor Street, Suite 106, Punta Gorda, Florida 33950 (941) 575-5717
- ☐ 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5027

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations, *Chair*
Appropriations Committee on Education
Banking and Insurance
Finance and Tax
Health Policy
Judiciary
Rules
Transportation

JOINT COMMITTEE:

Joint Legislative Budget Commission, *Alternating Chair*

SENATOR DOUG BROXSON

1st District

December 13, 2023

The Honorable Clay Yarborough, Chair
Committee on Judiciary
515 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Yarborough,

I respectfully request an excused absence from the Committee on Judiciary meeting scheduled for December 13, 2023.

Please let me know if I may be of any further assistance with this request.

Respectfully,

A handwritten signature in dark ink, appearing to read "Doug Broxson", with a long horizontal flourish extending to the right.

Senator Doug Broxson
District 1

REPLY TO:

- ☐ 418 West Garden Street, Room 403, Pensacola, Florida 32502 (850) 595-1036
- ☐ 208 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5001

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore