

Tab 1	SB 144 by Rouson ; Identical to H 01373 Public Records/Judicial Qualifications Commission
Tab 2	SB 192 by Martin (CO-INTRODUCERS) Trumbull ; Identical to H 00259 Patient Funds Held in Trust by Chiropractic Physicians
Tab 3	SB 332 by Bradley ; Compare to CS/H 00655 Public Meetings 865486 D S RCS JU, Bradley Delete everything after 01/27 03:52 PM
Tab 4	SB 532 by Simon (CO-INTRODUCERS) Wright, Osgood, Rodriguez, Calatayud, Jones, Smith, Bracy Davis, Boyd, Massullo, Rouson ; Identical to CS/H 00759 Court Fees 491654 D S JU, Simon Delete everything after 01/26 12:31 PM
Tab 5	SB 620 by Mayfield ; Identical to H 00535 Candidate Qualifying
Tab 6	SB 694 by Bracy Davis (CO-INTRODUCERS) Smith, Osgood, Berman, Davis, Arrington, Bernard, Leek, Gaetz, Sharief, Mayfield, DiCeglie, Massullo, Rouson ; Identical to H 06523 Compensation of the Descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas 412616 A S RCS JU, Bracy Davis Delete L.95 - 98: 01/27 03:52 PM
Tab 7	SB 820 by Bradley ; Identical to H 00831 Problem-solving Court Reports
Tab 8	SB 888 by Martin ; Compare to H 00699 Professional Services Contracts
Tab 9	SB 1000 by Grall ; Identical to H 00893 Trust Fund Interest for Purposes Approved by the Supreme Court
Tab 10	SB 1224 by Rodriguez ; Compare to H 01293 Fraudulent Entry of Residential Dwellings 809630 D S RCS JU, Rodriguez Delete everything after 01/27 03:52 PM
Tab 11	SB 1396 by Burton ; Similar to H 01157 Litigation Financing Consumer Protection
Tab 12	SB 1500 by Bradley ; Identical to H 01337 Estates

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Yarborough, Chair
Senator Burton, Vice Chair

MEETING DATE: Tuesday, January 27, 2026
TIME: 1:00—3:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Yarborough, Chair; Senator Burton, Vice Chair; Senators Berman, DiCeglie, Gaetz, Hooper, Leek, Osgood, Passidomo, Polsky, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 144 Rouson (Identical H 1373)	Public Records/Judicial Qualifications Commission; Providing an exemption from public records requirements for the personal identifying and location information of current and former employees of the Judicial Qualifications Commission and the personal identifying and location information of the spouses and children of such employees; providing for legislative review and repeal of the exemption; providing for retroactive application of the exemption; providing a statement of public necessity, etc. JU 01/27/2026 Favorable GO RC	Favorable Yeas 9 Nays 1
2	SB 192 Martin (Identical H 259)	Patient Funds Held in Trust by Chiropractic Physicians; Deleting the limitation on the amount of patient funds a chiropractic physician may hold in trust for specified purposes, etc. HP 01/20/2026 Favorable JU 01/27/2026 Favorable RC	Favorable Yeas 10 Nays 0
3	SB 332 Bradley (Compare CS/H 655)	Public Meetings; Providing that specified entities may meet in private with their attorneys to discuss certain claims concerning private property rights; requiring that such meetings be transcribed; providing that such transcripts become public records at specified times, etc. JU 01/27/2026 Fav/CS GO RC	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, January 27, 2026, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 532 Simon (Identical CS/H 759)	Court Fees; Increasing the service charges a clerk of the circuit court charges for certain services rendered by the clerk's office; increasing certain filing fees that may be charged by the clerk in probate matters; increasing certain filing fees and service charges in trial and appellate proceedings; increasing certain filing fees and service charges for civil actions, suits, or proceedings in county court; increasing the service charge the clerk is entitled to for disbursement of surplus proceeds for certain judicial sales procedures, etc. JU 01/27/2026 Temporarily Postponed ACJ AP	Temporarily Postponed
5	SB 620 Mayfield (Identical H 535)	Candidate Qualifying; Requiring certain candidates to provide the filing officer a statement disclosing dual citizenship for nomination and election to federal, state, county, multicounty, district, or judicial office or to a district school board, etc. EE 01/13/2026 Favorable JU 01/27/2026 Favorable RC	Favorable Yeas 10 Nays 0
6	SB 694 Bracy Davis (Identical H 6523)	Compensation of the Descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas; Providing that a sum is appropriated from the General Revenue Fund to the Department of State for specified relief; providing that specified persons are ineligible for further compensation, etc. JU 01/27/2026 Fav/CS ATD AP	Fav/CS Yeas 10 Nays 0
7	SB 820 Bradley (Identical H 831)	Problem-solving Court Reports; Requiring that specified data be included in problem-solving court reports; revising the frequency with which mental health and treatment-based drug court program reports, respectively, must be reported to the Office of the State Courts Administrator, etc. JU 01/27/2026 Favorable ACJ RC	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, January 27, 2026, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 888 Martin (Compare H 699)	Professional Services Contracts; Providing that a professional services contract between a design professional and a contracting party, rather than between a design professional and a public agency, may require the design professional to indemnify and hold harmless the contracting party, and its officers and employees, only against certain liability and damages; specifying that a professional services contract must require a design professional to perform to a certain level of professional skill and care; prohibiting a professional services contract from subjecting a design professional to a different standard of care, etc. JU 01/27/2026 Favorable CM RC	Favorable Yeas 10 Nays 0
9	SB 1000 Grall (Identical H 893)	Trust Fund Interest for Purposes Approved by the Supreme Court; Authorizing financial institutions to hold funds in specified trust accounts used for specified purposes expressly authorized by Supreme Court rule; requiring certain entities to use interest and dividends for specified purposes; requiring certain financial institutions to pay specified interest or dividends, etc. JU 01/27/2026 Favorable BI RC	Favorable Yeas 10 Nays 0
10	SB 1224 Rodriguez (Compare H 1293)	Fraudulent Entry of Residential Dwellings; Defining the term "fraudulent entry"; providing a cause of action against a person who obtains possession of certain real property by fraudulent entry; authorizing a property owner to request that the sheriff remove a person unlawfully occupying a residential dwelling if the unauthorized person obtained possession through fraudulent entry, etc. JU 01/27/2026 Fav/CS CJ RC	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, January 27, 2026, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1396 Burton (Similar H 1157)	Litigation Financing Consumer Protection; Citing this act as the "Litigation Investment Safeguards and Transparency Act"; authorizing courts to consider the existence of a litigation financing agreement to determine if a class representative or lead counsel or co-lead counsel to a class action lawsuit would adequately and fairly represent the interests of the class; prohibiting specified acts by litigation financiers; requiring certain parties to a legal proceeding which have entered into a litigation financing agreement with a foreign person, a foreign principal, or a sovereign wealth fund to file and serve a notice identifying specified information with the court, agency, or tribunal and all other parties to the legal proceeding within a specified timeframe; providing for sanctions, etc. JU 01/27/2026 Favorable RC	Favorable Yeas 8 Nays 2
12	SB 1500 Bradley (Identical H 1337)	Estates; Revising the issues a court may resolve for a personal representative; requiring the court to award taxable costs and attorney fees in certain proceedings; authorizing the court to direct such payment from certain persons; revising when summary administration proceedings may commence for either a resident or nonresident decedent's estate; revising the sum for funds certain financial institutions may make payable to a decedent's family member, etc. JU 01/27/2026 Favorable BI RC	Favorable Yeas 10 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 144

INTRODUCER: Senator Rouson

SUBJECT: Public Records/Judicial Qualifications Commission

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 144 exempts from public records copying and inspection requirements certain identifying information of current and former employees of the Judicial Qualifications Commission (Commission) and their spouses and children. The exemption restricts access to their information in the public records which may identify or locate them.

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

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

This exemption applies to information held by an agency before, on, or after July 1, 2026. It is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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

The bill takes effect July 1, 2026.

II. Present Situation:

Access to Public Records – Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

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

Executive Agency Records – The Public Records Act

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

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ See Rule 1.48, *Rules and Manual of the Florida Senate* (2024-2026) and Rules 14.1 and 14.2, *Rules of the Florida House of Representatives*, Edition 1 (2024-2026).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

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

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

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

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

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

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

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

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers¹⁶ and county tax collectors¹⁷ holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.¹⁸

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

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.²⁰ Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling²¹ or upon his or her death.²²

¹⁶ See s. 192.001(3), F.S.

¹⁷ See s. 192.001(4), F.S.

¹⁸ Section 119.071(4)(d)4., F.S.

¹⁹ Section 119.071(4)(d)3., F.S.

²⁰ Section 119.071(4)(d)6., F.S.

²¹ The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

²² A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." See s. 28.222(2), F.S.

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act²³ (the Act), prescribe a legislative review process for newly created or substantially amended²⁴ public records or open meetings exemptions, with specified exceptions.²⁵ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.²⁶

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁷ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

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

The Act also requires specified questions to be considered during the review process.³¹ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.³² If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds

²³ Section 119.15, F.S.

²⁴ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

²⁵ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

²⁶ Section 119.15(3), F.S.

²⁷ Section 119.15(6)(b), F.S.

²⁸ Section 119.15(6)(b)1., F.S.

²⁹ Section 119.15(6)(b)2., F.S.

³⁰ Section 119.15(6)(b)3., F.S.

³¹ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³² See generally s. 119.15, F.S.

vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.³³

Judicial Qualifications Commission

The Judicial Qualifications Commission is an independent state agency³⁴ created by the State Constitution.³⁵ It is charged with investigating allegations of judicial misconduct and disability against state judges.³⁶ It has jurisdiction to review complaints about judges of county and circuit courts and district courts of appeal, as well as justices of the State Supreme Court.³⁷

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

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

Doxing

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

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

³³ Section 119.15(7), F.S.

³⁴ Florida Judicial Qualifications Commission (FJQC), *Home*, <https://floridajqc.com/> (last visited Jan. 15, 2026).

³⁵ FLA. CONST. art. V, s. 12(a).

³⁶ FJQC, *Home*, <https://floridajqc.com/> (last visited Jan. 15, 2026).

³⁷ FJQC, *Frequently Asked Questions*, <https://floridajqc.com/faq/> (last visited Jan. 15, 2026).

³⁸ FLA. CONST. art. V, s. 12(b); *see also* FJQC, *About*, <https://floridajqc.com/about/> (last visited Jan. 15, 2026).

³⁹ *Id.*

⁴⁰ FLA. CONST. art. V, s. 12(a)(1); *see also* FJQC, *About*, <https://floridajqc.com/about/> (last visited Jan. 15, 2026).

⁴¹ FLA. CONST. art. V, s. 12(f)(2); *see also* FJQC, *About*, <https://floridajqc.com/about/> (last visited Jan. 15, 2026).

⁴² FJQC, *Commission Staff*, <https://floridajqc.com/commission-staff/> (last visited Jan. 15, 2026).

⁴³ *Vangheluwe v. Got News, LLC*, 365 F. Supp. 3d 850, 858 (E.D. Mich. 2019).

⁴⁴ Hannah Shankman, *How to Close Pandora’s Dox: A Case for the Federal Regulation of Doxing*, 33 UNI. FLA. J.L. & PUB. POL’Y 273, 273, 276, 279-281 (2023); David Cremins, *Defending the Public Quad: Doxxing, Campus Speech Policies, and the First Amendment*, 76 STAN. L. REV. 1813, 1813 (2024); Wolsters Kluwer, CHH Incorp., *Technology/Internet News: Ican Urged To Reject Display of Website Owner Addresses*, 2015 WEST LAW 4082814, July 7, 2025.

⁴⁵ Shankman, *supra* note 44 at 279; *see Vangheluwe*, 365 F. Supp. at 859 (“The goal of doxxing is typically retribution, harassment or humiliation.” (internal quotation marks and citation omitted)).

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

III. Effect of Proposed Changes:

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

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

Pursuant to s. 119.071(4)(d)6., F.S., the exemption applies to information held by an agency before, on, or after July 1, 2026.

Consistent with s. 119.15, F.S., the new exemption is subject to the Open Government Sunset Review Act⁵² and will be repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

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

⁴⁶ Shankman, *supra* note 44 at 279.

⁴⁷ *Id.*

⁴⁸ Wolsters Kluwer, CHH Incorp., *supra* note 44.

⁴⁹ *Id.*; Shankman, *supra* note 44 at 276-277, 301.

⁵⁰ 1 RIGHTS OF PUBLICITY AND PRIVACY 2D s. 5:78, *Disclosure of private facts form of privacy—Disclosure privacy rights and the First Amendment—Identifying individuals and naming names* (2024).

⁵¹ Section 119.07(1), F.S.; FLA. CONST. art. I, s. 24(a).

⁵² *See* s. 119.15, F.S.

to acts of intimidation by such dissatisfied litigants, including online doxing of staff members, posting of false and defamatory statements concerning employees on social media, threatening e-mails and telephone calls, and inappropriate contact regarding Commission affairs at the personal residences of employees and employees' family members. These acts of intimidation have left Commission employees in fear of harm by disgruntled litigants who seek punishment of judges by the Commission for unfavorable litigation results. The Legislature finds that the release of personal identifying and location information of current or former employees of the Commission and their family members may place them at risk of physical harm and harassment and that the risk of such harm and harassment outweighs any public benefit that may be derived from the public disclosure of such information.

Section 3 provides that the bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. This bill enacts a new exemption for current and former employees of the Judicial Qualifications Commission and their spouses and children; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption which provides that, as a result of their responsibilities and duties to the Commission, current and former employees of the Commission and their families may be subject to physical harm and harassment.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect current and former Judicial Qualifications Commission employees and their spouses and children from physical harm and harassment that may result from their responsibilities to the Commission. This bill

exempts only current and former Commission employees and their spouses and children from the public records disclosure requirements. The records to a large degree mirror existing exemptions for other sensitive public officers and employees in s. 119.071(4)(d), F.S. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Rouson

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption from public
 4 records requirements for the personal identifying and
 5 location information of current and former employees
 6 of the Judicial Qualifications Commission and the
 7 personal identifying and location information of the
 8 spouses and children of such employees; providing for
 9 legislative review and repeal of the exemption;
 10 providing for retroactive application of the
 11 exemption; providing a statement of public necessity;
 12 providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Paragraph (d) of subsection (4) of section
 17 119.071, Florida Statutes, is amended to read:
 18 119.071 General exemptions from inspection or copying of
 19 public records.—
 20 (4) AGENCY PERSONNEL INFORMATION.—
 21 (d)1. For purposes of this paragraph, the term:
 22 a. "Home addresses" means the dwelling location at which an
 23 individual resides and includes the physical address, mailing
 24 address, street address, parcel identification number, plot
 25 identification number, legal property description, neighborhood
 26 name and lot number, GPS coordinates, and any other descriptive
 27 property information that may reveal the home address.
 28 b. "Judicial assistant" means a court employee assigned to
 29 the following class codes: 8140, 8150, 8310, and 8320.

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30 c. "Telephone numbers" includes home telephone numbers,
 31 personal cellular telephone numbers, personal pager telephone
 32 numbers, and telephone numbers associated with personal
 33 communications devices.
 34 2.a. The home addresses, telephone numbers, dates of birth,
 35 and photographs of active or former sworn law enforcement
 36 personnel or of active or former civilian personnel employed by
 37 a law enforcement agency, including correctional and
 38 correctional probation officers, personnel of the Department of
 39 Children and Families whose duties include the investigation of
 40 abuse, neglect, exploitation, fraud, theft, or other criminal
 41 activities, personnel of the Department of Health whose duties
 42 are to support the investigation of child abuse or neglect, and
 43 personnel of the Department of Revenue or local governments
 44 whose responsibilities include revenue collection and
 45 enforcement or child support enforcement; the names, home
 46 addresses, telephone numbers, photographs, dates of birth, and
 47 places of employment of the spouses and children of such
 48 personnel; and the names and locations of schools and day care
 49 facilities attended by the children of such personnel are exempt
 50 from s. 119.07(1) and s. 24(a), Art. I of the State
 51 Constitution.
 52 b. The home addresses, telephone numbers, dates of birth,
 53 and photographs of current or former nonsworn investigative
 54 personnel of the Department of Financial Services whose duties
 55 include the investigation of fraud, theft, workers' compensation
 56 coverage requirements and compliance, other related criminal
 57 activities, or state regulatory requirement violations; the
 58 names, home addresses, telephone numbers, dates of birth, and

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59 places of employment of the spouses and children of such
60 personnel; and the names and locations of schools and day care
61 facilities attended by the children of such personnel are exempt
62 from s. 119.07(1) and s. 24(a), Art. I of the State
63 Constitution.

64 c. The home addresses, telephone numbers, dates of birth,
65 and photographs of current or former nonsworn investigative
66 personnel of the Office of Financial Regulation's Bureau of
67 Financial Investigations whose duties include the investigation
68 of fraud, theft, other related criminal activities, or state
69 regulatory requirement violations; the names, home addresses,
70 telephone numbers, dates of birth, and places of employment of
71 the spouses and children of such personnel; and the names and
72 locations of schools and day care facilities attended by the
73 children of such personnel are exempt from s. 119.07(1) and s.
74 24(a), Art. I of the State Constitution.

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

83 e. The home addresses, dates of birth, and telephone
84 numbers of current or former justices of the Supreme Court,
85 district court of appeal judges, circuit court judges, and
86 county court judges and current judicial assistants; the names,
87 home addresses, telephone numbers, dates of birth, and places of

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88 employment of the spouses and children of current or former
89 justices and judges and current judicial assistants; and the
90 names and locations of schools and day care facilities attended
91 by the children of current or former justices and judges and of
92 current judicial assistants are exempt from s. 119.07(1) and s.
93 24(a), Art. I of the State Constitution. This sub-subparagraph
94 is subject to the Open Government Sunset Review Act in
95 accordance with s. 119.15 and shall stand repealed on October 2,
96 2028, unless reviewed and saved from repeal through reenactment
97 by the Legislature.

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

110 g. The home addresses, dates of birth, and telephone
111 numbers of general magistrates, special magistrates, judges of
112 compensation claims, administrative law judges of the Division
113 of Administrative Hearings, and child support enforcement
114 hearing officers; the names, home addresses, telephone numbers,
115 dates of birth, and places of employment of the spouses and
116 children of general magistrates, special magistrates, judges of

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 117 compensation claims, administrative law judges of the Division
 118 of Administrative Hearings, and child support enforcement
 119 hearing officers; and the names and locations of schools and day
 120 care facilities attended by the children of general magistrates,
 121 special magistrates, judges of compensation claims,
 122 administrative law judges of the Division of Administrative
 123 Hearings, and child support enforcement hearing officers are
 124 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 125 Constitution.

126 h. The home addresses, telephone numbers, dates of birth,
 127 and photographs of current or former human resource, labor
 128 relations, or employee relations directors, assistant directors,
 129 managers, or assistant managers of any local government agency
 130 or water management district whose duties include hiring and
 131 firing employees, labor contract negotiation, administration, or
 132 other personnel-related duties; the names, home addresses,
 133 telephone numbers, dates of birth, and places of employment of
 134 the spouses and children of such personnel; and the names and
 135 locations of schools and day care facilities attended by the
 136 children of such personnel are exempt from s. 119.07(1) and s.
 137 24(a), Art. I of the State Constitution.

138 i. The home addresses, telephone numbers, dates of birth,
 139 and photographs of current or former code enforcement officers;
 140 the names, home addresses, telephone numbers, dates of birth,
 141 and places of employment of the spouses and children of such
 142 personnel; and the names and locations of schools and day care
 143 facilities attended by the children of such personnel are exempt
 144 from s. 119.07(1) and s. 24(a), Art. I of the State
 145 Constitution.

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

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

171 l. The home addresses, telephone numbers, dates of birth,
 172 and photographs of current or former public defenders, assistant
 173 public defenders, criminal conflict and civil regional counsel,
 174 and assistant criminal conflict and civil regional counsel; the

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175 names, home addresses, telephone numbers, dates of birth, and
 176 places of employment of the spouses and children of current or
 177 former public defenders, assistant public defenders, criminal
 178 conflict and civil regional counsel, and assistant criminal
 179 conflict and civil regional counsel; and the names and locations
 180 of schools and day care facilities attended by the children of
 181 current or former public defenders, assistant public defenders,
 182 criminal conflict and civil regional counsel, and assistant
 183 criminal conflict and civil regional counsel are exempt from s.
 184 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

195 n. The home addresses, telephone numbers, and dates of
 196 birth of county tax collectors; the names, home addresses,
 197 telephone numbers, dates of birth, and places of employment of
 198 the spouses and children of such tax collectors; and the names
 199 and locations of schools and day care facilities attended by the
 200 children of such tax collectors are exempt from s. 119.07(1) and
 201 s. 24(a), Art. I of the State Constitution.

202 o. The home addresses, telephone numbers, dates of birth,
 203 and photographs of current or former personnel of the Department

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

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

227 q. The home addresses, telephone numbers, dates of birth,
 228 and photographs of current or former emergency medical
 229 technicians or paramedics certified under chapter 401; the
 230 names, home addresses, telephone numbers, dates of birth, and
 231 places of employment of the spouses and children of such
 232 emergency medical technicians or paramedics; and the names and

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233 locations of schools and day care facilities attended by the
 234 children of such emergency medical technicians or paramedics are
 235 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 236 Constitution.

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

249 s. The home addresses, telephone numbers, dates of birth,
 250 and photographs of current or former directors, managers,
 251 supervisors, nurses, and clinical employees of an addiction
 252 treatment facility; the home addresses, telephone numbers,
 253 photographs, dates of birth, and places of employment of the
 254 spouses and children of such personnel; and the names and
 255 locations of schools and day care facilities attended by the
 256 children of such personnel are exempt from s. 119.07(1) and s.
 257 24(a), Art. I of the State Constitution. For purposes of this
 258 sub-subparagraph, the term "addiction treatment facility" means
 259 a county government, or agency thereof, that is licensed
 260 pursuant to s. 397.401 and provides substance abuse prevention,
 261 intervention, or clinical treatment, including any licensed

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262 service component described in s. 397.311(27).

263 t. The home addresses, telephone numbers, dates of birth,
 264 and photographs of current or former directors, managers,
 265 supervisors, and clinical employees of a child advocacy center
 266 that meets the standards of s. 39.3035(2) and fulfills the
 267 screening requirement of s. 39.3035(3), and the members of a
 268 Child Protection Team as described in s. 39.303 whose duties
 269 include supporting the investigation of child abuse or sexual
 270 abuse, child abandonment, child neglect, and child exploitation
 271 or to provide services as part of a multidisciplinary case
 272 review team; the names, home addresses, telephone numbers,
 273 photographs, dates of birth, and places of employment of the
 274 spouses and children of such personnel and members; and the
 275 names and locations of schools and day care facilities attended
 276 by the children of such personnel and members are exempt from s.
 277 119.07(1) and s. 24(a), Art. I of the State Constitution.

278 u. The home addresses, telephone numbers, places of
 279 employment, dates of birth, and photographs of current or former
 280 staff and domestic violence advocates, as defined in s.
 281 90.5036(1)(b), of domestic violence centers certified by the
 282 Department of Children and Families under chapter 39; the names,
 283 home addresses, telephone numbers, places of employment, dates
 284 of birth, and photographs of the spouses and children of such
 285 personnel; and the names and locations of schools and day care
 286 facilities attended by the children of such personnel are exempt
 287 from s. 119.07(1) and s. 24(a), Art. I of the State
 288 Constitution.

289 v. The home addresses, telephone numbers, dates of birth,
 290 and photographs of current or former inspectors or investigators

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291 of the Department of Agriculture and Consumer Services; the
 292 names, home addresses, telephone numbers, dates of birth, and
 293 places of employment of the spouses and children of current or
 294 former inspectors or investigators; and the names and locations
 295 of schools and day care facilities attended by the children of
 296 current or former inspectors or investigators are exempt from s.
 297 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 298 sub-subparagraph is subject to the Open Government Sunset Review
 299 Act in accordance with s. 119.15 and shall stand repealed on
 300 October 2, 2028, unless reviewed and saved from repeal through
 301 reenactment by the Legislature.

302 w. The home addresses, telephone numbers, dates of birth,
 303 and photographs of current county attorneys, assistant county
 304 attorneys, deputy county attorneys, city attorneys, assistant
 305 city attorneys, and deputy city attorneys; the names, home
 306 addresses, telephone numbers, photographs, dates of birth, and
 307 places of employment of the spouses and children of current
 308 county attorneys, assistant county attorneys, deputy county
 309 attorneys, city attorneys, assistant city attorneys, and deputy
 310 city attorneys; and the names and locations of schools and day
 311 care facilities attended by the children of current county
 312 attorneys, assistant county attorneys, deputy county attorneys,
 313 city attorneys, assistant city attorneys, and deputy city
 314 attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of
 315 the State Constitution. This exemption does not apply to a
 316 county attorney, assistant county attorney, deputy county
 317 attorney, city attorney, assistant city attorney, or deputy city
 318 attorney who qualifies as a candidate for election to public
 319 office. This sub-subparagraph is subject to the Open Government

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320 Sunset Review Act in accordance with s. 119.15 and shall stand
 321 repealed on October 2, 2029, unless reviewed and saved from
 322 repeal through reenactment by the Legislature.

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

336 y. The home addresses, telephone numbers, dates of birth,
 337 and photographs of current clerks of the circuit court, deputy
 338 clerks of the circuit court, and clerk of the circuit court
 339 personnel; the names, home addresses, telephone numbers, dates
 340 of birth, and places of employment of the spouses and children
 341 of current clerks of the circuit court, deputy clerks of the
 342 circuit court, and clerk of the circuit court personnel; and the
 343 names and locations of schools and day care facilities attended
 344 by the children of current clerks of the circuit court, deputy
 345 clerks of the circuit court, and clerk of the circuit court
 346 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 347 the State Constitution. This sub-subparagraph is subject to the
 348 Open Government Sunset Review Act in accordance with s. 119.15

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349 and shall stand repealed on October 2, 2029, unless reviewed and
 350 saved from repeal through reenactment by the Legislature.

351 z.(I) As used in this sub-subparagraph, the term:

352 (A) "Congressional member" means a person who is elected to
 353 serve as a member of the United States House of Representatives
 354 or is elected or appointed to serve as a member of the United
 355 States Senate.

356 (B) "Partial home address" means the dwelling location at
 357 which an individual resides and includes the physical address,
 358 mailing address, street address, parcel identification number,
 359 plot identification number, legal property description,
 360 neighborhood name and lot number, GPS coordinates, and any other
 361 descriptive property information that may reveal the partial
 362 home address, except for the city and zip code.

363 (C) "Public officer" means a person who holds one of the
 364 following offices: Governor, Lieutenant Governor, Chief
 365 Financial Officer, Attorney General, Agriculture Commissioner,
 366 state representative, state senator, property appraiser,
 367 supervisor of elections, school superintendent, school board
 368 member, mayor, city commissioner, or county commissioner.

369 (II) The following information is exempt from s. 119.07(1)
 370 and s. 24(a), Art. I of the State Constitution:

371 (A) The partial home addresses of a current congressional
 372 member or public officer and his or her spouse or adult child.

373 (B) The telephone numbers of a current congressional member
 374 or public officer and his or her spouse or adult child.

375 (C) The name, home addresses, telephone numbers, and date
 376 of birth of a minor child of a current congressional member or
 377 public officer and the name and location of the school or day

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378 care facility attended by the minor child.

379 (III) This sub-subparagraph is subject to the Open
 380 Government Sunset Review Act in accordance with s. 119.15 and
 381 shall stand repealed on October 2, 2030, unless reviewed and
 382 saved from repeal through reenactment by the Legislature.

383 aa. The home addresses, telephone numbers, dates of birth,
 384 and photographs of current and former employees of the Judicial
 385 Qualifications Commission; the names, home addresses, telephone
 386 numbers, dates of birth, photographs, and places of employment
 387 of the spouses and children of current and former employees of
 388 the Judicial Qualifications Commission; and the names and
 389 locations of schools and day care facilities attended by the
 390 children of current and former employees of the Judicial
 391 Qualifications Commission are exempt from s. 119.07(1) and s.
 392 24(a), Art. I of the State Constitution. This sub-subparagraph
 393 is subject to the Open Government Sunset Review Act in
 394 accordance with s. 119.15 and shall stand repealed on October 2,
 395 2031, unless reviewed and saved from repeal through reenactment
 396 by the Legislature.

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

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407 status.

408 b. An agency that is the custodian of information specified

409 in sub-subparagraph 2.z. and that is not the employer of the

410 congressional member, public officer, or other person specified

411 in sub-subparagraph 2.z. must maintain the exempt status of that

412 information only if an individual requests the maintenance of an

413 exemption pursuant to sub-subparagraph 2.z. on the basis of

414 eligibility as a current congressional member or public officer

415 and his or her spouse or child submits, as part of the written

416 and notarized request required by sub-subparagraph a., the date

417 of the congressional member's or public officer's election or

418 appointment to public office, the date on which that office is

419 next subject to election, and, if applicable, the date on which

420 the current congressional member's or public officer's minor

421 child reaches the age of majority. The custodian must maintain

422 an exemption granted pursuant to sub-subparagraph 2.z. until the

423 qualifying conditions for the exemption no longer apply to the

424 person subject to the exemption.

425 4.a. A county property appraiser, as defined in s.

426 192.001(3), or a county tax collector, as defined in s.

427 192.001(4), who receives a written and notarized request for

428 maintenance of the exemption pursuant to subparagraph 3. must

429 comply by removing the name of the individual with exempt status

430 and the instrument number or Official Records book and page

431 number identifying the property with the exempt status from all

432 publicly available records maintained by the property appraiser

433 or tax collector. For written requests received on or before

434 July 1, 2021, a county property appraiser or county tax

435 collector must comply with this sub-subparagraph by October 1,

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436 2021. A county property appraiser or county tax collector may

437 not remove the street address, legal description, or other

438 information identifying real property within the agency's

439 records so long as a name or personal information otherwise

440 exempt from inspection and copying pursuant to this section is

441 not associated with the property or otherwise displayed in the

442 public records of the agency.

443 b. Any information restricted from public display,

444 inspection, or copying under sub-subparagraph a. must be

445 provided to the individual whose information was removed.

446 5. An officer, an employee, a justice, a judge, or other

447 person specified in subparagraph 2. may submit a written request

448 for the release of his or her exempt information to the

449 custodial agency. The written request must be notarized and must

450 specify the information to be released and the party authorized

451 to receive the information. Upon receipt of the written request,

452 the custodial agency must release the specified information to

453 the party authorized to receive such information.

454 6. The exemptions in this paragraph apply to information

455 held by an agency before, on, or after the effective date of the

456 exemption.

457 7. Information made exempt under this paragraph may be

458 disclosed pursuant to s. 28.2221 to a title insurer authorized

459 pursuant to s. 624.401 and its affiliates as defined in s.

460 624.10; a title insurance agent or title insurance agency as

461 defined in s. 626.841(1) or (2), respectively; or an attorney

462 duly admitted to practice law in this state and in good standing

463 with The Florida Bar.

464 8. The exempt status of a home address contained in the

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465 Official Records is maintained only during the period when a
 466 protected party resides at the dwelling location. Upon
 467 conveyance of real property after October 1, 2021, and when such
 468 real property no longer constitutes a protected party's home
 469 address as defined in sub-subparagraph 1.a., the protected party
 470 must submit a written request to release the removed information
 471 to the county recorder. The written request to release the
 472 removed information must be notarized, must confirm that a
 473 protected party's request for release is pursuant to a
 474 conveyance of his or her dwelling location, and must specify the
 475 Official Records book and page, instrument number, or clerk's
 476 file number for each document containing the information to be
 477 released.

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

493 Section 2. The Legislature finds that it is a public

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494 necessity that the home addresses, telephone numbers, dates of
 495 birth, and photographs of current or former employees of the
 496 Judicial Qualifications Commission; the names, home addresses,
 497 telephone numbers, dates of birth, photographs, and places of
 498 employment of the spouses and children of current or former
 499 employees of the Judicial Qualifications Commission; and the
 500 names and locations of schools and day care facilities attended
 501 by the children of current or former employees of the Judicial
 502 Qualifications Commission be made exempt from s. 119.07(1),
 503 Florida Statutes, and s. 24(a), Article I of the State
 504 Constitution. The responsibilities of the Judicial
 505 Qualifications Commission include the investigation of
 506 allegations of judicial misconduct which are routinely received
 507 from criminal and civil litigants who are dissatisfied with
 508 adverse results in judicial proceedings. If the commission,
 509 after review and investigation of such complaints, does not
 510 discipline a judge or does not take the complainant's preferred
 511 course of action against a judge, dissatisfied litigants
 512 sometimes turn their ire toward commission employees as part of
 513 their campaign against the actions of the judge in the
 514 underlying litigation. Employees of the commission have been
 515 subject to acts of intimidation by such dissatisfied litigants,
 516 including online doxing of staff members, posting of false and
 517 defamatory statements concerning employees on social media,
 518 threatening e-mails and telephone calls, and inappropriate
 519 contact regarding commission affairs at the personal residences
 520 of employees and employees' family members. These acts of
 521 intimidation have left commission employees in fear of harm by
 522 disgruntled litigants who seek punishment of judges by the

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523 commission for unfavorable litigation results. The Legislature
524 finds that the release of personal identifying and location
525 information of current or former employees of the Judicial
526 Qualifications Commission and their family members may place
527 them at risk of physical harm and harassment and that the risk
528 of such harm and harassment outweighs any public benefit that
529 may be derived from the public disclosure of such information.

530 Section 3. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR DARRYL ERVIN ROUSON

16th District

January 12, 2026

Sen. Clay Yarborough
Chairman, Committee on Judiciary
515 Knot Building
404 S Monroe St
Tallahassee, FL 32399

Dear Chairman Yarborough,

I am respectfully requesting SB 144, Public Records/Judicial Qualifications Commission, be added to the agenda of a forthcoming meeting of the Committee on Community Affairs for consideration.

I am available for any questions you may have about this legislation. Thank you in advance for the committee's time and consideration.

Sincerely –

A handwritten signature in green ink that reads "Darryl E. Rouson".

Senator Darryl E. Rouson
Florida Senate District 16

REPLY TO:

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

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

1/27/26

The Florida Senate APPEARANCE RECORD

SB 144

Meeting Date

Judiciary
Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jon Bielby

Phone

850-756-1927

Address

Street

Email

jbielby@floridajgc.com

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 192

INTRODUCER: Senators Martin and Trumbull

SUBJECT: Patient Funds Held in Trust by Chiropractic Physicians

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Smith</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 192 deletes the \$1,500 cap on advances a chiropractic physician may collect for examination or treatment. The bill provides an effective date of July 1, 2026.

II. Present Situation:

Regulation of Chiropractic Physicians

The Department of Health (DOH) reports that, as of July 1, 2025, Florida had 8,994 licensed chiropractic practitioners.¹ Chiropractic physicians are licensed health care practitioners regulated by the DOH through the Board of Chiropractic Medicine (Board), which is created within the DOH.²

Under the chiropractic practice act (chapter 460, F.S.), the practice of chiropractic medicine consists of the adjustment, manipulation, and treatment of vertebral subluxations and other malpositioned articulations and structures that interfere with the normal generation, transmission, and expression of nerve impulse, thereby restoring the normal flow of nerve impulse which produces normal function and consequent health.³

Licensed chiropractic physicians are subject to discipline under ch. 456, F.S., and the chiropractic-specific grounds in ch. 460, F.S., and the DOH and the Board may take action for rule violations, fraud, and other enumerated misconduct. The Board's implementing rules are codified in Rule Chapter 64B2, F.A.C., addressing matters such as licensure and renewal, continuing education, advertising, and disciplinary guidelines.

¹ Department of Health, *Senate Bill 192 Legislative Analysis* (Oct. 17, 2025) (on file with the Senate Committee on Judiciary).

² Section 460.404, F.S.

³ Section 460.403(9), F.S.

Patient Funds Held in Trust

Section 460.413(1)(y), F.S., makes it a disciplinary violation for a chiropractic physician to fail to preserve the identity of patient funds or property valued at more than \$501. The statute provides that, as specified by Board rule, money or property entrusted to a chiropractic physician for a specific purpose, including advances for costs and expenses of examination or treatment, is to be held in trust and applied only for that purpose. In 2012, the Legislature imposed a statutory cap on advances which remains in effect today.⁴ Such advances may not exceed the value of \$1,500.⁵

Accordingly, because the \$1,500 limitation is stated within paragraph (y)'s description of the trust obligation, collecting an advance for examination or treatment exceeding \$1,500 constitutes grounds for discipline. Since 2012, the DOH has received 12 complaints alleging violations of s. 460.413(1)(y), F.S., nine of which involved collecting amounts greater than \$1,500.⁶

Rule 64B2-14.001, F.A.C., applies to trust funds received or disbursed by chiropractors and defines "trust funds" as unearned fees received before services are rendered or goods sold. The rule specifies minimum trust accounting records (e.g., separate trust account, journals, receipts, ledgers, cancelled checks) and procedures, including:

- Reconciliation at least quarterly with retention for 6 years; and
- Annual filing (between June 1 and August 15) of a certificate of substantial compliance with s. 460.413(1)(y), F.S., and the rule.

Patient Overpayment Refund Requirement

Effective January 1, 2026, s. 456.0625, F.S., requires health care practitioners (including chiropractic physicians) who accept payment from insurance for services rendered to refund any overpayment made by the patient no later than 30 days after determining that the patient made an overpayment.⁷ A violation of this requirement to refund an overpayment constitutes grounds for discipline under s. 456.072, F.S. The DOH notes that this requirement will include monies held in trust and reports that the Board proposed disciplinary rule amendments in August 2025 to address such violations (citations and penalty ranges).⁸

III. Effect of Proposed Changes:

Section 1 of the bill deletes the phrase limiting patient advances for examination or treatment to amounts that "may not exceed the value of \$1,500." This change repeals the maximum monetary amount chiropractic physicians may collect in advance and hold in trust for examination or treatment, effectively allowing any amount to be collected in advance. If enacted, chiropractic physicians will no longer be subject to Board discipline for collecting advanced payments in

⁴ Ch. 2012-171, s.4, Laws of Fla.

⁵ Based on U.S. Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) data, \$1,500 in 2012 is approximately equivalent to \$2,120 in December 2025 dollars.

Calculation: $\$1,500 \times (\text{CPI-U Dec. 2025} / \text{CPI-U 2012 annual average}) = \$1,500 \times (324.054 / 229.594) \approx \$2,117$. Source: U.S. Bureau of Labor Statistics, CPI-U Index.

⁶ See supra note 1.

⁷ Ch. 2025-48, s.3, Laws of Fla.

⁸ See supra note 1.

excess of \$1,500 for costs and expenses of examination and treatment. The DOH states it would review any pending complaints involving collection of more than \$1,500, and such complaints “would likely be closed” if the only alleged violation is collecting above the cap.⁹

The bill retains the current law relating to patient trusts accounts. If a chiropractic physician is entrusted with patient funds and property exceeding \$501 in value, those monies remain subject to trust status, must be applied only to the specified patient and purpose, and remain subject to existing accounting requirements in rule.

Along with other health care practitioners, chiropractic physicians who accept payment from insurance for services rendered remain subject to the new requirement in s. 456.0625, F.S., to refund patient overpayments within 30 days after determining an overpayment occurred, with disciplinary consequences for noncompliance. The DOH indicates this includes monies held in trust and reports proposed Board disciplinary guidance for violations.¹⁰

Section 2 of the bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁹ See supra note 1.

¹⁰ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 460.413 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Martin

33-00484-26

2026192__

A bill to be entitled

An act relating to patient funds held in trust by chiropractic physicians; amending s. 460.413, F.S.; deleting the limitation on the amount of patient funds a chiropractic physician may hold in trust for specified purposes; providing an effective date.

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

Section 1. Paragraph (y) of subsection (1) of section 460.413, Florida Statutes, is amended to read:

460.413 Grounds for disciplinary action; action by board or department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(y) Failing to preserve identity of funds and property of a patient, the value of which is greater than \$501. As provided by rule of the board, money or other property entrusted to a chiropractic physician for a specific purpose, including advances for costs and expenses of examination or treatment ~~which may not exceed the value of \$1,500~~, is to be held in trust and must be applied only to that purpose. Money and other property of patients coming into the hands of a chiropractic physician are not subject to counterclaim or setoff for chiropractic physician's fees, and a refusal to account for and deliver over such money and property upon demand shall be deemed a conversion. This is not to preclude the retention of money or other property upon which the chiropractic physician has a valid lien for services or to preclude the payment of agreed fees from

Page 1 of 2

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

33-00484-26

2026192__

the proceeds of transactions for examinations or treatments. Controversies as to the amount of the fees are not grounds for disciplinary proceedings unless the amount demanded is clearly excessive or extortionate, or the demand is fraudulent. All funds of patients paid to a chiropractic physician, other than advances for costs and expenses, shall be deposited into one or more identifiable bank accounts maintained in the state in which the chiropractic physician's office is situated, and funds belonging to the chiropractic physician may not be deposited therein except as follows:

1. Funds reasonably sufficient to pay bank charges may be deposited therein.

2. Funds belonging in part to a patient and in part presently or potentially to the physician must be deposited therein, but the portion belonging to the physician may be withdrawn when due unless the right of the physician to receive it is disputed by the patient, in which event the disputed portion may not be withdrawn until the dispute is finally resolved.

Every chiropractic physician shall maintain complete records of all funds, securities, and other properties of a patient coming into the possession of the physician and render appropriate accounts to the patient regarding them. In addition, every chiropractic physician shall promptly pay or deliver to the patient, as requested by the patient, the funds, securities, or other properties in the possession of the physician which the patient is entitled to receive.

Section 2. This act shall take effect July 1, 2026.

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Committee on Criminal
and Civil Justice, *Vice Chair*
Appropriations
Appropriations Committee on
Transportation, Tourism, and Economic
Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN
33rd District

January 21st, 2026

RE: SB 192: Patient Funds Held in Trust by Chiropractic Physicians

Dear Chair Yarborough,

Please allow this letter to serve as my respectful request to place SB 192 on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin".

Jonathan Martin
Senate District 33

REPLY TO:

- 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- 315 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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1/27/2026

Meeting Date

SB 192

Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Dr. Rick Means

Phone 239-560-9766

Address 7721 Hidden Pond Ln
Street

Email RAMeansDC@gmail.com

N. Ft. Myers
City

FL
State

33917
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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/27/2024
Meeting Date

SB 192
Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Kim Taffe

Phone 850-597-1355

Address 1009 SE 9th St.
Street

Email ktroggers@troggers-law.com

Fort Lauderdale FL 33316
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Florida Chiropractic Association

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

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

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

S-001 (08/10/2021)



2026 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Health

BILL INFORMATION	
BILL NUMBER:	SB 192
BILL TITLE:	Patient Funds Held in Trust by Chiropractic Physicians
BILL SPONSOR:	Martin
EFFECTIVE DATE:	July 1, 2026

COMMITTEES OF REFERENCE
1) Health Professions and Programs Subcommittee
2) Health and Human Services Committee
3) N/A
4) N/A
5) N/A

PREVIOUS LEGISLATION	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

CURRENT COMMITTEE
Health Professions and Programs Subcommittee

SIMILAR BILLS	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	

IDENTICAL BILLS	
BILL NUMBER:	HB 259
SPONSOR:	Yarkosky

Is this bill part of an agency package?
Y <input type="checkbox"/> N <input checked="" type="checkbox"/>

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	10/17/2025
LEAD AGENCY ANALYST:	For further information, please contact JP Bell at (850) 245-4006. EvaLee Taylor, Acting Executive Director, Board of Chiropractic Medicine
ADDITIONAL ANALYST(S):	Click or tap here to enter text.
LEGAL ANALYST:	Click or tap here to enter text.
FISCAL ANALYST:	Click or tap here to enter text.

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill amends section 460.413, Florida Statutes (F.S.), to repeal the \$1,500.00 maximum amount chiropractic physicians are permitted to collect from patients as advanced payment for examination and treatment, effectively allowing any amount to be collected in advance for patient treatments and held in trust.

2. SUBSTANTIVE BILL ANALYSIS**1. PRESENT SITUATION:**

The practice of Chiropractic Medicine is regulated in accordance with Chapters 460 and 456, F.S., and rules promulgated by the Board of Chiropractic Medicine (Board). As of July 1, 2025, there are 8,994 health care practitioners licensed to practice chiropractic medicine in Florida.

Rule 64B2-14.001, Florida Administrative Code (F.A.C.), defines "Trust Fund" as, "unearned fees in the form of cash or property other than cash, which are received by a chiropractor prior to the chiropractor rendering his services or his selling of goods and appliances."

Section 460.413(1)(y), F.S., requires chiropractic physicians who collect money or other property with a value greater than \$501.00 as advance payment for examination or treatment are required to place such payments in trust. Currently, chiropractic physicians are prohibited from collecting amounts or property which exceed \$1,500.00 in value. Monies may only be used for the specified patient and purpose and must be kept with records of specific accounting principles set forth in Rule 64B2-14.001, F.A.C.

Since 2012, the Department of Health (Department) has received a total of 12 complaints alleging violation of section 460.413(1)(y), F.S., of which nine involved collecting amounts greater than \$1,500.00. Probable cause was found in eight cases. Two cases are still in litigation, pending formal hearings before the Division of Administrative Hearings; one has not yet been presented to the Board. The other outstanding was determined to be a violation and the Board issued a reprimand, one year probation with quarterly record monitoring, mandatory reimbursement to the patient, and payment of the Department's costs. Four cases were resolved via settlement agreements that included reprimands or letters of concern, fines ranging between \$6,500.00 and \$10,000.00, reimbursement of patient monies held in trust, mandatory continuing education hours, and payment of the Department's costs.

Beginning January 1, 2026, health care practitioners, including chiropractic physicians, will be required to refund patients within 30 days of identifying that an overpayment was made, as required by Chapter 2025-48, Laws of Florida. This will include monies held in trust. Violations will be grounds for disciplinary action under s. 456.072, F.S. In August of 2025, the Board proposed amendments to Rules 64B2-16.003 and 64B2-16.0075, F.A.C., to include citations and disciplinary guidelines for such violations. Proposed rule language provides options, dependent on offense history or aggravating circumstances, ranging from a \$500.00 citation for first offense to a fine between \$1,000.00 and \$10,000.00 and penalties of a letter of concern through revocation. All discipline includes the mandatory refund of any overpayment not yet made.

2. EFFECT OF THE BILL:

The bill repeals the maximum monetary amount that chiropractic physicians can hold in a trust, effectively allowing any amount to be collected in advanced from patients. Chiropractic physicians will no longer be subject to disciplinary action by the Board for collecting advanced payments in excess of \$1,500.00 for costs and expenses of examination and treatment. Monies in excess of \$501.00 would continue to be required to be placed in trust and only applied to the specified patient and purpose.

If passed, the Department would review any pending complaints that involve the collection of more than \$1,500.00 and those complaints would likely be closed.

The Department would communicate this change to chiropractic physicians through multiple media platforms.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/ DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

Y N

If yes, explain:	N/A
Is this change consistent with the agency's core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	Unknown
Provide a summary of the proponents' and opponents' positions:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS LEGISLATION?

Y N

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS LEGISLATION?

Y N

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Appointee Team:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE LEGISLATION HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Does the legislation increase local taxes or fees?	N/A
--	-----

2. DOES THE LEGISLATION HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	N/A
Expenditures:	N/A
Does the legislation contain a State Government appropriation?	N/A
If yes, was this appropriated last year?	N/A

3. DOES THE LEGISLATION HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	Unknown
Expenditures:	Unknown
Other:	Unknown

4. DOES THE LEGISLATION INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

Does the bill increase taxes, fees or fines?	N/A
Does the bill decrease taxes, fees or fines?	N/A
What is the impact of the increase or decrease?	N/A
Bill Section Number:	N/A

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A
--	-----

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.	N/A
--	-----

ADDITIONAL COMMENTS

MQA has indicated no fiscal impact. -CAA

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

<p>Does the proposed legislation conflict with existing federal law, or regulations? If so, what laws and/or regulations?</p> <p>Does the proposed legislation raise significant constitutional concerns under the U.S. or Florida Constitutions (e.g. separation of powers, access to the courts, equal protection, free speech, establishment clause, impairment of contracts)?</p> <p>Is the proposed legislation likely to generate litigation and, if so, from what interest groups or parties?</p>	<p>No legal issues or concerns at this time.</p>
--	--

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 332

INTRODUCER: Judiciary Committee and Senator Bradley

SUBJECT: Public Meetings

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 332 creates a public meetings exemption to allow the members of a local government board to meet privately to review a claim made against the government pursuant to the Bert J. Harris, Jr., Property Rights Protection Act. Once the claim is resolved, the records of the meeting, including a transcript, will be open to the public.

The Bert Harris Act creates a means for a landowner to seek compensation in certain instances where a local government entity has taken an action that has reduced the fair market value of the property. A claimant must make a claim prior to filing a lawsuit and the local government must respond to the claim.

Under current law, the meeting among government officials to discuss the claim and determine potential settlement offers must be open to the public. However, similar meetings of a public body to discuss lawsuit strategies and settlement offers are closed to the public during the course of the lawsuit but open when the litigation is concluded.

The bill may have an undetermined positive impact on state and local government expenditures.

The bill is subject to Article I, section 24 of the State Constitution, which requires a two-thirds vote of each house of the Legislature on final passage.

The bill is effective July 1, 2025.

II. Present Situation:

Open Meetings Law

The Florida Constitution provides that the public has a right to access governmental meetings.¹ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.² This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law,”³ or the “Sunshine Law,”⁴ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.⁵ A commonly used exception creates an exception for meetings often referred to as a “shade meeting.” By general law passed by a two-thirds vote of each house, the Legislature may exempt any meeting from the public meeting requirements.⁶

Shade Meetings

A shade meeting refers to a private meeting of any public board or commission to discuss litigation strategy with an attorney hired by that board or commission.⁷ To be lawful, a shade meeting must comply with these requirements:

- The board or commission’s attorney must advise the board or commission at a public meeting that the attorney desires advice concerning the litigation.
- The subject matter of the meeting must be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- The entire private session must be recorded by a certified court reporter.
- The entity must give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session.
- The transcript must be made part of the public record upon conclusion of the litigation.⁸

Bert Harris Act

The “Bert J. Harris, Jr., Private Property Rights Protection Act” was first enacted by the 1995 Legislature.⁹ The stated purpose for the law is:

¹ FLA. CONST., art. I, s. 24(b).

² *Id.*

³ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

⁴ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

⁵ Section 286.011(1)-(2), F.S.

⁶ FLA. CONST., art. I, s. 24(c).

⁷ Section 286.011(8), F.S.

⁸ Sections 286.011(8)(a)-(e), F.S.

⁹ Chapter 95-181, Laws of Fla. Bert J. Harris, Jr. was known as a champion of private property rights in Florida. He was a state Representative who represented the Lake Placid area from 1982 to 1996. He made the promotion of agriculture his life’s avocation. A 1943 honors graduate of the University of Florida with a degree in agriculture, Harris served as a corporal in the U.S. Army Air Corps during World War II. A citrus grower and rancher himself, Harris owned Rainbow Caladiums and was an independent farming consultant until his election into the Legislature. Harris’ efforts with the passage of private property

The Legislature recognizes that some laws, regulations, and ordinances of the state and political entities in the state, as applied, may inordinately burden, restrict, or limit private property rights without amounting to a taking under the State Constitution or the United States Constitution. The Legislature determines that there is an important state interest in protecting the interests of private property owners from such inordinate burdens. Therefore, it is the intent of the Legislature that, as a separate and distinct cause of action from the law of takings, the Legislature herein provides for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity in the state, as applied, unfairly affects real property.¹⁰

The act provides that, when a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government.¹¹ The stated intent of the act is to provide relief in cases that may not rise to the level of a taking under the State Constitution or the United States Constitution.¹²

The act creates a civil cause of action for an affected property owner.¹³ Prior to filing a lawsuit, the property owner must file a claim with the entity. The claim must include a written appraisal report that supports the claim and demonstrates the loss in fair market value to the real property.¹⁴ During the 90-day-notice period, unless extended by agreement of the parties, the governmental entity must reply with a written settlement offer that includes actions that the entity may take to mitigate the impact, including one or more of the following:

- An adjustment of land development or permit standards or other provisions controlling the development or use of land.
- Increases or modifications in the density, intensity, or use of areas of development.
- Transfer of development rights.
- Land swaps or exchanges.
- Other mitigation including payments in lieu of onsite mitigation, or location on the least sensitive portion of the property.
- Conditioning the amount of development or use permitted.
- A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.

rights to protect landowners from excessive government resulted in the naming of the bill the “Bert J. Harris Jr. Private Property Rights Protection Act.” He also sponsored legislation to settle citrus canker cases, passed legislation to prevent the disparagement of perishable food products and worked to meet the Greenbelt Law. He passed away in 2019. This note is a compilation of historical data gleaned from the Florida Agricultural Hall of Fame, at <https://floridaaaghalloffame.org/1999/10/bert-j-harris-jr/> and other sources, including https://en.wikipedia.org/wiki/Bert_J._Harris_Jr.

¹⁰ Section 70.001(1), F.S.

¹¹ Section 70.001(2), F.S.

¹² Section 70.0001(9), F.S.

¹³ Section 70.001(5)(b), F.S.

¹⁴ Section 70.001(4)(a), F.S.

- Issuance of the development order, a variance, a special exception, or any other extraordinary relief.
- Purchase of the real property, or an interest therein, by an appropriate governmental entity or payment of compensation.

Alternatively, the entity may reply with a statement that there will be no changes to the action of the governmental entity.

Replying to the claim is required. To reply to the claim, the entity must meet with the attorney and at the meeting discuss anticipated results if they do not settle, together with alternative settlement strategies. Ordinarily, lawyers and clients can meet in private regarding litigation strategy, whether they are private actors or public.¹⁵ The reason for this privacy is:

The attorney-client privilege is the backbone of the legal profession. It encourages the client to be open and honest with his or her attorney without fear that others will be able to pry into those conversations. Further, being fully informed by the client enables the attorney to provide the best legal advice.¹⁶

However, the current law creating the authority to conduct a shade meeting does not apply to the mandatory discussion of a Bert Harris claim.¹⁷ Thus, a public meeting must occur and claimants can attend these meetings and discover the entity's view of the claim and possible responses.

III. Effect of Proposed Changes:

CS/SB 332 creates a public meetings exemption allowing a public entity to conduct a private meeting with an attorney for the purpose of discussing a claim submitted pursuant to the Bert J. Harris, Jr. Private Property Rights Protection Act. Upon resolution of the claim, the exemption ends and the records of the meeting, including transcripts, are open to public inspection and copying. The process created for this pre-suit meeting is the same as the process that currently applies to the very similar attorney-client meetings of a governing body.

The bill also includes a public necessity statement and complies with the Open Government Sunset Review Act.

The bill is effective July 1, 2025, and is repealed October 2, 2031 unless saved from repeal.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁵ Section 90.502, F.S.

¹⁶ Jacqueline Kate Unger, *Maintaining the Privilege: A Refresher on Important Aspects of the Attorney-Client Privilege*, ABA Law Today (Oct. 2013), https://www.americanbar.org/groups/business_law/resources/business-law-today/2013-october/maintaining-the-privilege/.

¹⁷ Op. Att'y Gen, Fla. 09-25 (2009).

B. Public Records/Open Meetings Issues:

Art. I, s. 24(b) of the state constitution requires that “[a]ll meetings of any collegial public body of . . . any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public”

This bill appears to create an exemption from this requirement. Accordingly, s. 24(c) requires that this bill relate solely to the exemption, must state with specificity the public necessity justifying the exemption, and may be no broader than necessary to accomplish the stated purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 286.011 of the Florida Statutes.
This bill creates section 70.90 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on January 27, 2026:

The amendment changed the placement of the exemption to a standalone section without changing process or effect, added a public necessity statement, and added a future repeal to comply with the Open Government Sunset Review Act.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 70.90, Florida Statutes, is created to
read:

70.90 Public meetings and records regarding a claim under
the Bert J. Harris, Jr. Private Property Rights Protection Act.—

(1) Notwithstanding section 286.011(1), any board or
commission of any state agency or authority or any agency or
authority of any county, municipal corporation, or political



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12 subdivision, and the chief administrative or executive officer
13 of the governmental entity may meet in private with the entity's
14 attorney during the 90-day-notice period specified in s.
15 70.001(4) to discuss claims submitted in accordance with that
16 subsection provided that the following conditions are met:

17 (a) The entity's attorney shall advise the entity at a
18 public meeting that he or she desires advice concerning a claim
19 submitted in accordance with s. 70.001(4).

20 (b) The subject matter of the meeting must be confined to
21 settlement negotiations or strategy sessions relating to a claim
22 submitted in accordance with s. 70.001(4).

23 (c) The entire session must be recorded by a certified
24 court reporter. The reporter shall record the times of
25 commencement and termination of the session, all discussion and
26 proceedings, the names of all persons present at any time, and
27 the names of all persons speaking. No portion of the session may
28 be off the record. The court reporter's notes must be fully
29 transcribed and filed with the entity's clerk within a
30 reasonable time after the meeting.

31 (d) The entity shall give reasonable public notice of the
32 time and date of the attorney-client session and the names of
33 persons who will be attending the session. The session must
34 commence at an open meeting at which the persons chairing the
35 meeting shall announce the commencement and estimated length of
36 the attorney-client session and the names of the persons
37 attending. At the conclusion of the attorney-client session, the
38 meeting must be reopened, and the person chairing the meeting
39 shall announce the termination of the session.

40 (e) The transcript must be made part of the public record



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41 upon settlement of a claim under s. 70.001, or upon the
42 expiration of the statute of limitations for the claim arising
43 under chapter 70 in the event that no litigation is filed and
44 there is no settlement of a claim under s. 70.001.

45 (2) This section is subject to the Open Government Sunset
46 Review Act in accordance with s. 119.15 and shall stand repealed
47 on October 2, 2031, unless reviewed and saved from repeal
48 through reenactment by the Legislature.

49 Section 2. The Legislature finds that it is a public
50 necessity that meetings to discuss a presuit claim under the
51 Bert J. Harris, Jr., Private Property Rights Protection Act be
52 made confidential and closed to the public. When those meetings
53 are conducted in an open meeting, the governing body cannot
54 effectively review, discuss, and prepare strategies for
55 resolution of the claim. Similar meetings regarding ongoing
56 litigation are currently confidential. Making these hearings
57 confidential and closed to the public encourages a local
58 government to reasonably develop negotiation strategies that
59 make presuit resolution more likely. Requiring public hearings
60 relating to a Bert Harris claim defeats the purpose of having a
61 presuit claim process, namely, to foster settlement quickly
62 while limiting attorney fees of all parties. The public is
63 protected by the requirement that the records of the meeting is
64 open once the claim is settled.

65 Section 3. This act shall take effect July 1, 2026.

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

68 And the title is amended as follows:

69 Delete everything before the enacting clause



865486

70 and insert:

71 A bill to be entitled
72 An act relating to public meetings; creating s. 70.90,
73 F.S.; providing that specified entities may meet in
74 private with their attorneys to discuss certain claims
75 concerning private property rights; specifying what
76 may be discussed during such closed meetings;
77 requiring that such meetings be transcribed; providing
78 that such transcripts become public records at
79 specified times; providing for future review;
80 providing a public necessity statement; providing an
81 effective date.

By Senator Bradley

6-00375-26

2026332__

1 A bill to be entitled
 2 An act relating to public meetings; amending s.
 3 286.011, F.S.; providing that specified entities may
 4 meet in private with their attorneys to discuss
 5 certain claims concerning private property rights;
 6 specifying what may be discussed during such closed
 7 meetings; requiring that such meetings be transcribed;
 8 providing that such transcripts become public records
 9 at specified times; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsection (8) of section 286.011, Florida
 14 Statutes, is amended to read:

15 286.011 Public meetings and records; public inspection;
 16 criminal and civil penalties.—

17 (8) Notwithstanding ~~the provisions of~~ subsection (1), any
 18 board or commission of any state agency or authority or any
 19 agency or authority of any county, municipal corporation, or
 20 political subdivision, and the chief administrative or executive
 21 officer of the governmental entity, may meet in private with the
 22 entity's attorney during the 90-day-notice period specified in
 23 s. 70.001(4) to discuss claims submitted in accordance with that
 24 subsection, and may meet in private with the entity's attorney
 25 to discuss pending litigation to which the entity is presently a
 26 party before a court or administrative agency, provided that the
 27 following conditions are met:

28 (a) The entity's attorney shall advise the entity at a
 29 public meeting that he or she desires advice concerning the

Page 1 of 3

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

6-00375-26

2026332__

30 litigation or concerning a claim submitted in accordance with s.
 31 70.001(4).

32 (b) The subject matter of the meeting ~~must shall~~ be
 33 confined to settlement negotiations or strategy sessions related
 34 to litigation expenditures or relating to a claim submitted in
 35 accordance with s. 70.001(4).

36 (c) The entire session ~~must shall~~ be recorded by a
 37 certified court reporter. The reporter shall record the times of
 38 commencement and termination of the session, all discussion and
 39 proceedings, the names of all persons present at any time, and
 40 the names of all persons speaking. No portion of the session ~~may~~
 41 ~~shall~~ be off the record. The court reporter's notes ~~must shall~~
 42 be fully transcribed and filed with the entity's clerk within a
 43 reasonable time after the meeting.

44 (d) The entity shall give reasonable public notice of the
 45 time and date of the attorney-client session and the names of
 46 persons who will be attending the session. The session ~~must~~
 47 ~~shall~~ commence at an open meeting at which the persons chairing
 48 the meeting shall announce the commencement and estimated length
 49 of the attorney-client session and the names of the persons
 50 attending. At the conclusion of the attorney-client session, the
 51 meeting ~~must shall~~ be reopened, and the person chairing the
 52 meeting shall announce the termination of the session.

53 (e) The transcript ~~must shall~~ be made part of the public
 54 record upon conclusion of the litigation, upon settlement of a
 55 claim under s. 70.001, or upon the expiration of the statute of
 56 limitations for the claim arising under chapter 70 in the event
 57 that no litigation is filed and there is no settlement of a
 58 claim under s. 70.001.

Page 2 of 3

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

6-00375-26

2026332__

59

Section 2. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR JENNIFER BRADLEY

6th District

November 18, 2025

Senator Clay Yarborough, Chairman
Judiciary Committee
308 Senate Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Yarborough:

I respectfully request that Senate Bill 332 be placed on the agenda of the Judiciary Committee at your earliest convenience. The bill would authorize local governments and other government bodies to hold closed attorney-client meetings during the 90-day notice period to discuss claims.

Thank you for your consideration and please reach out if you have any questions or concerns about the bill.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

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

REPLY TO:

- 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

S
HB 332

Bill Number or Topic

Jan 27, 2026

Meeting Date

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

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Wendy Vivas

Phone

352-222-7501

Address

14182 NE 138th St

Email

makingcakes@gmail.com

Street

Waldo

City

FL

State

32694

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

332

1/27

Meeting Date

Bill Number or Topic

Judiciary

Committee

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

Amendment Barcode (if applicable)

Name

JEFF SCALA

Phone

(727) 637-4051

Address

100 S Monroe

Email

jscal@fl-counties.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Association of Counties

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

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

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The Florida Senate

APPEARANCE RECORD

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SB 332

Bill Number or Topic

1/27/26

Meeting Date

Judiciary

Committee

Ed Book

Name

Phone

352-222-7968

Address

Street

4933 NW 11 Place

Email

bookea@cityofgainesville.org

City

Gainesville FL

State

32605

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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1/27/24

Meeting Date

Judiciary

Committee

The Florida Senate APPEARANCE RECORD

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332

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Councilman Marc Wigder

Phone

561 334 9709

Address

201 W. Palmetto Park Rd

Email

mwigder@myboqa.us

Street

Boca Raton

FL

33496

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

JANUARY 27, 2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

332

Bill Number or Topic

Judiciary

Committee

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

Amendment Barcode (if applicable)

Name Matthew Singer

Phone 850-701-3652

Address 301 S. Bronough St, Ste #301

Email MSinger@FLCities.com

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida League of Cities

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

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

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S-001 (08/10/2021)

01/27/24

Meeting Date

The Florida Senate APPEARANCE RECORD

332

Bill Number or Topic

Judiciary

Committee

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

Amendment Barcode (if applicable)

Name

Amina Spanic

Phone

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Florida For All

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 532

INTRODUCER: Senator Simon and others

SUBJECT: Court Fees

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Pre-meeting
2.			ACJ	
3.			AP	

I. Summary:

SB 532 increases numerous civil court filing fees and service charges that are paid by litigants in cases filed in the state court system. The increases benefit the clerks of court, none directly accrue to the state. The bill also requires the Office of Economic and Demographic Research to prepare reports with recommendations for increasing filing fees and service charges collected by the clerks of court. The first report is due January 1, 2030, and future reports are required every 3 years thereafter.

The bill will increase revenues to the clerks of courts by approximately \$47 million annually.

This bill requires approval by a two-thirds vote of the membership of each chamber on final passage, pursuant to Article VII, section 19 of the State Constitution.

The bill is effective July 1, 2026.

II. Present Situation:

The clerk of the circuit court is a constitutional officer elected at the county level.¹ Historically, the clerk not only managed the court system (keeping court files, staffing the courtroom, and collecting criminal court fines and court-related filing fees and service charges), but also acted as the clerk to the county commission, auditor, recorder, and custodian of county funds. Most counties still follow this model, although some historical county-level functions of individual clerks are now assigned to other offices or officials.

¹ FLA. CONST. art. V, s. 16.

Before 2004, all monies collected by the clerk went first to any fund or funds if any, that the authorizing statute required.² The remaining monies collected by a clerk were deposited in either the county general fund or the county's fine and forfeiture fund. The clerk's budget was adopted by the county commission, which used the fine and forfeiture fund together with county general funds to pay for the services of the clerk. The county has always been responsible for providing a clerk appropriate office space and utilities, and thus, most of a clerk's budget today is for staff (wages and benefits).

A constitutional amendment, which was approved by the voters in 1998 and took effect in 2004, requires a clerk to internally split the office budget into court-related functions and county-related functions.³ The amendment requires that a county must fund the clerk's county-related functions, and the state must fund court-related functions of a clerk by authorizing the clerk to retain filing fees, service charges, and other monies collected. The state is required to implement sufficient filing fees and service charges to cover a clerk's expenses and may be required to provide supplemental appropriations if necessary.

Current law provides a framework that complies with the constitutional requirements.⁴ Each office of the clerk of court retains whatever funds it collects that are not otherwise allocated. The state authorizes each clerk to develop a budget subject to statutory guidelines. To the extent that a clerk collects court-related monies in excess of budgeted expenses, the clerk must send the excess to the Clerks of Court Operations Corporation (CCOC), a corporation wholly owned by the state. To the extent that a clerk's revenues are less than the budgeted expense for operations, a clerk may seek additional funding from the CCOC payable from the excess funds of other clerks. If at the end of the fiscal year the CCOC has a surplus, it reverts to the state. If at the end of the fiscal year the CCOC is short of funds needed for some clerks, the CCOC may ask for supplemental state funding. Current year projections are that 18 counties will have a surplus, and the remaining counties will incur a deficit. The overall current year estimated statewide deficit is \$29.2 million.⁵

III. Effect of Proposed Changes:

Primarily, the bill increases many civil court filing fees and service charges that are collected by the clerks of court, as shown on the tables below.

² For an example of the extreme distribution requirements, a payment for a traffic ticket may be spread among as many as 20 funds, the clerk keeping the remainder. See s. 318.21, F.S. To see the current complexity of the system, there is a 125-page manual. See Florida Association of Court Clerks & Comptrollers, *2025 Distribution Schedule*, at https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025_Distribution_Schedule_-_pdf.

³ Revision 7, 1998 general election. See FLA. CONST. art. V, s. 14(b)-(c).

⁴ See generally, ss. 28.35, 28.36, 28.37, 28.42, and 28.44, F.S.

⁵ See, untitled spreadsheet at <https://flccoc.org/wp-content/uploads/2025/08/CFY-2025-26-Funded-Depository-Calculation.pdf>.

SB 532 Proposed Changes to Court-Related Fees			
Statute	Description	Current	Proposed
<i>Clerk Fees Applicable to All Case Types</i>			
28.24(2)	Service charge for examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, per page.	\$ 5.00	\$ 6.00
28.24(3)	Service charge for preparing, numbering, and indexing an original record of appellate proceedings, per instrument.	\$ 3.50	\$ 4.00
28.24(5)(a)	Service charge for verifying any instrument presented for certification prepared by someone other than clerk, per page.	\$ 3.50	\$ 4.00
28.24(9)(a)	Service charge for writing any paper that is a court record (unless other service charge applies).	\$ 7.00	\$ 8.00
28.24(11)(b)	Service charge for collecting and holding a deposit in an eminent domain lawsuit, per deposit.	\$ 170.00	\$ 200.00
28.24(14)(a)	Service charge for an oath, administering, attesting, and sealing of court records not otherwise provided for.	\$ 3.50	\$ 4.00
28.24(15)(a)	Service charge for validating certificates or any authorized bonds that are court records.	\$ 3.50	\$ 4.00
28.24(17)	Service charge for exemplified certificates, including the signing and sealing of them.	\$ 7.00	\$ 8.00
28.24(18)(a)	Service charge for authenticated certificates that are court records, including the signing and sealing of them.	\$ 7.00	\$ 8.00
28.24(19)(a)	Service charge for issuing and filing a subpoena for a witness, including the writing, preparing, signing, and sealing of the subpoena.	\$ 7.00	\$ 8.00
28.24(19)(b)	Service charge for signing and sealing only.	\$ 2.00	\$ 3.00
28.24(20)(a)	Service charge for approving a court bond.	\$ 8.50	\$ 10.00
28.24(21)(a)	Service charge for searching court records, per year.	\$ 2.00	\$ 3.00
28.24(26)	Service charge for sealing any court file or expungement of any record.	\$ 42.00	\$ 50.00

<i>Circuit Court Fees</i>			
28.241(1)(a)1.a.	Circuit court filing fee, where other specialized filing fees do not apply, up to 5 defendants.	\$ 395.00	\$ 460.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.b.	Reduced circuit court filing fee applicable to proceedings related to children, dissolution of marriage, paternity, conservatorship, temporary custody of minor children by extended family, grandparent visitation, and supervised visitation.	\$ 295.00	\$ 345.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.c.	Additional civil court filing fee applicable to all circuit civil actions. Fee is designated for court education and clerk education trust funds.	\$ 4.00	\$ 5.00
28.241(1)(a)1.d.	Civil filing fee for mortgage foreclosure, where outstanding debt is \$50,000 or less, up to 5 defendants.	\$ 395.00	\$ 470.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.d.	Civil filing fee for mortgage foreclosure, where outstanding debt is between \$50,000 and \$250,000, up to 5 defendants.	\$ 900.00	\$ 1,070.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.d.	Civil filing fee for mortgage foreclosure where the outstanding debt is in excess of \$250,000, up to 5 defendants.	\$ 1,900.00	\$ 2,260.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.e.	Additional filing fee in all foreclosure actions, designated for court education and clerk education trust funds.	\$ 4.00	\$ 5.00
28.241(1)(b)	Filing fee for motion to reopen civil action (with numerous exceptions).	\$ 50.00	\$ 60.00
28.241(1)(c)1.	Filing fee for initial filing of defensive pleading if the defendant is seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, if s. 24.241(1)(a)1.a. applied to initial complaint or petition.	\$ 395.00	\$ 470.00
	Filing fee for the initial filing of a defensive pleading seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, if s. 24.241(1)(a)1.b. applied to the initial complaint or petition (in general, family law proceedings).	\$ 295.00	\$ 350.00

28.241(1)(c)2.a.	Filing fee for the initial filing of a defensive pleading seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, in foreclosure case where the outstanding debt is \$50,000 or less	\$ 395.00	\$ 470.00
28.241(1)(c)2.b.	Filing fee for the initial filing of a defensive pleading seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, in foreclosure case where the outstanding debt is between \$50,000 and \$250,000.	\$ 900.00	\$ 1,070.00
28.241(1)(c)2.c.	Filing fee for the initial filing of a defensive pleading seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, in foreclosure case where the outstanding debt is in excess of \$250,000.	\$ 1,900.00	\$ 2,260.00
28.241(1)(d)	Service charge for issuing an original, a certified copy, or an electronic certified copy of a summons.	\$ 10.00	\$ 15.00
28.241(2)(b)	Additional filing fee for filing a notice of appeal from the county or circuit court to the district court of appeal or to the Supreme Court.	\$ 100.00	\$ 115.00

County Court Fees

34.041(1)(a)5.	County court civil action filing fee for a claim in excess of \$15,000. ⁶	\$ 395.00	\$ 460.00
34.041(1)(b)	Additional case filing fee for court and clerk education programs.	\$ 4.00	\$ 5.00
34.041(1)(d)	Service charge for issuing a summons.	\$ 10.00	\$ 15.00
34.041(2)	County court civil action filing fee for a motion to reopen a civil action, claim under \$500.	\$ 25.00	\$ 30.00
	County court civil action filing fee for a motion to reopen a civil action, claim over \$500.	\$ 50.00	\$ 60.00

Probate Fees

28.2401(1)(a)	Case filing fee for the opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor’s claims; to open a safe-deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to	\$ 230.00	\$ 275.00
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⁶ Note that this bill does not change the county court case filing fees applicable to claims of less than \$15,000.

	include issuance of letters or order of summary administration.		
28.2401(1)(c)	Case filing fee for a petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record.	\$ 230.00	\$ 275.00
28.2401(1)(d)	Case filing fee for disposition of personal property without administration.	\$ 230.00	\$ 275.00
28.2401(1)(g)	Case filing fee for formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings.	\$ 395.00	\$ 470.00

<i>Guardianship Fees</i>			
744.3678(4)(a)	Annual guardianship audit fee, if guardianship estate is less than \$25,000.	\$ 20.00	\$ 25.00
744.3678(4)(b)	Annual guardianship audit fee, if guardianship estate is valued between \$25,000 and \$100,000.	\$ 85.00	\$ 100.00
744.3678(4)(c)	Annual guardianship audit fee, if guardianship estate is valued between \$100,000 and \$500,000.	\$ 170.00	\$ 200.00
744.3678(4)(d)	Annual guardianship audit fee, if guardianship estate is valued in excess of \$500,000.	\$ 250.00	\$ 295.00

<i>Other</i>			
45.035(2)(b)	Service charge for distribution of a foreclosure sale surplus in a foreclosure action.	\$ 15.00	\$ 20.00
721.83(3)	Additional filing fee per timeshare unit in a consolidated timeshare foreclosure action.	\$ 10.00	\$ 15.00

Many of these filing fees and service charges have a portion specifically directed to a particular fund or to the state General Revenue Fund, with the clerk retaining the remainder. The bill does not affect the amounts directed to the state nor does it impact remittances to other funds or entities.

The bill also directs the Office of Economic and Demographic Research to prepare a report by January 1, 2030. The report must examine the filing fees and service charges and must include recommendations for increasing the filing fees and service charges according to the percentage change in the Consumer Price Index. Most of the recommended filing fees and service charges must be rounded to the nearest \$5. The reports must be furnished to the President of the Senate and the Speaker of the House of Representatives before the start of the next regularly scheduled session of the Legislature. Future reports are required every 3 years thereafter.

The bill is effective July 1, 2026.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

This bill appears to increase state taxes or fees, and thus, appears to be subject to the requirements of Article VII, section 19 of the Florida Constitution. That section requires that a bill imposing, approving, or raising any tax or fee be contained in a separate bill that contains no other subject. The section also requires approval of this bill by a two-thirds vote of the membership of each chamber on final passage.

E. Other Constitutional Issues:

None.

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

This bill increases fees and thus is subject to Article VII, section 19 of the State Constitution.

B. Private Sector Impact:

This bill will increase the filing fees and service charges paid by the private sector by \$47 million annually.

C. Government Sector Impact:

This bill will increase revenues of the clerks of court by \$47 million annually.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The effective date of the bill is July 1, 2026. Using July 1 as an effective date of Florida legislation is traditional as a reflection of the state budget cycle that starts every fiscal year on

July 1. The clerks of court, however, are a part of local government, and thus, their fiscal year starts on October 1.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 28.24, 28.2401, 28.241, 34.041, 45.035, 721.83, and 744.3678.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (2) and (3), paragraph (a) of
subsection (5), paragraph (a) of subsection (9), paragraph (b)
of subsection (11), paragraph (a) of subsection (14), paragraph
(a) of subsection (15), subsection (17), paragraph (a) of
subsection (18), subsection (19), paragraph (a) of subsection
(20), paragraph (a) of subsection (21), and subsection (26) of
section 28.24, Florida Statutes, are amended to read:



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12 28.24 Service charges.—The clerk of the circuit court shall
13 charge for services rendered manually or electronically by the
14 clerk's office in recording documents and instruments and in
15 performing other specified duties. These charges may not exceed
16 those specified in this section, except as provided in s.
17 28.345.

18 (2) For examining, comparing, correcting, verifying, and
19 certifying transcripts of record in appellate proceedings,
20 prepared by attorney for appellant or someone else other than
21 clerk, per page: 6.00 ~~5.00~~, from which the clerk shall remit
22 0.50 per page to the Department of Revenue for deposit into the
23 General Revenue Fund.

24 (3) For preparing, numbering, and indexing an original
25 record of appellate proceedings, per instrument: 4.00 ~~3.50~~, from
26 which the clerk shall remit 0.50 per instrument to the
27 Department of Revenue for deposit into the General Revenue Fund.

28 (5) (a) For verifying any instrument presented for
29 certification prepared by someone other than clerk, per page:
30 4.00 ~~3.50~~, from which the clerk shall remit 0.50 per page to the
31 Department of Revenue for deposit into the General Revenue Fund.

32 (9) (a) For writing any paper that is a court record other
33 than a paper otherwise specifically mentioned in this section,
34 including signing and sealing: 8.00 ~~7.00~~, from which the clerk
35 shall remit 1.00 to the Department of Revenue for deposit into
36 the General Revenue Fund.

37 (11) For receiving money into the registry of court:

38 (b) Eminent domain actions, per deposit: 200.00 ~~170.00~~,
39 from which the clerk shall remit 20.00 per deposit to the
40 Department of Revenue for deposit into the General Revenue Fund.



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41 (14) (a) Oath, administering, attesting, and sealing of
42 court records not otherwise provided for in this section: 4.00
43 ~~3.50~~, from which the clerk shall remit 0.50 to the Department of
44 Revenue for deposit into the General Revenue Fund.

45 (15) (a) For validating certificates or any authorized bonds
46 that are court records, each: 4.00 ~~3.50~~, from which the clerk
47 shall remit 0.50 each to the Department of Revenue for deposit
48 into the General Revenue Fund.

49 (17) For exemplified certificates, including the signing
50 and sealing of them: 8.00 ~~7.00~~, from which the clerk shall remit
51 1.00 to the Department of Revenue for deposit into the General
52 Revenue Fund.

53 (18) (a) For authenticated certificates that are court
54 records, including the signing and sealing of them: 8.00 ~~7.00~~,
55 from which the clerk shall remit 1.00 to the Department of
56 Revenue for deposit into the General Revenue Fund.

57 (19) (a) For issuing and filing a subpoena for a witness,
58 not otherwise provided for in this section, including the
59 writing, preparing, signing, and sealing of it: 8.00 ~~7.00~~, from
60 which the clerk shall remit 1.00 to the Department of Revenue
61 for deposit into the General Revenue Fund.

62 (b) For signing and sealing only: 3.00 ~~2.00~~, from which the
63 clerk shall remit 0.50 to the Department of Revenue for deposit
64 into the General Revenue Fund.

65 (20) (a) For approving a court bond: 10.00 ~~8.50~~, from which
66 the clerk shall remit 1.00 to the Department of Revenue for
67 deposit into the General Revenue Fund.

68 (21) (a) For searching court records, for each year's
69 search: 3.00 ~~2.00~~, from which the clerk shall remit 0.50 for



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70 each year's search to the Department of Revenue for deposit into
71 the General Revenue Fund.

72 (26) For sealing any court file or expungement of any
73 record: 50.00 ~~42.00~~, from which the clerk shall remit 4.50 to
74 the Department of Revenue for deposit into the General Revenue
75 Fund.

76 Section 2. Paragraphs (a), (c), (d), and (g) of subsection
77 (1) of section 28.2401, Florida Statutes, are amended to read:

78 28.2401 Service charges and filing fees in probate
79 matters.-

80 (1) Except when otherwise provided, the clerk may impose
81 service charges or filing fees for the following services or
82 filings, not to exceed the following amounts:

83 (a) Fee for the opening of any estate of one document or
84 more, including, but not limited to, petitions and orders to
85 approve settlement of minor's claims; to open a safe-deposit
86 box; to enter rooms and places; for the determination of heirs,
87 if not formal administration; and for a foreign guardian to
88 manage property of a nonresident; but not to include issuance of
89 letters or order of summary administration.....\$275 ~~\$230~~

90 (c) Fee for petition and order to admit foreign wills,
91 authenticated copies, exemplified copies, or transcript to
92 record..... \$275 ~~\$230~~

93 (d) Fee for disposition of personal property without
94 administration.....\$275 ~~\$230~~

95 (g) Fee for formal administration, guardianship, ancillary,
96 curatorship, or conservatorship proceedings.....\$470 ~~\$395~~

97
98 The clerk shall remit \$115 of each filing fee collected under



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99 paragraphs (a), (c)-(i), and (k) to the Department of Revenue
100 for deposit into the State Courts Revenue Trust Fund.

101 Section 3. Subsections (1) and (2) of section 28.241,
102 Florida Statutes, are amended to read:

103 28.241 Filing fees for trial and appellate proceedings.—

104 (1) Filing fees are due at the time a party files a
105 pleading to initiate a proceeding or files a pleading for
106 relief. Reopen fees are due at the time a party files a pleading
107 to reopen a proceeding if at least 90 days have elapsed since
108 the filing of a final order or final judgment with the clerk. If
109 a fee is not paid upon the filing of the pleading as required
110 under this section, the clerk must ~~shall~~ pursue collection of
111 the fee pursuant to s. 28.246.

112 (a)1.a. Except as provided in sub-subparagraph b. and
113 subparagraph 2., the party instituting any civil action, suit,
114 or proceeding in the circuit court must ~~shall~~ pay to the clerk
115 of that court a filing fee of up to \$460 ~~\$395~~ in all cases in
116 which there are not more than five defendants and an additional
117 filing fee of up to \$5 ~~\$2.50~~, from which the clerk shall remit
118 \$0.50 to the Department of Revenue for deposit into the General
119 Revenue Fund, for each defendant in excess of five. Of the first
120 \$200 in filing fees, \$195 must be remitted to the Department of
121 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
122 must be remitted to the Department of Revenue for deposit into
123 the Administrative Trust Fund within the Department of Financial
124 Services and used to fund the contract with the Florida Clerks
125 of Court Operations Corporation created in s. 28.35, and \$1 must
126 be remitted to the Department of Revenue for deposit into the
127 Administrative Trust Fund within the Department of Financial



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128 Services to fund audits of individual clerks' court-related
129 expenditures conducted by the Department of Financial Services.

130 b. The party instituting any civil action, suit, or
131 proceeding in the circuit court under chapter 39, chapter 61,
132 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
133 753 shall pay to the clerk of that court a filing fee of up to
134 \$345 ~~\$295~~ in all cases in which there are not more than five
135 defendants and an additional filing fee of up to \$5 ~~\$2.50~~ for
136 each defendant in excess of five. Of the first \$100 in filing
137 fees, \$95 must be remitted to the Department of Revenue for
138 deposit into the State Courts Revenue Trust Fund, \$4 must be
139 remitted to the Department of Revenue for deposit into the
140 Administrative Trust Fund within the Department of Financial
141 Services and used to fund the contract with the Florida Clerks
142 of Court Operations Corporation created in s. 28.35, and \$1 must
143 be remitted to the Department of Revenue for deposit into the
144 Administrative Trust Fund within the Department of Financial
145 Services to fund audits of individual clerks' court-related
146 expenditures conducted by the Department of Financial Services.

147 c. An additional filing fee of \$5 ~~\$4~~ shall be paid to the
148 clerk. The clerk shall remit \$3.50 to the Department of Revenue
149 for deposit into the Court Education Trust Fund and shall remit
150 \$1.50 ~~50-cents~~ to the Department of Revenue for deposit into the
151 Administrative Trust Fund within the Department of Financial
152 Services to fund clerk education provided by the Florida Clerks
153 of Court Operations Corporation. An additional filing fee of up
154 to \$18 must ~~shall~~ be paid by the party seeking each severance
155 that is granted, from which the clerk shall remit \$3 to the
156 Department of Revenue for deposit into the General Revenue Fund.



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157 The clerk may impose an additional filing fee of up to \$85, from
158 which the clerk shall remit \$10 to the Department of Revenue for
159 deposit into the General Revenue Fund, for all proceedings of
160 garnishment, attachment, replevin, and distress. Postal charges
161 incurred by the clerk of the circuit court in making service by
162 certified or registered mail on defendants or other parties must
163 ~~shall~~ be paid by the party at whose instance service is made.
164 Additional fees, charges, or costs may not be added to the
165 filing fees imposed under this section, except as authorized in
166 this section or by general law.

167 2.a. Notwithstanding the fees prescribed in subparagraph
168 1., a party instituting a civil action in circuit court relating
169 to real property or mortgage foreclosure must ~~shall~~ pay a
170 graduated filing fee based on the value of the claim.

171 b. A party must ~~shall~~ estimate in writing the amount in
172 controversy of the claim upon filing the action. For purposes of
173 this subparagraph, the value of a mortgage foreclosure action is
174 based upon the principal due on the note secured by the
175 mortgage, plus interest owed on the note and any moneys advanced
176 by the lender for property taxes, insurance, and other advances
177 secured by the mortgage, at the time of filing the foreclosure.
178 The value must ~~shall~~ also include the value of any tax
179 certificates related to the property. In stating the value of a
180 mortgage foreclosure claim, a party must ~~shall~~ declare in
181 writing the total value of the claim, as well as the individual
182 elements of the value as prescribed in this sub-subparagraph.

183 c. In its order providing for the final disposition of the
184 matter, the court shall identify the actual value of the claim.
185 The clerk must ~~shall~~ adjust the filing fee if there is a



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186 difference between the estimated amount in controversy and the
187 actual value of the claim and collect any additional filing fee
188 owed or provide a refund of excess filing fee paid.

189 d. The party must ~~shall~~ pay a filing fee of:

190 (I) Four hundred and seventy ~~Three hundred and ninety-five~~
191 dollars in all cases in which the value of the claim is \$50,000
192 or less and in which there are not more than five defendants.
193 The party must ~~shall~~ pay an additional filing fee of up to \$5
194 ~~\$2.50~~ for each defendant in excess of five. Of the first \$200 in
195 filing fees, \$195 must be remitted by the clerk to the
196 Department of Revenue for deposit into the General Revenue Fund,
197 \$4 must be remitted to the Department of Revenue for deposit
198 into the Administrative Trust Fund within the Department of
199 Financial Services and used to fund the contract with the
200 Florida Clerks of Court Operations Corporation created in s.
201 28.35, and \$1 must be remitted to the Department of Revenue for
202 deposit into the Administrative Trust Fund within the Department
203 of Financial Services to fund audits of individual clerks'
204 court-related expenditures conducted by the Department of
205 Financial Services;

206 (II) One thousand and seventy ~~Nine hundred~~ dollars in all
207 cases in which the value of the claim is more than \$50,000 but
208 less than \$250,000 and in which there are not more than five
209 defendants. The party must ~~shall~~ pay an additional filing fee of
210 up to \$5 ~~\$2.50~~ for each defendant in excess of five. Of the
211 first \$355 in filing fees, \$350 must be remitted by the clerk to
212 the Department of Revenue for deposit into the General Revenue
213 Fund, \$4 must be remitted to the Department of Revenue for
214 deposit into the Administrative Trust Fund within the Department



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215 of Financial Services and used to fund the contract with the
216 Florida Clerks of Court Operations Corporation created in s.
217 28.35, and \$1 must be remitted to the Department of Revenue for
218 deposit into the Administrative Trust Fund within the Department
219 of Financial Services to fund audits of individual clerks'
220 court-related expenditures conducted by the Department of
221 Financial Services; or

222 (III) Two thousand two hundred and sixty ~~One thousand nine~~
223 ~~hundred~~ dollars in all cases in which the value of the claim is
224 \$250,000 or more and in which there are not more than five
225 defendants. The party must ~~shall~~ pay an additional filing fee of
226 up to \$5 ~~\$2.50~~ for each defendant in excess of five. Of the
227 first \$1,705 in filing fees, \$930 must be remitted by the clerk
228 to the Department of Revenue for deposit into the General
229 Revenue Fund, \$770 must be remitted to the Department of Revenue
230 for deposit into the State Courts Revenue Trust Fund, \$4 must be
231 remitted to the Department of Revenue for deposit into the
232 Administrative Trust Fund within the Department of Financial
233 Services to fund the contract with the Florida Clerks of Court
234 Operations Corporation created in s. 28.35, and \$1 must be
235 remitted to the Department of Revenue for deposit into the
236 Administrative Trust Fund within the Department of Financial
237 Services to fund audits of individual clerks' court-related
238 expenditures conducted by the Department of Financial Services.

239 e. An additional filing fee of \$5 ~~\$4~~ ~~shall~~ be paid to
240 the clerk. The clerk shall remit \$3.50 to the Department of
241 Revenue for deposit into the Court Education Trust Fund and
242 shall remit \$1.50 ~~50 cents~~ to the Department of Revenue for
243 deposit into the Administrative Trust Fund within the Department



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244 of Financial Services to fund clerk education provided by the
245 Florida Clerks of Court Operations Corporation. An additional
246 filing fee of up to \$18 must ~~shall~~ be paid by the party seeking
247 each severance that is granted. The clerk may impose an
248 additional filing fee of up to \$85 for all proceedings of
249 garnishment, attachment, replevin, and distress. Postal charges
250 incurred by the clerk of the circuit court in making service by
251 certified or registered mail on defendants or other parties must
252 ~~shall~~ be paid by the party at whose instance service is made.
253 Additional fees, charges, or costs may not be added to the
254 filing fees imposed under this section, except as authorized in
255 this section or by general law.

256 (b) A party reopening any civil action, suit, or proceeding
257 in the circuit court must ~~shall~~ pay to the clerk of court a
258 filing fee set by the clerk in an amount not to exceed \$60 ~~\$50~~.
259 For purposes of this section, a case is reopened after all
260 appeals have been exhausted or time to file an appeal from a
261 final order or final judgment has expired. A reopen fee may be
262 assessed by the clerk for any motion filed by any party at least
263 90 days after a final order or final judgment has been filed
264 with the clerk in the initial case. A reservation of
265 jurisdiction by a court does not cause a case to remain open for
266 purposes of this section or exempt a party from paying a reopen
267 fee. A party is exempt from paying the fee for any of the
268 following:

- 269 1. A writ of garnishment;
- 270 2. A writ of replevin;
- 271 3. A distress writ;
- 272 4. A writ of attachment;



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- 273 5. A motion for rehearing filed within 10 days;
- 274 6. A motion for attorney's fees filed within 30 days after
275 entry of a judgment or final order;
- 276 7. A motion for dismissal filed after a mediation agreement
277 has been filed;
- 278 8. A disposition of personal property without
279 administration;
- 280 9. Any probate case prior to the discharge of a personal
281 representative;
- 282 10. Any guardianship pleading prior to discharge;
- 283 11. Any mental health pleading;
- 284 12. Motions to withdraw by attorneys;
- 285 13. Motions exclusively for the enforcement of child
286 support orders;
- 287 14. A petition for credit of child support;
- 288 15. A Notice of Intent to Relocate and any order issuing as
289 a result of an uncontested relocation;
- 290 16. Stipulations and motions to enforce stipulations;
- 291 17. Responsive pleadings;
- 292 18. Cases in which there is no initial filing fee; or
- 293 19. Motions for contempt.
- 294 (c)1. A party in addition to a party described in sub-
295 subparagraph (a)1.a. who files a pleading in an original civil
296 action in circuit court for affirmative relief by cross-claim,
297 counterclaim, counterpetition, or third-party complaint must
298 ~~shall~~ pay the clerk of court a fee of \$470 ~~\$395~~. A party in
299 addition to a party described in sub-subparagraph (a)1.b. who
300 files a pleading in an original civil action in circuit court
301 for affirmative relief by cross-claim, counterclaim,



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302 counterpetition, or third-party complaint must ~~shall~~ pay the
303 clerk of court a fee of \$350 ~~\$295~~. The clerk shall deposit the
304 fee into the fine and forfeiture fund established pursuant to s.
305 142.01.

306 2. A party in addition to a party described in subparagraph
307 (a)2. who files a pleading in an original civil action in
308 circuit court for affirmative relief by cross-claim,
309 counterclaim, counterpetition, or third-party complaint must
310 ~~shall~~ pay the clerk of court a graduated fee of:

311 a. Four hundred and seventy ~~Three hundred and ninety five~~
312 dollars in all cases in which the value of the pleading is
313 \$50,000 or less;

314 b. One thousand and seventy ~~Nine hundred~~ dollars in all
315 cases in which the value of the pleading is more than \$50,000
316 but less than \$250,000; or

317 c. Two thousand two hundred sixty ~~One thousand nine hundred~~
318 dollars in all cases in which the value of the pleading is
319 \$250,000 or more.

320
321 The clerk shall deposit the fees collected under this
322 subparagraph into the fine and forfeiture fund established
323 pursuant to s. 142.01.

324 (d) The clerk of court shall collect a service charge of
325 \$15 ~~\$10~~ for issuing an original, a certified copy, or an
326 electronic certified copy of a summons, which the clerk shall
327 deposit into the fine and forfeiture fund established pursuant
328 to s. 142.01. The clerk shall assess the fee against the party
329 seeking to have the summons issued.

330 (2) Upon the institution of any appellate proceeding from



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331 any lower court to the circuit court of any such county,
332 including appeals filed by a county or municipality as provided
333 in s. 34.041(5), or from the county or circuit court to an
334 appellate court of the state, the clerk shall charge and collect
335 from the party or parties instituting such appellate proceedings
336 a filing fee, as follows:

337 (a) For filing a notice of appeal from the county court to
338 the circuit court, a filing fee not to exceed \$280.

339 (b) For filing a notice of appeal from the county or
340 circuit court to the district court of appeal or to the Supreme
341 Court, in addition to the filing fee required under s. 25.241 or
342 s. 35.22, a filing fee not to exceed \$115 ~~\$100~~, of which the
343 clerk shall remit \$20 to the Department of Revenue for deposit
344 into the General Revenue Fund. If the party is determined to be
345 indigent, the clerk must ~~shall~~ defer payment of the fee
346 otherwise required by this subsection.

347 Section 4. Paragraphs (a), (b), (d), and (e) of subsection
348 (1) and subsection (2) of section 34.041, Florida Statutes, are
349 amended to read:

350 34.041 Filing fees.—

351 (1)(a) Filing fees are due at the time a party files a
352 pleading to initiate a proceeding or files a pleading for
353 relief. Reopen fees are due at the time a party files a pleading
354 to reopen a proceeding if at least 90 days have elapsed since
355 the filing of a final order or final judgment with the clerk. If
356 a fee is not paid upon the filing of the pleading as required
357 under this section, the clerk must ~~shall~~ pursue collection of
358 the fee pursuant to s. 28.246. Upon the institution of any civil
359 action, suit, or proceeding in county court, the party must



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- 360 ~~shall~~ pay the following filing fee, not to exceed:
- 361 1. For all claims less than \$100\$50.
- 362 2. For all claims of \$100 or more but not more than \$500
- 363\$75.
- 364 3. For all claims of more than \$500 but not more than
- 365 \$2,500: \$170, from which the clerk shall remit \$20 to the
- 366 Department of Revenue for deposit into the General Revenue Fund.
- 367 4. For all claims of more than \$2,500 but not more than
- 368 \$15,000.....\$295.
- 369 5. For all claims more than \$15,000\$460 ~~\$395~~.
- 370 6. In addition, for all proceedings of garnishment,
- 371 attachment, replevin, and distress: \$85, from which the clerk
- 372 shall remit \$10 to the Department of Revenue for deposit into
- 373 the General Revenue Fund.
- 374 7. Notwithstanding subparagraphs 3. and 6., for all claims
- 375 of not more than \$1,000 filed simultaneously with an action for
- 376 replevin of property that is the subject of the claim.....\$125.
- 377 8. For removal of tenant action.....\$180.

378

379 The filing fee in subparagraph 7. is the total fee due under

380 this paragraph for that type of filing, and no other filing fee

381 under this paragraph may be assessed against such a filing.

382 (b) The first \$15 of the filing fee collected under

383 subparagraph (a)4. and the first \$10 of the filing fee collected

384 under subparagraph (a)8. must ~~shall~~ be deposited in the State

385 Courts Revenue Trust Fund. ~~By the 10th day of each month, the~~

386 ~~clerk shall submit that portion of the fees collected in the~~

387 ~~previous month which is in excess of one twelfth of the clerk's~~

388 ~~total budget for the performance of court-related functions to~~



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389 ~~the Department of Revenue for deposit into the Clerks of the~~
390 ~~Court Trust Fund.~~ An additional filing fee of \$5 must ~~\$4 shall~~
391 be paid to the clerk. The clerk shall transfer \$3.50 to the
392 Department of Revenue for deposit into the Court Education Trust
393 Fund and shall transfer \$1.50 ~~50 cents~~ to the Department of
394 Revenue for deposit into the Administrative Trust Fund within
395 the Department of Financial Services to fund clerk education
396 provided by the Florida Clerks of Court Operations Corporation.
397 Postal charges incurred by the clerk of the county court in
398 making service by mail on defendants or other parties must ~~shall~~
399 be paid by the party at whose instance service is made. Except
400 as provided in this section, filing fees and service charges for
401 performing duties of the clerk relating to the county court are
402 ~~shall be~~ as provided in ss. 28.24 and 28.241. Except as
403 otherwise provided in this section, all filing fees must ~~shall~~
404 be retained as fee income of the office of the clerk of the
405 circuit court. Filing fees imposed by this section may not be
406 added to any penalty imposed by chapter 316 or chapter 318.

407 (d) The clerk of court shall collect a service charge of
408 \$15 ~~\$10~~ for issuing a summons or an electronic certified copy of
409 a summons, which the clerk shall deposit into the fine and
410 forfeiture fund established pursuant to s. 142.01. The clerk
411 shall assess the fee against the party seeking to have the
412 summons issued.

413 (e) Of the first \$200 in filing fees payable under
414 subparagraph (a)5., \$195 must be remitted to the Department of
415 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
416 must be remitted to the Department of Revenue for deposit into
417 the Administrative Trust Fund within the Department of Financial



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418 Services and used to fund the contract with the Florida Clerks
419 of Court Operations Corporation created in s. 28.35, and \$1 must
420 be remitted to the Department of Revenue for deposit into the
421 Administrative Trust Fund within the Department of Financial
422 Services to fund audits of individual clerks' court-related
423 expenditures conducted by the Department of Financial Services.
424 ~~By the 10th day of each month, the clerk shall submit that~~
425 ~~portion of the filing fees collected pursuant to this subsection~~
426 ~~in the previous month which is in excess of one-twelfth of the~~
427 ~~clerk's total budget to the Department of Revenue for deposit~~
428 ~~into the Clerks of the Court Trust Fund.~~

429 (2) A party reopening any civil action, suit, or proceeding
430 in the county court must ~~shall~~ pay to the clerk of court a
431 filing fee set by the clerk in an amount not to exceed \$30 ~~\$25~~
432 for all claims of not more than \$500 and an amount not to exceed
433 \$60 ~~\$50~~ for all claims of more than \$500. For purposes of this
434 section, a case is reopened after all appeals have been
435 exhausted, or time to file an appeal from a final order or final
436 judgment has expired. A reopen fee may be assessed by the clerk
437 for any motion filed by any party at least 90 days after a final
438 order or final judgment has been filed with the clerk in the
439 initial case. A reservation of jurisdiction by a court does not
440 cause a case to remain open for purposes of this section or
441 exempt a party from paying a reopen fee. A party is exempt from
442 paying the fee for any of the following:

- 443 (a) A writ of garnishment;
- 444 (b) A writ of replevin;
- 445 (c) A distress writ;
- 446 (d) A writ of attachment;



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- 447 (e) A motion for rehearing filed within 10 days;
448 (f) A motion for attorney's fees filed within 30 days of
449 the entry of the judgment or final order;
450 (g) A motion for dismissal filed after a mediation
451 agreement has been filed;
452 (h) A motion to withdraw by attorneys;
453 (i) Stipulations and motions to enforce stipulations;
454 (j) Responsive pleadings; or
455 (k) Motions for contempt.

456 Section 5. Paragraph (b) of subsection (2) of section
457 45.035, Florida Statutes, is amended to read:

458 45.035 Clerk's fees.—In addition to other fees or service
459 charges authorized by law, the clerk shall receive service
460 charges related to the judicial sales procedure set forth in ss.
461 45.031-45.033 and this section:

462 (2) If there is a surplus resulting from the sale, the
463 clerk may receive the following service charges, which shall be
464 deducted from the surplus:

465 (b) The clerk is entitled to a service charge of \$20 ~~\$15~~
466 for each disbursement of surplus proceeds, from which the clerk
467 shall remit \$5 to the Department of Revenue for deposit into the
468 General Revenue Fund.

469 Section 6. Subsection (3) of section 721.83, Florida
470 Statutes, is amended to read:

471 721.83 Consolidation of judicial foreclosure actions.—

472 (3) A consolidated timeshare foreclosure action is ~~shall be~~
473 considered a single action, suit, or proceeding for the payment
474 of filing fees and service charges pursuant to general law. In
475 addition to the payment of such filing fees and service charges,



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476 an additional filing fee of up to \$15 ~~\$10~~, from which the clerk
477 shall remit \$5 to the Department of Revenue for deposit into the
478 General Revenue Fund, for each timeshare interest joined in that
479 action must ~~shall~~ be paid to the clerk of court.

480 Section 7. Subsection (4) of section 744.3678, Florida
481 Statutes, is amended to read:

482 744.3678 Annual accounting.—

483 (4) The guardian shall pay from the ward's estate to the
484 clerk of the circuit court a fee based upon the following
485 graduated fee schedule, upon the filing of the annual financial
486 return, for the auditing of the return:

487 (a) For estates with a value of \$25,000 or less the clerk
488 of the court may charge a fee of up to \$25 ~~\$20~~, from which the
489 clerk shall remit \$5 to the Department of Revenue for deposit
490 into the General Revenue Fund.

491 (b) For estates with a value of more than \$25,000 up to and
492 including \$100,000 the clerk of the court may charge a fee of up
493 to \$100 ~~\$85~~, from which the clerk shall remit \$10 to the
494 Department of Revenue for deposit into the General Revenue Fund.

495 (c) For estates with a value of more than \$100,000 up to
496 and including \$500,000 the clerk of the court may charge a fee
497 of up to \$200 ~~\$170~~, from which the clerk shall remit \$20 to the
498 Department of Revenue for deposit into the General Revenue Fund.

499 (d) For estates with a value in excess of \$500,000 the
500 clerk of the court may charge a fee of up to \$295 ~~\$250~~, from
501 which the clerk shall remit \$25 to the Department of Revenue for
502 deposit into the General Revenue Fund.

503
504 Upon petition by the guardian, the court may waive the auditing



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505 fee upon a showing of insufficient funds in the ward's estate.
506 Any guardian unable to pay the auditing fee may petition the
507 court for a waiver of the fee. The court may waive the fee after
508 it has reviewed the documentation filed by the guardian in
509 support of the waiver.

510 Section 8. This act shall take effect July 1, 2026.

511
512 ===== T I T L E A M E N D M E N T =====

513 And the title is amended as follows:

514 Delete everything before the enacting clause
515 and insert:

516 A bill to be entitled
517 An act relating to court fees; amending s. 28.24,
518 F.S.; increasing the service charges a clerk of the
519 circuit court charges for certain services rendered by
520 the clerk's office; amending s. 28.2401, F.S.;
521 increasing certain filing fees that may be charged by
522 the clerk in probate matters; amending s. 28.241,
523 F.S.; increasing certain filing fees and service
524 charges in trial and appellate proceedings; amending
525 s. 34.041, F.S.; increasing certain filing fees and
526 service charges for civil actions, suits, or
527 proceedings in county court; deleting provisions
528 requiring clerks to submit portions of fees collected
529 to the Department of Revenue for deposit into the
530 Clerks of the Court Trust Fund; revising the
531 distribution formula for additional filing fees;
532 amending s. 45.035, F.S.; increasing the service
533 charge the clerk is entitled to for disbursement of



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534 surplus proceeds for certain judicial sales
535 procedures; amending s. 721.83, F.S.; increasing the
536 filing fee for additional timeshare interests joining
537 a consolidated timeshare foreclosure action; amending
538 s. 744.3678, F.S.; increasing the fee a clerk of the
539 circuit court may charge for auditing the return of a
540 ward's estate; providing an effective date.

By Senator Simon

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1 A bill to be entitled
 2 An act relating to court fees; amending s. 28.24,
 3 F.S.; increasing the service charges a clerk of the
 4 circuit court charges for certain services rendered by
 5 the clerk's office; requiring the Office of Economic
 6 and Demographic Research to prepare a certain report;
 7 requiring that such report be submitted to the
 8 Legislature within a specified timeframe; amending s.
 9 28.2401, F.S.; increasing certain filing fees that may
 10 be charged by the clerk in probate matters; requiring
 11 the Office of Economic and Demographic Research to
 12 prepare a certain report; requiring that such report
 13 be submitted to the Legislature within a specified
 14 timeframe; amending s. 28.241, F.S.; increasing
 15 certain filing fees and service charges in trial and
 16 appellate proceedings; requiring the Office of
 17 Economic and Demographic Research to prepare a certain
 18 report; requiring that such report be submitted to the
 19 Legislature within a specified timeframe; amending s.
 20 34.041, F.S.; increasing certain filing fees and
 21 service charges for civil actions, suits, or
 22 proceedings in county court; deleting provisions
 23 requiring clerks to submit portions of fees collected
 24 to the Department of Revenue for deposit into the
 25 Clerks of the Court Trust Fund; revising the
 26 distribution formula for additional filing fees;
 27 requiring the Office of Economic and Demographic
 28 Research to prepare a certain report; requiring that
 29 such report be submitted to the Legislature within a

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30 specified timeframe; amending s. 45.035, F.S.;
 31 increasing the service charge the clerk is entitled to
 32 for disbursement of surplus proceeds for certain
 33 judicial sales procedures; requiring the Office of
 34 Economic and Demographic Research to prepare a certain
 35 report; requiring that such report be submitted to the
 36 Legislature within a specified timeframe; amending s.
 37 721.83, F.S.; increasing the filing fee for additional
 38 timeshare interests joining a consolidated timeshare
 39 foreclosure action; requiring the Office of Economic
 40 and Demographic Research to prepare a certain report;
 41 requiring that such report be submitted to the
 42 Legislature within a specified timeframe; amending s.
 43 744.3678, F.S.; increasing the fee a clerk of the
 44 circuit court may charge for auditing of the return of
 45 ward's estate; requiring the Office of Economic and
 46 Demographic Research to prepare a certain report;
 47 requiring that such report be submitted to the
 48 Legislature within a specified timeframe; providing an
 49 effective date.

50
 51 Be It Enacted by the Legislature of the State of Florida:

52
 53 Section 1. Subsections (2) and (3), paragraph (a) of
 54 subsection (5), paragraph (a) of subsection (9), paragraph (b)
 55 of subsection (11), paragraph (a) of subsection (14), paragraph
 56 (a) of subsection (15), subsection (17), paragraph (a) of
 57 subsection (18), subsection (19), paragraph (a) of subsection
 58 (20), paragraph (a) of subsection (21), and subsection (26) of

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59 section 28.24, Florida Statutes, are amended, and subsection
60 (30) is added to that section, to read:

61 28.24 Service charges.—The clerk of the circuit court shall
62 charge for services rendered manually or electronically by the
63 clerk's office in recording documents and instruments and in
64 performing other specified duties. These charges may not exceed
65 those specified in this section, except as provided in s.
66 28.345.

67 (2) For examining, comparing, correcting, verifying, and
68 certifying transcripts of record in appellate proceedings,
69 prepared by attorney for appellant or someone else other than
70 clerk, per page: 6.00 ~~5.00~~, from which the clerk shall remit
71 0.50 per page to the Department of Revenue for deposit into the
72 General Revenue Fund.

73 (3) For preparing, numbering, and indexing an original
74 record of appellate proceedings, per instrument: 4.00 ~~3.50~~, from
75 which the clerk shall remit 0.50 per instrument to the
76 Department of Revenue for deposit into the General Revenue Fund.

77 (5) (a) For verifying any instrument presented for
78 certification prepared by someone other than clerk, per page:
79 4.00 ~~3.50~~, from which the clerk shall remit 0.50 per page to the
80 Department of Revenue for deposit into the General Revenue Fund.

81 (9) (a) For writing any paper that is a court record other
82 than a paper otherwise specifically mentioned in this section,
83 including signing and sealing: 8.00 ~~7.00~~, from which the clerk
84 shall remit 1.00 to the Department of Revenue for deposit into
85 the General Revenue Fund.

86 (11) For receiving money into the registry of court:
87 (b) Eminent domain actions, per deposit: 200.00 ~~170.00~~,

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88 from which the clerk shall remit 20.00 per deposit to the
89 Department of Revenue for deposit into the General Revenue Fund.

90 (14) (a) Oath, administering, attesting, and sealing of
91 court records not otherwise provided for in this section: 4.00
92 ~~3.50~~, from which the clerk shall remit 0.50 to the Department of
93 Revenue for deposit into the General Revenue Fund.

94 (15) (a) For validating certificates or any authorized bonds
95 that are court records, each: 4.00 ~~3.50~~, from which the clerk
96 shall remit 0.50 each to the Department of Revenue for deposit
97 into the General Revenue Fund.

98 (17) For exemplified certificates, including the signing
99 and sealing of them: 8.00 ~~7.00~~, from which the clerk shall remit
100 1.00 to the Department of Revenue for deposit into the General
101 Revenue Fund.

102 (18) (a) For authenticated certificates that are court
103 records, including the signing and sealing of them: 8.00 ~~7.00~~,
104 from which the clerk shall remit 1.00 to the Department of
105 Revenue for deposit into the General Revenue Fund.

106 (19) (a) For issuing and filing a subpoena for a witness,
107 not otherwise provided for in this section, including the
108 writing, preparing, signing, and sealing of it: 8.00 ~~7.00~~, from
109 which the clerk shall remit 1.00 to the Department of Revenue
110 for deposit into the General Revenue Fund.

111 (b) For signing and sealing only: 3.00 ~~2.00~~, from which the
112 clerk shall remit 0.50 to the Department of Revenue for deposit
113 into the General Revenue Fund.

114 (20) (a) For approving a court bond: 10.00 ~~8.50~~, from which
115 the clerk shall remit 1.00 to the Department of Revenue for
116 deposit into the General Revenue Fund.

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117 (21) (a) For searching court records, for each year's
118 search: 3.00 ~~2.00~~, from which the clerk shall remit 0.50 for
119 each year's search to the Department of Revenue for deposit into
120 the General Revenue Fund.

121 (26) For sealing any court file or expungement of any
122 record: 50.00 ~~42.00~~, from which the clerk shall remit 4.50 to
123 the Department of Revenue for deposit into the General Revenue
124 Fund.

125 (30) By January 1, 2030, and every 3 years thereafter, the
126 Office of Economic and Demographic Research shall prepare a
127 report that includes recommendations for increasing the service
128 charges in this section according to the percentage change in
129 the Consumer Price Index. The service charges must be rounded to
130 the nearest \$1. The Office of Economic and Demographic Research
131 shall submit the report to the President of the Senate and the
132 Speaker of the House of Representatives before the start of the
133 next regularly scheduled session of the Legislature.

134 Section 2. Paragraphs (a), (c), (d), and (g) of subsection
135 (1) of section 28.2401, Florida Statutes, are amended, and
136 subsection (5) is added to that section, to read:

137 28.2401 Service charges and filing fees in probate
138 matters.—

139 (1) Except when otherwise provided, the clerk may impose
140 service charges or filing fees for the following services or
141 filings, not to exceed the following amounts:

142 (a) Fee for the opening of any estate of one document or
143 more, including, but not limited to, petitions and orders to
144 approve settlement of minor's claims; to open a safe-deposit
145 box; to enter rooms and places; for the determination of heirs,

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146 if not formal administration; and for a foreign guardian to
147 manage property of a nonresident; but not to include issuance of
148 letters or order of summary administration.....\$275 ~~\$230~~

149 (c) Fee for petition and order to admit foreign wills,
150 authenticated copies, exemplified copies, or transcript to
151 record..... \$275 ~~\$230~~

152 (d) Fee for disposition of personal property without
153 administration.....\$275 ~~\$230~~

154 (g) Fee for formal administration, guardianship, ancillary,
155 curatorship, or conservatorship proceedings.....\$470 ~~\$395~~

156
157 The clerk shall remit \$115 of each filing fee collected under
158 paragraphs (a), (c)-(i), and (k) to the Department of Revenue
159 for deposit into the State Courts Revenue Trust Fund.

160 (5) By January 1, 2030, and every 3 years thereafter, the
161 Office of Economic and Demographic Research shall prepare a
162 report that includes recommendations for increasing the filing
163 fees in this section according to the percentage change in the
164 Consumer Price Index. The filing fees must be rounded to the
165 nearest \$5. The Office of Economic and Demographic Research
166 shall submit the report to the President of the Senate and the
167 Speaker of the House of Representatives before the start of the
168 next regularly scheduled session of the Legislature.

169 Section 3. Present subsection (7) of section 28.241,
170 Florida Statutes, is redesignated as subsection (8), a new
171 subsection (7) is added to that section, and subsections (1) and
172 (2) of that section are amended, to read:

173 28.241 Filing fees for trial and appellate proceedings.—

174 (1) Filing fees are due at the time a party files a

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175 pleading to initiate a proceeding or files a pleading for
 176 relief. Reopen fees are due at the time a party files a pleading
 177 to reopen a proceeding if at least 90 days have elapsed since
 178 the filing of a final order or final judgment with the clerk. If
 179 a fee is not paid upon the filing of the pleading as required
 180 under this section, the clerk must ~~shall~~ pursue collection of
 181 the fee pursuant to s. 28.246.

182 (a)1.a. Except as provided in sub-subparagraph b. and
 183 subparagraph 2., the party instituting any civil action, suit,
 184 or proceeding in the circuit court must ~~shall~~ pay to the clerk
 185 of that court a filing fee of up to \$460 ~~\$395~~ in all cases in
 186 which there are not more than five defendants and an additional
 187 filing fee of up to \$5 ~~\$2.50~~, from which the clerk shall remit
 188 \$0.50 to the Department of Revenue for deposit into the General
 189 Revenue Fund, for each defendant in excess of five. Of the first
 190 \$200 in filing fees, \$195 must be remitted to the Department of
 191 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
 192 must be remitted to the Department of Revenue for deposit into
 193 the Administrative Trust Fund within the Department of Financial
 194 Services and used to fund the contract with the Florida Clerks
 195 of Court Operations Corporation created in s. 28.35, and \$1 must
 196 be remitted to the Department of Revenue for deposit into the
 197 Administrative Trust Fund within the Department of Financial
 198 Services to fund audits of individual clerks' court-related
 199 expenditures conducted by the Department of Financial Services.

200 b. The party instituting any civil action, suit, or
 201 proceeding in the circuit court under chapter 39, chapter 61,
 202 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
 203 753 shall pay to the clerk of that court a filing fee of up to

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204 \$345 ~~\$295~~ in all cases in which there are not more than five
 205 defendants and an additional filing fee of up to \$5 ~~\$2.50~~ for
 206 each defendant in excess of five. Of the first \$100 in filing
 207 fees, \$95 must be remitted to the Department of Revenue for
 208 deposit into the State Courts Revenue Trust Fund, \$4 must be
 209 remitted to the Department of Revenue for deposit into the
 210 Administrative Trust Fund within the Department of Financial
 211 Services and used to fund the contract with the Florida Clerks
 212 of Court Operations Corporation created in s. 28.35, and \$1 must
 213 be remitted to the Department of Revenue for deposit into the
 214 Administrative Trust Fund within the Department of Financial
 215 Services to fund audits of individual clerks' court-related
 216 expenditures conducted by the Department of Financial Services.
 217 c. An additional filing fee of \$5 ~~\$4~~ shall be paid to the
 218 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 219 for deposit into the Court Education Trust Fund and shall remit
 220 \$1.50 ~~50 cents~~ to the Department of Revenue for deposit into the
 221 Administrative Trust Fund within the Department of Financial
 222 Services to fund clerk education provided by the Florida Clerks
 223 of Court Operations Corporation. An additional filing fee of up
 224 to \$18 must ~~shall~~ be paid by the party seeking each severance
 225 that is granted, from which the clerk shall remit \$3 to the
 226 Department of Revenue for deposit into the General Revenue Fund.
 227 The clerk may impose an additional filing fee of up to \$85, from
 228 which the clerk shall remit \$10 to the Department of Revenue for
 229 deposit into the General Revenue Fund, for all proceedings of
 230 garnishment, attachment, replevin, and distress. Postal charges
 231 incurred by the clerk of the circuit court in making service by
 232 certified or registered mail on defendants or other parties must

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233 ~~shall~~ be paid by the party at whose instance service is made.
 234 Additional fees, charges, or costs may not be added to the
 235 filing fees imposed under this section, except as authorized in
 236 this section or by general law.

237 2.a. Notwithstanding the fees prescribed in subparagraph
 238 1., a party instituting a civil action in circuit court relating
 239 to real property or mortgage foreclosure must ~~shall~~ pay a
 240 graduated filing fee based on the value of the claim.

241 b. A party must ~~shall~~ estimate in writing the amount in
 242 controversy of the claim upon filing the action. For purposes of
 243 this subparagraph, the value of a mortgage foreclosure action is
 244 based upon the principal due on the note secured by the
 245 mortgage, plus interest owed on the note and any moneys advanced
 246 by the lender for property taxes, insurance, and other advances
 247 secured by the mortgage, at the time of filing the foreclosure.
 248 The value must ~~shall~~ also include the value of any tax
 249 certificates related to the property. In stating the value of a
 250 mortgage foreclosure claim, a party must ~~shall~~ declare in
 251 writing the total value of the claim, as well as the individual
 252 elements of the value as prescribed in this sub-subparagraph.

253 c. In its order providing for the final disposition of the
 254 matter, the court shall identify the actual value of the claim.
 255 The clerk must ~~shall~~ adjust the filing fee if there is a
 256 difference between the estimated amount in controversy and the
 257 actual value of the claim and collect any additional filing fee
 258 owed or provide a refund of excess filing fee paid.

259 d. The party must ~~shall~~ pay a filing fee of:

260 (I) Four hundred and seventy ~~Three hundred and ninety five~~
 261 dollars in all cases in which the value of the claim is \$50,000

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262 or less and in which there are not more than five defendants.
 263 The party must ~~shall~~ pay an additional filing fee of up to \$5
 264 ~~\$2.50~~ for each defendant in excess of five. Of the first \$200 in
 265 filing fees, \$195 must be remitted by the clerk to the
 266 Department of Revenue for deposit into the General Revenue Fund,
 267 \$4 must be remitted to the Department of Revenue for deposit
 268 into the Administrative Trust Fund within the Department of
 269 Financial Services and used to fund the contract with the
 270 Florida Clerks of Court Operations Corporation created in s.
 271 28.35, and \$1 must be remitted to the Department of Revenue for
 272 deposit into the Administrative Trust Fund within the Department
 273 of Financial Services to fund audits of individual clerks'
 274 court-related expenditures conducted by the Department of
 275 Financial Services;

276 (II) One thousand and seventy ~~Nine hundred~~ dollars in all
 277 cases in which the value of the claim is more than \$50,000 but
 278 less than \$250,000 and in which there are not more than five
 279 defendants. The party must ~~shall~~ pay an additional filing fee of
 280 up to \$5 ~~\$2.50~~ for each defendant in excess of five. Of the
 281 first \$355 in filing fees, \$350 must be remitted by the clerk to
 282 the Department of Revenue for deposit into the General Revenue
 283 Fund, \$4 must be remitted to the Department of Revenue for
 284 deposit into the Administrative Trust Fund within the Department
 285 of Financial Services and used to fund the contract with the
 286 Florida Clerks of Court Operations Corporation created in s.
 287 28.35, and \$1 must be remitted to the Department of Revenue for
 288 deposit into the Administrative Trust Fund within the Department
 289 of Financial Services to fund audits of individual clerks'
 290 court-related expenditures conducted by the Department of

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291 Financial Services; or
 292 (III) Two thousand two hundred and sixty ~~One thousand nine~~
 293 ~~hundred~~ dollars in all cases in which the value of the claim is
 294 \$250,000 or more and in which there are not more than five
 295 defendants. The party must ~~shall~~ pay an additional filing fee of
 296 up to \$5 ~~\$2.50~~ for each defendant in excess of five. Of the
 297 first \$1,705 in filing fees, \$930 must be remitted by the clerk
 298 to the Department of Revenue for deposit into the General
 299 Revenue Fund, \$770 must be remitted to the Department of Revenue
 300 for deposit into the State Courts Revenue Trust Fund, \$4 must be
 301 remitted to the Department of Revenue for deposit into the
 302 Administrative Trust Fund within the Department of Financial
 303 Services to fund the contract with the Florida Clerks of Court
 304 Operations Corporation created in s. 28.35, and \$1 must be
 305 remitted to the Department of Revenue for deposit into the
 306 Administrative Trust Fund within the Department of Financial
 307 Services to fund audits of individual clerks' court-related
 308 expenditures conducted by the Department of Financial Services.
 309 e. An additional filing fee of \$5 ~~must \$4 shall~~ be paid to
 310 the clerk. The clerk shall remit \$3.50 to the Department of
 311 Revenue for deposit into the Court Education Trust Fund and
 312 shall remit \$1.50 ~~50 cents~~ to the Department of Revenue for
 313 deposit into the Administrative Trust Fund within the Department
 314 of Financial Services to fund clerk education provided by the
 315 Florida Clerks of Court Operations Corporation. An additional
 316 filing fee of up to \$18 must ~~shall~~ be paid by the party seeking
 317 each severance that is granted. The clerk may impose an
 318 additional filing fee of up to \$85 for all proceedings of
 319 garnishment, attachment, replevin, and distress. Postal charges

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320 incurred by the clerk of the circuit court in making service by
 321 certified or registered mail on defendants or other parties must
 322 ~~shall~~ be paid by the party at whose instance service is made.
 323 Additional fees, charges, or costs may not be added to the
 324 filing fees imposed under this section, except as authorized in
 325 this section or by general law.
 326 (b) A party reopening any civil action, suit, or proceeding
 327 in the circuit court must ~~shall~~ pay to the clerk of court a
 328 filing fee set by the clerk in an amount not to exceed \$60 ~~\$50~~.
 329 For purposes of this section, a case is reopened after all
 330 appeals have been exhausted or time to file an appeal from a
 331 final order or final judgment has expired. A reopen fee may be
 332 assessed by the clerk for any motion filed by any party at least
 333 90 days after a final order or final judgment has been filed
 334 with the clerk in the initial case. A reservation of
 335 jurisdiction by a court does not cause a case to remain open for
 336 purposes of this section or exempt a party from paying a reopen
 337 fee. A party is exempt from paying the fee for any of the
 338 following:
 339 1. A writ of garnishment;
 340 2. A writ of replevin;
 341 3. A distress writ;
 342 4. A writ of attachment;
 343 5. A motion for rehearing filed within 10 days;
 344 6. A motion for attorney's fees filed within 30 days after
 345 entry of a judgment or final order;
 346 7. A motion for dismissal filed after a mediation agreement
 347 has been filed;
 348 8. A disposition of personal property without

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349 administration;

350 9. Any probate case prior to the discharge of a personal

351 representative;

352 10. Any guardianship pleading prior to discharge;

353 11. Any mental health pleading;

354 12. Motions to withdraw by attorneys;

355 13. Motions exclusively for the enforcement of child

356 support orders;

357 14. A petition for credit of child support;

358 15. A Notice of Intent to Relocate and any order issuing as

359 a result of an uncontested relocation;

360 16. Stipulations and motions to enforce stipulations;

361 17. Responsive pleadings;

362 18. Cases in which there is no initial filing fee; or

363 19. Motions for contempt.

364 (c)1. A party in addition to a party described in sub-

365 subparagraph (a)1.a. who files a pleading in an original civil

366 action in circuit court for affirmative relief by cross-claim,

367 counterclaim, counterpetition, or third-party complaint must

368 ~~shall~~ pay the clerk of court a fee of \$470 ~~\$395~~. A party in

369 addition to a party described in sub-subparagraph (a)1.b. who

370 files a pleading in an original civil action in circuit court

371 for affirmative relief by cross-claim, counterclaim,

372 counterpetition, or third-party complaint must ~~shall~~ pay the

373 clerk of court a fee of \$350 ~~\$295~~. The clerk shall deposit the

374 fee into the fine and forfeiture fund established pursuant to s.

375 142.01.

376 2. A party in addition to a party described in subparagraph

377 (a)2. who files a pleading in an original civil action in

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378 circuit court for affirmative relief by cross-claim,

379 counterclaim, counterpetition, or third-party complaint must

380 ~~shall~~ pay the clerk of court a graduated fee of:

381 a. Four hundred and seventy ~~Three hundred and ninety-five~~

382 dollars in all cases in which the value of the pleading is

383 \$50,000 or less;

384 b. One thousand and seventy ~~Nine hundred~~ dollars in all

385 cases in which the value of the pleading is more than \$50,000

386 but less than \$250,000; or

387 c. Two thousand two hundred sixty ~~One thousand nine hundred~~

388 dollars in all cases in which the value of the pleading is

389 \$250,000 or more.

390

391 The clerk shall deposit the fees collected under this

392 subparagraph into the fine and forfeiture fund established

393 pursuant to s. 142.01.

394 (d) The clerk of court shall collect a service charge of

395 \$15 ~~\$10~~ for issuing an original, a certified copy, or an

396 electronic certified copy of a summons, which the clerk shall

397 deposit into the fine and forfeiture fund established pursuant

398 to s. 142.01. The clerk shall assess the fee against the party

399 seeking to have the summons issued.

400 (2) Upon the institution of any appellate proceeding from

401 any lower court to the circuit court of any such county,

402 including appeals filed by a county or municipality as provided

403 in s. 34.041(5), or from the county or circuit court to an

404 appellate court of the state, the clerk shall charge and collect

405 from the party or parties instituting such appellate proceedings

406 a filing fee, as follows:

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407 (a) For filing a notice of appeal from the county court to
408 the circuit court, a filing fee not to exceed \$280.

409 (b) For filing a notice of appeal from the county or
410 circuit court to the district court of appeal or to the Supreme
411 Court, in addition to the filing fee required under s. 25.241 or
412 s. 35.22, a filing fee not to exceed \$115 ~~\$100~~, of which the
413 clerk shall remit \$20 to the Department of Revenue for deposit
414 into the General Revenue Fund. If the party is determined to be
415 indigent, the clerk must ~~shall~~ defer payment of the fee
416 otherwise required by this subsection.

417 (7) By January 1, 2030, and every 3 years thereafter, the
418 Office of Economic and Demographic Research shall prepare a
419 report that includes recommendations for increasing the filing
420 fees and service charges in this section according to the
421 percentage change in the Consumer Price Index. The filing fees
422 and service charges must be rounded to the nearest \$5. The
423 Office of Economic and Demographic Research shall submit the
424 report to the President of the Senate and the Speaker of the
425 House of Representatives before the start of the next regularly
426 scheduled session of the Legislature.

427 Section 4. Paragraphs (a), (b), (d), and (e) of subsection
428 (1) and subsection (2) of section 34.041, Florida Statutes, are
429 amended and subsection (9) is added to that section, to read:

430 34.041 Filing fees.—

431 (1)(a) Filing fees are due at the time a party files a
432 pleading to initiate a proceeding or files a pleading for
433 relief. Reopen fees are due at the time a party files a pleading
434 to reopen a proceeding if at least 90 days have elapsed since
435 the filing of a final order or final judgment with the clerk. If

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436 a fee is not paid upon the filing of the pleading as required
437 under this section, the clerk must ~~shall~~ pursue collection of
438 the fee pursuant to s. 28.246. Upon the institution of any civil
439 action, suit, or proceeding in county court, the party must
440 ~~shall~~ pay the following filing fee, not to exceed:

- 441 1. For all claims less than \$100.....\$50.
- 442 2. For all claims of \$100 or more but not more than \$500
- 443\$75.
- 444 3. For all claims of more than \$500 but not more than
- 445 \$2,500: \$170, from which the clerk shall remit \$20 to the
- 446 Department of Revenue for deposit into the General Revenue Fund.
- 447 4. For all claims of more than \$2,500 but not more than
- 448 \$15,000.....\$295.
- 449 5. For all claims more than \$15,000.....\$460 ~~\$395~~.
- 450 6. In addition, for all proceedings of garnishment,
- 451 attachment, replevin, and distress: \$85, from which the clerk
- 452 shall remit \$10 to the Department of Revenue for deposit into
- 453 the General Revenue Fund.
- 454 7. Notwithstanding subparagraphs 3. and 6., for all claims
- 455 of not more than \$1,000 filed simultaneously with an action for
- 456 replevin of property that is the subject of the claim.....\$125.
- 457 8. For removal of tenant action.....\$180.

459 The filing fee in subparagraph 7. is the total fee due under
460 this paragraph for that type of filing, and no other filing fee
461 under this paragraph may be assessed against such a filing.

462 (b) The first \$15 of the filing fee collected under
463 subparagraph (a)4. and the first \$10 of the filing fee collected
464 under subparagraph (a)8. must ~~shall~~ be deposited in the State

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465 Courts Revenue Trust Fund. ~~By the 10th day of each month, the~~
 466 ~~clerk shall submit that portion of the fees collected in the~~
 467 ~~previous month which is in excess of one-twelfth of the clerk's~~
 468 ~~total budget for the performance of court-related functions to~~
 469 ~~the Department of Revenue for deposit into the Clerks of the~~
 470 ~~Court Trust Fund.~~ An additional filing fee of \$5 ~~must \$4~~ shall
 471 be paid to the clerk. The clerk shall transfer \$3.50 to the
 472 Department of Revenue for deposit into the Court Education Trust
 473 Fund and shall transfer \$1.50 ~~50 cents~~ to the Department of
 474 Revenue for deposit into the Administrative Trust Fund within
 475 the Department of Financial Services to fund clerk education
 476 provided by the Florida Clerks of Court Operations Corporation.
 477 Postal charges incurred by the clerk of the county court in
 478 making service by mail on defendants or other parties must shall
 479 be paid by the party at whose instance service is made. Except
 480 as provided in this section, filing fees and service charges for
 481 performing duties of the clerk relating to the county court are
 482 ~~shall be~~ as provided in ss. 28.24 and 28.241. Except as
 483 otherwise provided in this section, all filing fees must shall
 484 be retained as fee income of the office of the clerk of the
 485 circuit court. Filing fees imposed by this section may not be
 486 added to any penalty imposed by chapter 316 or chapter 318.

487 (d) The clerk of court shall collect a service charge of
 488 \$15 ~~\$10~~ for issuing a summons or an electronic certified copy of
 489 a summons, which the clerk shall deposit into the fine and
 490 forfeiture fund established pursuant to s. 142.01. The clerk
 491 shall assess the fee against the party seeking to have the
 492 summons issued.

493 (e) Of the first \$200 in filing fees payable under

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494 subparagraph (a)5., \$195 must be remitted to the Department of
 495 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
 496 must be remitted to the Department of Revenue for deposit into
 497 the Administrative Trust Fund within the Department of Financial
 498 Services and used to fund the contract with the Florida Clerks
 499 of Court Operations Corporation created in s. 28.35, and \$1 must
 500 be remitted to the Department of Revenue for deposit into the
 501 Administrative Trust Fund within the Department of Financial
 502 Services to fund audits of individual clerks' court-related
 503 expenditures conducted by the Department of Financial Services.
 504 ~~By the 10th day of each month, the clerk shall submit that~~
 505 ~~portion of the filing fees collected pursuant to this subsection~~
 506 ~~in the previous month which is in excess of one-twelfth of the~~
 507 ~~clerk's total budget to the Department of Revenue for deposit~~
 508 ~~into the Clerks of the Court Trust Fund.~~

509 (2) A party reopening any civil action, suit, or proceeding
 510 in the county court must shall pay to the clerk of court a
 511 filing fee set by the clerk in an amount not to exceed \$30 ~~\$25~~
 512 for all claims of not more than \$500 and an amount not to exceed
 513 \$60 ~~\$50~~ for all claims of more than \$500. For purposes of this
 514 section, a case is reopened after all appeals have been
 515 exhausted, or time to file an appeal from a final order or final
 516 judgment has expired. A reopen fee may be assessed by the clerk
 517 for any motion filed by any party at least 90 days after a final
 518 order or final judgment has been filed with the clerk in the
 519 initial case. A reservation of jurisdiction by a court does not
 520 cause a case to remain open for purposes of this section or
 521 exempt a party from paying a reopen fee. A party is exempt from
 522 paying the fee for any of the following:

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523 (a) A writ of garnishment;

524 (b) A writ of replevin;

525 (c) A distress writ;

526 (d) A writ of attachment;

527 (e) A motion for rehearing filed within 10 days;

528 (f) A motion for attorney's fees filed within 30 days of

529 the entry of the judgment or final order;

530 (g) A motion for dismissal filed after a mediation

531 agreement has been filed;

532 (h) A motion to withdraw by attorneys;

533 (i) Stipulations and motions to enforce stipulations;

534 (j) Responsive pleadings; or

535 (k) Motions for contempt.

536 (9) By January 1, 2030, and every 3 years thereafter, the

537 Office of Economic and Demographic Research shall prepare a

538 report that includes recommendations for increasing the filing

539 fees and service charges in this section according to the

540 percentage change in the Consumer Price Index. The filing fees

541 and service charges must be rounded to the nearest \$5. The

542 Office of Economic and Demographic Research shall submit the

543 report to the President of the Senate and the Speaker of the

544 House of Representatives before the start of the next regularly

545 scheduled session of the Legislature.

546 Section 5. Paragraph (b) of subsection (2) of section

547 45.035, Florida Statutes, is amended and subsection (4) is added

548 to that section, to read:

549 45.035 Clerk's fees.—In addition to other fees or service

550 charges authorized by law, the clerk shall receive service

551 charges related to the judicial sales procedure set forth in ss.

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552 45.031-45.033 and this section:

553 (2) If there is a surplus resulting from the sale, the

554 clerk may receive the following service charges, which shall be

555 deducted from the surplus:

556 (b) The clerk is entitled to a service charge of \$20 ~~\$15~~

557 for each disbursement of surplus proceeds, from which the clerk

558 shall remit \$5 to the Department of Revenue for deposit into the

559 General Revenue Fund.

560 (4) By January 1, 2030, and every 3 years thereafter, the

561 Office of Economic and Demographic Research shall prepare a

562 report that includes recommendations for increasing the service

563 charges in this section according to the percentage change in

564 the Consumer Price Index. The service charges must be rounded to

565 the nearest \$5. The Office of Economic and Demographic Research

566 shall submit the report to the President of the Senate and the

567 Speaker of the House of Representatives before the start of the

568 next regularly scheduled session of the Legislature.

569 Section 6. Subsection (3) of section 721.83, Florida

570 Statutes, is amended, to read:

571 721.83 Consolidation of judicial foreclosure actions.—

572 (3) (a) A consolidated timeshare foreclosure action is ~~shall~~

573 ~~be~~ considered a single action, suit, or proceeding for the

574 payment of filing fees and service charges pursuant to general

575 law. In addition to the payment of such filing fees and service

576 charges, an additional filing fee of up to \$15 ~~\$10~~, from which

577 the clerk shall remit \$5 to the Department of Revenue for

578 deposit into the General Revenue Fund, for each timeshare

579 interest joined in that action must ~~shall~~ be paid to the clerk

580 of court.

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581 (b) By January 1, 2030, and every 3 years thereafter, the
 582 Office of Economic and Demographic Research shall prepare a
 583 report that includes recommendations for increasing the filing
 584 fees in this section according to the percentage change in the
 585 Consumer Price Index. The filing fees must be rounded to the
 586 nearest \$5. The Office of Economic and Demographic Research
 587 shall submit the report to the President of the Senate and the
 588 Speaker of the House of Representatives before the start of the
 589 next regularly scheduled session of the Legislature.

590 Section 7. Present subsection (5) of section 744.3678,
 591 Florida Statutes, is redesignated as subsection (6), a new
 592 subsection (5) is added to that section, and subsection (4) of
 593 that section is amended, to read:

594 744.3678 Annual accounting.—

595 (4) The guardian shall pay from the ward's estate to the
 596 clerk of the circuit court a fee based upon the following
 597 graduated fee schedule, upon the filing of the annual financial
 598 return, for the auditing of the return:

599 (a) For estates with a value of \$25,000 or less the clerk
 600 of the court may charge a fee of up to \$25 ~~\$20~~, from which the
 601 clerk shall remit \$5 to the Department of Revenue for deposit
 602 into the General Revenue Fund.

603 (b) For estates with a value of more than \$25,000 up to and
 604 including \$100,000 the clerk of the court may charge a fee of up
 605 to \$100 ~~\$85~~, from which the clerk shall remit \$10 to the
 606 Department of Revenue for deposit into the General Revenue Fund.

607 (c) For estates with a value of more than \$100,000 up to
 608 and including \$500,000 the clerk of the court may charge a fee
 609 of up to \$200 ~~\$170~~, from which the clerk shall remit \$20 to the

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610 Department of Revenue for deposit into the General Revenue Fund.
 611 (d) For estates with a value in excess of \$500,000 the
 612 clerk of the court may charge a fee of up to \$295 ~~\$250~~, from
 613 which the clerk shall remit \$25 to the Department of Revenue for
 614 deposit into the General Revenue Fund.

615
 616 Upon petition by the guardian, the court may waive the auditing
 617 fee upon a showing of insufficient funds in the ward's estate.
 618 Any guardian unable to pay the auditing fee may petition the
 619 court for a waiver of the fee. The court may waive the fee after
 620 it has reviewed the documentation filed by the guardian in
 621 support of the waiver.

622 (5) By January 1, 2030, and every 3 years thereafter, the
 623 Office of Economic and Demographic Research shall prepare a
 624 report that includes recommendations for increasing the fees in
 625 this section according to the percentage change in the Consumer
 626 Price Index. The fees must be rounded to the nearest \$5. The
 627 Office of Economic and Demographic Research shall submit the
 628 report to the President of the Senate and the Speaker of the
 629 House of Representatives before the start of the next regularly
 630 scheduled session of the Legislature.

631 Section 8. This act shall take effect July 1, 2026.



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 12th, 2026

I respectfully request that Senate Bill # 532, relating to Court Fees, be placed on the:

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

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

Senator Corey Simon
Florida Senate, District 3

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 620

INTRODUCER: Senator Mayfield

SUBJECT: Candidate Qualifying

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>	<u>EE</u>	Favorable
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 620 adds an additional item to the current list of items that a candidate must submit to the relevant filing officer in order to qualify for nomination or election to a federal, state, county, or district office. Specifically, if a candidate is a citizen of another country, in addition to being a citizen of the United States, the candidate must submit a written statement disclosing any other country in which he or she is also a citizen.

Dual citizenship, or dual nationality, means that a person is a citizen or national of both the United States and a foreign country at the same time. In practical terms, this person owes allegiance to both countries and is required to obey the laws of both countries. If the foreign country places a claim on a dual citizen, conflicting obligations may arise. Under current law, no one qualifying for office is required to disclose if he or she has dual citizenship, and therefore, might have conflicting allegiance to another country. The requirement for a person to disclose his or her dual citizenship may make voters aware of a potential conflicting allegiance.

The bill takes effect July 1, 2026.

II. Present Situation:

Current law prescribes the process by which a person seeking nomination or election to a public office may qualify to do so.¹ Such a person must file his or her qualification papers with, and pay the qualifying fee² to, the relevant filing officer.³ The law also provides a process by which a person can obtain a certain number of signed petitions in lieu of paying the qualifying fee.⁴

In order for a candidate⁵ for an office other than a judgeship or a school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:⁶

- A properly executed check drawn upon the candidate's campaign account for the filing fee, unless the candidate qualified by petition.⁷
- The candidate's oath, as required by s. 99.021, F.S.⁸
- If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b), F.S.; or if the candidate is running without party affiliation for a partisan office, the written statement required by s. 99.021(1)(c), F.S.
- The completed form for the appointment of campaign treasurer and the designation of a campaign depository.

¹ Sections 99.061 and 105.031, F.S.

² The qualifying fee consists of the filing fee and election assessment, and party assessment, if applicable (ss. 99.061(1), 99.092(1), and 105.031(3), F.S.). Write-in candidates are exempt from the filing fee requirement (s. 99.092(1), F.S.).

³ The filing officer for a federal, state, or multicounty district office, other than a judicial office or school board member, is the Department of State (s. 99.061(1), F.S.). The filing officer for a county office, or for a district office that is not multicounty, is the local supervisor of elections (s. 99.061(2), F.S.). Except for candidates for judicial office, nonpartisan candidates for multicounty office qualify with the Department of State, and nonpartisan candidates for countywide or less than countywide office file with the supervisor of elections. Candidates for county court judge file with the supervisor of elections; all other judicial candidates file with the Department of State. Section 105.031(1), F.S.

⁴ Sections 99.095 and 105.035, F.S.

⁵ Section 106.011(3), F.S., defines "candidate" to mean a person to whom any of the following applies: 1) a person who seeks to qualify for nomination or election by means of the petitioning process; 2) a person who seeks to qualify for election as a write-in candidate; 3) a person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office; 4) a person who appoints a treasurer and designates a primary depository; or 5) a person who files qualification papers and subscribes to a candidate's oath as required by law. The definition excludes any candidate for a political party executive committee.

⁶ The qualifying period for the following offices is between the 120th and 116th days prior to the primary election: federal office, state attorney, public defender, or judicial office. The qualifying period for the following offices is between the 71st and 67th days prior to the primary election: state or multicounty district office, other than state attorney or public defender; county office or single-county district office; or school board. See ss. 99.061 and 105.031, F.S.

⁷ The filing fee for a special district candidate is not required to be drawn upon his or her campaign account (s. 99.061(7)(a)1., F.S.).

⁸ Each candidate for an elected office in Florida must take and subscribe to in writing an oath or affirmation. Current law specifies oath formats for a candidate for federal office (s. 99.021(1)(a)2., F.S.), a candidate for a non-federal office other than a judicial office (s. 99.021(1)(a)1., F.S.), and a candidate for a state judicial office (s. 105.031(4)(b), F.S.). Generally, the oath or affirmation must, in substance, provide the name of the office for which the candidate is running; affirm that the candidate is a qualified elector of the county or court jurisdiction, as applicable; affirm that the candidate is qualified under the State Constitution and laws of Florida to hold the office for which he or she is running; affirm that the candidate has not qualified for any other public office in the state for which the term runs concurrently and that he or she has resigned from any office from which he or she is required to resign; and affirm that the candidate will support the constitutions of the United States and the State of Florida.

- The candidate’s financial disclosure.⁹

In order for a candidate for judicial office or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

- Except for candidates for retention to judicial office, a properly executed check drawn upon the candidate’s campaign account for the filing fee, unless the candidate qualified by petition.
- The candidate’s oath, as required by s. 105.031(4), F.S.
- The loyalty oath required by s. 876.05, F.S.¹⁰
- The completed form for the appointment of campaign treasurer and the designation of a campaign depository.
- For a candidate for judicial office, a signed statement that he or she has read and understands the requirements of the Florida Code of Judicial Conduct.
- The candidate’s financial disclosure.¹¹

Dual Citizenship

Dual citizenship, or dual nationality, means that a person is a citizen or “national”¹² of both the United States and a foreign country at the same time. In practical terms, a person owes allegiance to both the United States and a foreign country and is required to obey the laws of both countries. If the foreign country places a claim on a United States dual national, conflicting obligations may arise.¹³

The advantages for someone who has dual citizenship are that he or she might be able to vote in both countries, be authorized to work in both countries, have passports from both countries, and own property in both countries. However, a person with dual citizenship might be expected to provide military service in the second country, pay income taxes in both countries, and be prevented from holding senior positions in the government and military.¹⁴

Proposed Federal Legislation

Federal law does not require a member of Congress to disclose whether he or she has dual citizenship or to renounce that additional citizenship. However, a bill that expresses a concern similar to this bill was recently introduced in Congress. The “Disqualifying Dual Loyalty Act of 2025” was introduced October 24, 2025. The bill’s intent is to prohibit someone who holds

⁹ Section 99.061(7)(a)5., F.S.

¹⁰ Section 876.05, F.S., requires all persons who are employed by or are on the payroll of the state or any county, city, school board, school system, or institution of higher learning, except candidates for federal office, to swear or affirm that he or she will support the Constitution of the United States and of the State of Florida.

¹¹ Section 105.031(5)(a), F.S.

¹² According to the U.S. Department of State website, Section 101(a)(22) of the Immigration and Nationality Act (INA) states that “the term ‘national of the United States’ means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.” U.S. Department of State, Travel.State.Gov, *Dual Nationality*, <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/Relinquishing-US-Nationality/Dual-Nationality.html> (last visited Jan. 22, 2026).

¹³ *Id.*

¹⁴ Caryl Espinoza Jaen, Manifest, *How to Get Dual Citizenship in the U.S.* (Jan. 13, 2026), <https://manifestlaw.com/blog/dual-us-citizenship-guide/>.

foreign citizenship from holding office in the U.S. Senate or U.S. House of Representatives. H.R. 5817 states:

No person, without regard to whether that person is a United States national, may be elected to the office of Representative or Senator if that person is a national of any country other than the United States.¹⁵

It appears that the intent of the legislation is to require candidates to renounce dual citizenship and demonstrate their loyalty to this country. The bill, which does not have a Senate companion, has been referred to the House Committee on House Administration.

III. Effect of Proposed Changes:

SB 620 adds an additional item to the current list of items that a candidate must submit to the relevant filing officer in order to qualify for nomination or election to a federal, state, county, or district office. Specifically, if a candidate is a citizen of another country in addition to being a citizen of the United States, the candidate must submit a written statement disclosing any other country where he or she is a citizen.

The bill, by requiring the disclosure of dual citizenship, will allow voters to know of the possibility that a candidate could be at risk of having a conflict between their allegiance to the United States and allegiance to a foreign country.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹⁵ H.R. 5817 – “Disqualifying Dual Loyalty Act of 2025” Congress.gov, <https://www.congress.gov/bill/119th-congress/house-bill/5817/text>.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends sections 99.061 and 105.031, 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.)

None.

B. Amendments:

None.

By Senator Mayfield

19-00947-26

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1 A bill to be entitled
 2 An act relating to candidate qualifying; amending ss.
 3 99.061 and 105.031, F.S.; requiring certain candidates
 4 to provide the filing officer a statement disclosing
 5 dual citizenship for nomination and election to
 6 federal, state, county, multicounty, district, or
 7 judicial office or to a district school board;
 8 reenacting s. 99.012(1)(b), F.S., relating to
 9 definition of the term "qualifying," to incorporate
 10 the amendments made to ss. 99.061 and 105.031, F.S.,
 11 in references thereto; providing an effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Paragraph (a) of subsection (7) of section
 16 99.061, Florida Statutes, is amended to read:
 17 99.061 Method of qualifying for nomination or election to
 18 federal, state, county, or district office.—
 19 (7)(a) In order for a candidate to be qualified, the
 20 following items must be received by the filing officer by the
 21 end of the qualifying period:
 22 1. A properly executed check drawn upon the candidate's
 23 campaign account payable to the person or entity as prescribed
 24 by the filing officer in an amount not less than the fee
 25 required by s. 99.092, unless the candidate obtained the
 26 required number of signatures on petitions pursuant to s.
 27 99.095. The filing fee for a special district candidate is not
 28 required to be drawn upon the candidate's campaign account. If a
 29 candidate's check is returned by the bank for any reason, the

Page 1 of 5

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

19-00947-26

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30 filing officer shall immediately notify the candidate and the
 31 candidate shall have until the end of qualifying to pay the fee
 32 with a cashier's check purchased from funds of the campaign
 33 account. Failure to pay the fee as provided in this subparagraph
 34 shall disqualify the candidate.
 35 2. The candidate's oath required by s. 99.021, which must
 36 contain the name of the candidate as it is to appear on the
 37 ballot; the office sought, including the district or group
 38 number if applicable; and the signature of the candidate, which
 39 must be verified under oath or affirmation pursuant to s.
 40 92.525(1)(a).
 41 3. If the office sought is partisan, the written statement
 42 of political party affiliation required by s. 99.021(1)(b); or
 43 if the candidate is running without party affiliation for a
 44 partisan office, the written statement required by s.
 45 99.021(1)(c).
 46 4. The completed form for the appointment of campaign
 47 treasurer and designation of campaign depository, as required by
 48 s. 106.021.
 49 5. The full and public disclosure or statement of financial
 50 interests required by subsection (5). A public officer who has
 51 filed the full and public disclosure or statement of financial
 52 interests with the Commission on Ethics before qualifying for
 53 office may file a copy of that disclosure or a verification or
 54 receipt of electronic filing as provided in subsection (5) at
 55 the time of qualifying.
 56 6. If the candidate is a citizen of another country in
 57 addition to being a citizen of the United States, a statement
 58 disclosing any other country the candidate is also a citizen of.

Page 2 of 5

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59 Section 2. Paragraph (a) of subsection (5) of section
60 105.031, Florida Statutes, is amended to read:
61 105.031 Qualification; filing fee; candidate's oath; items
62 required to be filed.—

63 (5) ITEMS REQUIRED TO BE FILED.—

64 (a) In order for a candidate for judicial office or the
65 office of school board member to be qualified, the following
66 items must be received by the filing officer by the end of the
67 qualifying period:

68 1. Except for candidates for retention to judicial office,
69 a properly executed check drawn upon the candidate's campaign
70 account in an amount not less than the fee required by
71 subsection (3) or, in lieu thereof, the copy of the notice of
72 obtaining ballot position pursuant to s. 105.035. If a
73 candidate's check is returned by the bank for any reason, the
74 filing officer shall immediately notify the candidate and the
75 candidate shall, the end of qualifying notwithstanding, have 48
76 hours from the time such notification is received, excluding
77 Saturdays, Sundays, and legal holidays, to pay the fee with a
78 cashier's check purchased from funds of the campaign account.
79 Failure to pay the fee as provided in this subparagraph shall
80 disqualify the candidate.

81 2. The candidate's oath required by subsection (4), which
82 must contain the name of the candidate as it is to appear on the
83 ballot; the office sought, including the district or group
84 number if applicable; and the signature of the candidate, duly
85 acknowledged.

86 3. The loyalty oath required by s. 876.05, signed by the
87 candidate and duly acknowledged.

Page 3 of 5

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88 4. The completed form for the appointment of campaign
89 treasurer and designation of campaign depository, as required by
90 s. 106.021. In addition, each candidate for judicial office,
91 including an incumbent judge, shall file a statement with the
92 qualifying officer, within 10 days after filing the appointment
93 of campaign treasurer and designation of campaign depository,
94 stating that the candidate has read and understands the
95 requirements of the Florida Code of Judicial Conduct. Such
96 statement shall be in substantially the following form:

97
98 Statement of Candidate for Judicial Office

99
100 I, ...(name of candidate)..., a judicial candidate, have
101 received, read, and understand the requirements of the Florida
102 Code of Judicial Conduct.

103 ... (Signature of candidate) ...

104 ... (Date) ...

105
106 5. The full and public disclosure of financial interests
107 required by s. 8, Art. II of the State Constitution or the
108 statement of financial interests required by s. 112.3145,
109 whichever is applicable. A public officer who has filed the full
110 and public disclosure or statement of financial interests with
111 the Commission on Ethics or the supervisor of elections prior to
112 qualifying for office may file a copy of that disclosure at the
113 time of qualifying.

114 6. If the candidate is a citizen of another country in
115 addition to being a citizen of the United States, a statement
116 disclosing any other country the candidate is also a citizen of.

Page 4 of 5

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19-00947-26

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117 Section 3. For the purpose of incorporating the amendments
118 made by this act to sections 99.061 and 105.031, Florida
119 Statutes, in references thereto, paragraph (b) of subsection (1)
120 of section 99.012, Florida Statutes, is reenacted to read:

121 99.012 Restrictions on individuals qualifying for public
122 office.-

123 (1) As used in this section:

124 (b) "Qualify" means to fulfill the requirements set forth
125 in s. 99.061(7)(a) or s. 105.031(5)(a).

126 Section 4. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Transportation,
Tourism, and Economic Development
Commerce and Tourism
Finance and Tax
Fiscal Policy
Regulated Industries

SELECT COMMITTEE:
Joint Select Committee on Collective
Bargaining, *Alternating Chair*

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR DEBBIE MAYFIELD
19th District

January 13, 2026

Senator Clay Yarborough, Chair
Committee on Judiciary
Room 308, Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Yarborough,

I respectfully request that you place Senate Bill 620 – Candidate Qualifying on the agenda for your next meeting. Senate Bill 620 improves election transparency by requiring that candidates publicly disclose any foreign citizenships they hold.

Specifically, the bill requires that if a candidate holds a dual citizenship, they must file a statement with the qualifying officer disclosing what foreign country they are a citizen of. The new requirement applies to any candidate seeking to qualify for nomination or election to federal, state, county, district, schoolboard, or judicial office.

Thank you for your consideration of this request.

Sincerely,



Debbie Mayfield,
State Senator, District 19

CC: Tom Cibula, Staff Director
Lisa Larson, Committee Administrative Assistant
Paul Donaldson, Legislative Aide

REPLY TO:

- 900 East Strawbridge Avenue, Room 408, Melbourne, Florida 32901 (321) 409-2025
- 302 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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1/27/26

Meeting Date

SB 620

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Amy Keith

Phone 727 342 0730

Address 333 3rd Ave N

Email

Street

St Petersburg FL

City

State

33705

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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Common Cause

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

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 694

INTRODUCER: Judiciary Committee and Senators Bracy Davis and others

SUBJECT: Compensation of the Descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas

DATE: January 27, 2026 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Fav/CS
2.	_____	_____	ATD	_____
3.	_____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 694 provides that the Legislature may appropriate monies to pay compensation to the descendants of the Groveland Four. That term refers to the four black men who were wrongfully accused of raping a white woman in 1949 in Groveland, Florida. All four are now deceased. A prior legislature passed a concurrent resolution apologizing and acknowledging that the men “were the victims of gross injustices.” The trial court subsequently set aside the convictions and the state has issued a posthumous pardon to each of the men.

The bill does not specify a total sum to be appropriated. The bill divides the appropriation into four equal shares, names two survivors entitled to a share, and pays the other two shares to the estates of the individuals. The Department of State is the administrative agency that is responsible for making payments to the descendants of the Groveland Four.

The bill is effective upon becoming law.

II. Present Situation:

The bill addresses the Groveland Four incident of 1949.

The Initial Incident

In July of 1949 a white married couple were travelling through Lake County, Florida when their car broke down near Okahumpka, a small town near Groveland, in Lake County, Florida. They claimed that four black men approached the car, hit the husband, stole the man's wallet, and raped the wife.¹

Local law enforcement officers named four young black men as suspects in the felony sexual battery. A mob gathered, houses were burned, shots fired, the National Guard was called up.² Many of Groveland's black population fled, some never returned.³ Three men were arrested, a fourth was killed days later in a distant county. Those men became known as the "Groveland Four." They are:

- Charles Greenlee who was 16 years old at the time of the incident. He was paroled in 1962 and lived peacefully until his death in 2012 (age 78). Greenlee far outlived the other three men.
- Walter Irvin who was 22 years old at the time. He was convicted for the rape and sentenced to death. The sentence was overturned on appeal to the United States Supreme Court. He was tried and sentenced to death again. The Governor commuted the sentence to life imprisonment. He was granted parole in 1968. Irvin was found dead in his car in 1970 while visiting Lake County.
- Samuel Shepherd who was also 22 years old. He was convicted for the rape and sentenced to death. The sentence was overturned on appeal to the United States Supreme Court. In 1951 he was shot and killed while awaiting retrial.
- Ernest Thomas who was 26 at the time, was killed in 1949 by law enforcement officers participating in an armed posse looking for him. The officers found Thomas in Madison County, Florida,⁴ where he died of gunshot wounds.⁵

Summary of Key Events Regarding the Groveland Four

In July of 1949, a travelling couple reported to law enforcement in Lake County, Florida that four black men attacked them and raped the wife. Shortly thereafter, Greenlee and Irvin were arrested. They were taken to the basement of the Lake County Jail and severely beaten.⁶ Greenlee, Irvin, and Shepherd were found guilty of sexual battery. At that time, Florida law provided that sexual battery was a capital offense. The two adults (Irvin and Shepherd) were sentenced to death, the third, a minor (Greenlee) was sentenced to life imprisonment.

The NAACP Legal Defense and Educational Fund assumed the defense of the men convicted to death. The Fund employed Thurgood Marshall to file the appeal and argue the case before the

¹ Norma Padgett was 17 years old at the time of the incident. She was married to Willie Padgett. She never recanted the rape allegation. She died in Georgia in 2024 (age 92).

² *Shepherd v. State of Florida*, 341 U.S. 50, 53 (1951) (concurrence by J. Jackson).

³ EJI.org, *White Mob Brutally Lynches Ernest Thomas, Member of the So-Called Groveland Four*, <https://calendar.eji.org/racial-injustice/jul/26> (last visited Jan. 21, 2026).

⁴ Lake County is in Central Florida. Madison County is in the Panhandle region and is approximately 190 miles from Lake County.

⁵ Some news reports claim that he died of 400 gunshot wounds, although that many seems implausible.

⁶ Statement of Walter Irvin, at https://www-tc.pbs.org/harrymoore/terror/images/irvin1_lg.gif.

United States Supreme Court.⁷ The convictions were overturned by the Supreme Court in April of 1951.⁸

Of course, overturning a conviction does not automatically lead to release in most instances. Instead, the defendant is held over for a new trial. In November of 1951, Lake County Sheriff Willis McCall was transporting Irvin and Shepherd from the Florida State Prison at Raiford to Lake County for a pretrial hearing. He stopped the car on a dirt road in Umatilla,⁹ supposedly to deal with a flat tire. The Sheriff claimed that Irvin and Shepherd attacked him in an attempt to escape. The men were shot by the Sheriff who claimed self-defense. Shepherd died, but Irvin survived the shooting.

Irvin was retried in Lake County, and once again was convicted and sentenced to death.¹⁰ In 1954, Governor Leroy Collins commuted the sentence to life.¹¹

The story of the Groveland Four was the subject of a 2012 nonfiction book by Gilbert King entitled *Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America*. The author of the book was awarded the 2013 Pulitzer Prize for General Nonfiction.¹²

The 2017 Legislature passed a concurrent resolution acknowledging that the Groveland Four “were the victims of gross injustices and that their abhorrent treatment by the criminal justice system is a shameful chapter in this state’s history.”¹³ The resolution urged the Governor and Cabinet to expedite review of the matter.

A petition was filed with the Florida Clemency Board seeking to overturn the convictions and sentences. With the concurrence of the Florida Clemency Board, the Governor issued full pardons on January 11, 2019.¹⁴

In November of 2021, the Circuit Court of Lake County Florida entered a final order that dismissed all of the indictments and set aside all judgments and sentences imposed against the Groveland Four related to the July 1949 incident.¹⁵

⁷ King, *Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America* (2012).

⁸ *Shepherd v. State of Florida*, 341 U.S. 50 (1951).

⁹ The drive from the prison to Lake County would have been a little over 100 miles. This was long before the Interstate Highway System, and they would have likely driven much of the trip on State Highway 19. Umatilla is in Lake County, is on Hwy 19, and is a little more than 10 miles from the county seat Tavares, where the jail and the courthouse were located.

¹⁰ See *Verdict of Jury*, In the Fifth Judicial Circuit in and for Lake County, Florida, Case Nos. 1949-CF-1369 (Feb. 14, 1952) which is accessible through the case search option at <https://courtrecords.lakecountyclerk.org/> and then selecting docket number 101.

¹¹ CS/HCR 631 (2017), lines 95-100.

¹² The Pulitzer Prizes, Gilbert King, the 2013 Pulitzer Prize Winner in General Nonfiction, <https://www.pulitzer.org/prize-winners-by-year/2013> (last visited Jan. 21, 2026).

¹³ CS/HCR 631 (2017).

¹⁴ *Governor Ron DeSantis Pardons Groveland Four with Unanimous Executive Clemency Board Approval*, January 11, 2019, at <https://www.flgov.com/eog/news/press/2019/governor-ron-desantis-pardons-groveland-four-unanimous-executive-clemency-board>.

¹⁵ *Order Dismissing the Indictments of Ernest Thomas and Samuel Shepherd; Granting the State’s Motion to Set Aside Judgment and Sentence of Charles Greenlee and Walter Irvin; and Granting the State’s Motion to Correct the Record with Newly Discovered Evidence*, In the Fifth Judicial Circuit in and for Lake County, Florida, Case Nos. 1949-CF-1369 A, B, C

III. Effect of Proposed Changes:

CS/SB 694 declares the facts stated in the preamble to be true. The bill states that a sum will be appropriated from the General Revenue Fund to the Department of State for the relief of the descendants of the Groveland Four. The bill also declares that the descendants are ineligible for any further compensation.

The bill divides the appropriation into 4 equal shares:

- Carol Greenlee Crawlee, the daughter of Charles Greenlee.¹⁶
- The Estate of Walter Irvin.
- The Estate of Samuel Shepherd.
- Ruby Lee Jones, the surviving spouse of Ernest Thomas.¹⁷

In general, current law provides that the any funds payable to “the estate of ____ “ are payable to an estate that can be created for the benefit of the heirs of that person. The estate would have the duty to conduct research to look for a will. If no will exists, the estate would then have the duty to determine the lawful heirs under intestacy law. If no qualifying heirs can be found, the remaining fund would escheat to the state.¹⁸

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

and D (Nov. 22, 2021) which is accessible through the case search option at <https://courtrecords.lakecountyclerk.org/> and then selecting docket number 178.

¹⁶ This designation appears to presume that Carol Greenlee Crawlee is currently alive and would otherwise qualify as the only heir of Charles Greenlee under Florida law.

¹⁷ This designation appears to presume that Ruby Lee Jones is currently alive and would otherwise qualify as the only heir of Ernest Thomas under Florida law.

¹⁸ See generally, chapters 731-733, F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The bill states that the Legislature will make an appropriation to provide financial compensation to the descendants of the four men. However, no specific sum is provided.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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 January 27, 2026:

The amendment specifies that the families of each of the Groveland Four is entitled to an equal 25 percent share. Also, two heirs are named.

B. Amendments:

None.



412616

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Bracy Davis) recommended the following:

Senate Amendment (with title amendment)

Delete lines 95 - 98

and insert:

Section 2. (1) A sum as specified in the General Appropriations Act is appropriated from the General Revenue Fund to the Department of State for the relief of the descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas.

(2) Twenty-five percent of the sum appropriated under



412616

11 subsection (1) must be provided to each of the following
12 individuals and estates:

13 (a) Carol Greenlee Crawlee, the daughter of Charles
14 Greenlee.

15 (b) The Estate of Walter Irvin.

16 (c) The Estate of Samuel Shepherd.

17 (d) Ruby Lee Jones, the surviving spouse of Ernest Thomas.

18

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

20 And the title is amended as follows:

21 Delete line 7

22 and insert:

23 Department of State for specified relief; requiring
24 that a specified percentage of such relief be provided
25 to certain individuals and estates; providing

By Senator Bracy Davis

15-00760A-26

2026694__

A bill to be entitled

An act relating to compensation of the descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas; providing that certain facts are found and declared to be true; providing that a sum is appropriated from the General Revenue Fund to the Department of State for specified relief; providing that specified persons are ineligible for further compensation; providing an effective date.

WHEREAS, on July 16, 1949, a 17-year-old white woman and her estranged husband reported to police that they had been attacked and that she had been raped by four black men after the car that she and her husband were riding in broke down on a rural road outside Groveland, in Lake County, and

WHEREAS, despite the lack of physical evidence in the case and the established alibis of the accused, Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas, the four men were presumed guilty, and

WHEREAS, Mr. Irvin and Mr. Shepherd, both World War II veterans, acknowledged that they had stopped by the broken-down vehicle to see if they could assist the couple, but denied any involvement in the alleged rape, and

WHEREAS, Mr. Greenlee, who was only 16 years old at the time, and Mr. Thomas denied ever meeting the alleged victim and her estranged husband, and

WHEREAS, after their arrest that evening, Mr. Greenlee, Mr. Irvin, and Mr. Shepherd were severely beaten in the basement of the county jail, and Mr. Greenlee and Mr. Shepherd were coerced

Page 1 of 4

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15-00760A-26

2026694__

into confessing to the crime, while Mr. Irvin refused to admit guilt, and

WHEREAS, Mr. Thomas, who fled the county, was shot to death several days later in Madison County by members of a deputized posse of armed men, resulting in more than 400 gunshot wounds, and

WHEREAS, the three surviving men, Mr. Greenlee, Mr. Irvin, and Mr. Shepherd, were tried and convicted in the case, with Mr. Greenlee sentenced to life imprisonment due to his age and Mr. Irvin and Mr. Shepherd sentenced to death, and

WHEREAS, Thurgood Marshall, then executive director of the NAACP Legal Defense and Educational Fund, appealed the convictions of Mr. Irvin and Mr. Shepherd to the United States Supreme Court, which unanimously overturned the judgments on April 9, 1951, and ordered a retrial, and

WHEREAS, seven months later, in November 1951, while transporting Mr. Irvin and Mr. Shepherd from Florida State Prison in Raiford to Tavares State Prison for a pretrial hearing, Lake County Sheriff Willis McCall and Deputy Sheriff James L. Yates shot both men on a dirt road leading into Umatilla, claiming that they had shot the handcuffed men in self-defense when the two tried to escape, and

WHEREAS, Mr. Shepherd died at the scene as a result of his wounds, but Mr. Irvin, who pretended to be dead, survived and accused the sheriff and his deputy of attempted murder, but no charges were ever brought against the officers, and

WHEREAS, despite Mr. Irvin having been retried and convicted a second time of the crime and sentenced to death, his sentence was commuted to life in prison in 1954 by then-Governor

Page 2 of 4

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15-00760A-26

2026694

59 LeRoy Collins, who was not convinced of Mr. Irvin's guilt, and

60 WHEREAS, in 1970, while visiting Lake County, Mr. Irvin,
61 who had been paroled 2 years earlier by then-Governor Claude
62 Kirk, was found dead in his car, and, while Mr. Irvin's death
63 was officially attributed to natural causes, Thurgood Marshall
64 reportedly doubted the circumstances surrounding Mr. Irvin's
65 death, and

66 WHEREAS, Mr. Greenlee, who was paroled in 1962 after
67 serving 12 years in prison, died in April 2012 at the age of 78,
68 and

69 WHEREAS, in 2017, the Legislature unanimously adopted House
70 Concurrent Resolution 631 acknowledging the grave injustices
71 perpetrated against Mr. Greenlee, Mr. Irvin, Mr. Shepherd, and
72 Mr. Thomas, apologizing to each of them and their families, and
73 urging the Governor and the Cabinet to perform an expedited
74 clemency review of their cases for the purpose of granting the
75 men full pardons, and

76 WHEREAS, on January 11, 2019, Governor DeSantis issued full
77 pardons, which were unanimously approved by the Board of
78 Executive Clemency, to Mr. Greenlee, Mr. Irvin, Mr. Shepherd,
79 and Mr. Thomas, and

80 WHEREAS, on November 22, 2021, the State Attorney's Office
81 of Lake County filed a motion in the Circuit Court of the Fifth
82 Judicial Circuit to dismiss the indictments of Mr. Shepherd and
83 Mr. Thomas and to set aside the convictions and sentences of Mr.
84 Greenlee and Mr. Irvin, which motion was granted, and

85 WHEREAS, the State of Florida recognizes an obligation to
86 equitably redress the injuries, damages, infringement of civil
87 rights, and loss of life that Mr. Greenlee, Mr. Irvin, Mr.

Page 3 of 4

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15-00760A-26

2026694

88 Shepherd, Mr. Thomas, and their families sustained as a result
89 of the events that transpired in Lake County, NOW, THEREFORE,
90

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

92
93 Section 1. The facts stated in the preamble to this act are
94 found and declared to be true.

95 Section 2. A sum as specified in the General Appropriations
96 Act is appropriated from the General Revenue Fund to the
97 Department of State for the relief of the descendants of Charles
98 Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas.

99 Section 3. A person compensated under this act is
100 ineligible for any further compensation related to the factual
101 situation described in this act.

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

Page 4 of 4

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The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 12, 2025

I respectfully request that **Senate Bill #694**, relating to Compensation of the Descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas, be placed on the Judiciary Committee agenda at your earliest possible convenience.

In 1949, the [four young Black men](#) were falsely accused of rape in Lake County. One was killed by a mob before trial, and the remaining three were beaten into coerced confessions, convicted by all-white juries, and sentenced to death or life in prison. Their families endured generations of pain, stigma, and loss. After more than 70 years of advocacy from families, historians, and civil rights leaders, Florida began taking formal steps to correct the record:

- 2017: The Florida Legislature issued a formal apology.
- 2019: Gov. Ron DeSantis granted posthumous pardons to all four men.
- 2021: A Lake County judge vacated their convictions and officially exonerated them.

This bill builds on that progress by providing compensation and formal recognition to the families and estates of the Groveland Four.

For nearly seventy years, the families of the Groveland Four have carried a burden that should never have been theirs to bear. Florida cannot rewrite history, but we can decide how we respond to it. This legislation is not simply a continuation of past acknowledgments; it is a deliberate commitment to correct a grave injustice.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (321) 663-2057.

Senator Lavon Bracy Davis
Florida Senate, District 15

1/27/26
Meeting Date

The Florida Senate
APPEARANCE RECORD

SB694
Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Beverly Robinson

Phone (478) 279-9375

Address 5923 Hwy 46

Email bjeanrobinson1610@gmail

Street
Superston, GA 30457
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/27/2026

Meeting Date

Judiciary - Senate

Committee

694

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Kia'ira Nixon

Phone

904-422-1005

Address

~~424~~ 424 E. Central Blvd 650

Email

Kia'ira Nixon

Street

Orlando

City

FL

State

32801

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:

Equal Grand.

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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

1/27/2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB694

Bill Number or Topic

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

Judiciary

Committee

Amendment Barcode (if applicable)

Name Delaitre Hollinger

Phone (850) 296-5590

Address 750 Wyles St
Street

Email Laitre1993@gmail.com

Tallahassee FL 32305
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

1/27/26

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 694 - Compensation

Bill Number or Topic

Judiciary

Committee

Deliver both copies of this form to
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Amendment Barcode (if applicable)

Name JONATHAN WEBBER

Phone 954-593-4449

Address P.O. Box 1018

Email JONATHAN.WEBBER@splcenter.org

Street

Tallahassee

FL

32302

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Southern Poverty Law Center

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 694

Bill Number or Topic

1/27/26

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Amy Keith

Phone

727 342 0730

Address

333 3rd Ave N

Email

Street

St Petersburg FL

33705

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:

Common Cause

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 694

Bill Number or Topic

Amendment Barcode (if applicable)

1/27/26

Meeting Date

Senate Judiciary

Committee

Name Jasmine Burney-Clark

Phone 407-466-4468

Address 4246 Central Blvd

Email jasmine@equal-ground.com

Orlando

City

FL

State

32805

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/20

Meeting Date

694

Bill Number or Topic

Senate Judiciary

Committee

Amendment Barcode (if applicable)

Name

Channell Jones

Phone

(904) 504-0973

Address

11349 Salt Pond Dr. E

Email

cpjonesie23@gmail.com

Street

Jacksonville Florida

32219

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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1/27/25
Meeting Date

SB 694
Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Letitia Harmon Phone _____

Address 10800 Biscayne Street Email _____

Miami City FL State 33161 Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing: Florida Rising
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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

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The Florida Senate

APPEARANCE RECORD

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1-27-26

Meeting Date

SB 694

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Angelia McKinnon

Phone

813-748-1875

Address

~~1244~~ 25815 Santos Way

Email

tbbbs43@verizon.net

Street

Wesley Chapel

City

FL

State

33544

Zip

Descendant of Walter Irvin

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

01/27/24

Meeting Date

Judiciary

Committee

694

Bill Number or Topic

Amendment Barcode (if applicable)

Name Amina Spanic

Phone _____

Address _____

Email _____

Street

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 820

INTRODUCER: Senator Bradley

SUBJECT: Problem-solving Court Reports

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 820 specifies additional data that must be presented in the annual problem-solving court reports prepared by the Office of the State Courts Administrator. The bill also amends the data reporting schedule for mental health courts and drug courts by requiring that the reports be submitted to the Office of the State Courts Administrator each quarter rather than annually.

The bill takes effect July 1, 2026.

II. Present Situation:

Problem-Solving Courts

Florida developed the national model for problem-solving courts in 1989 when it created the country's first drug court in Miami-Dade County. Since then, other types of problem-solving courts have been developed using that template for the drug court model.¹

Problem-solving courts are unique among the trial and appellate courts in the state. Rather than operate in the traditional adversarial model, problem-solving courts provide non-adversarial proceedings with a dedicated judge who monitors each participant's progress and compliance. The courts also provide a broad-based problem-solving team made up of case managers, prosecuting and defense attorneys, treatment professionals, even law enforcement and correctional officers, as well as a guardian ad litem, if necessary.² The programs require regular

¹ Florida Courts, Office of the State Courts Administrator, *About Problem-Solving Courts*, <https://www.flcourts.gov/Services/Problem-Solving-Courts/about-problem-solving-courts> (last visited Jan. 23, 2026).

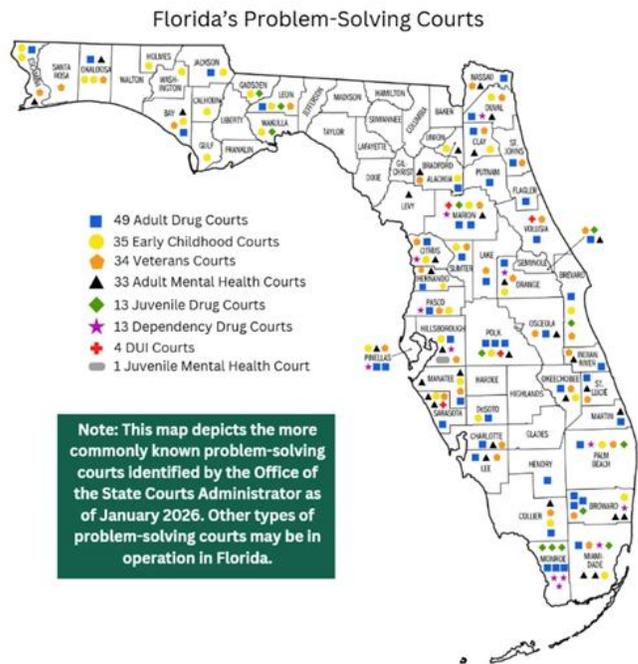
² *Id.*

court appearances by the participants and the length of the program is often, though not always, determined by the progress the participant makes as measured against specific guidelines.³

According to the Office of the State Courts Administrator (OSCA), there are currently 182 problem-solving courts operating in the state as shown on the map to the right.⁴ These courts are specifically designed to address the root causes of why people are involved in the criminal justice system and to help those people receive the treatment they need to leave the system. While participation in these court programs is voluntary, there is a list of factors, such as the commission of violent crimes, which can disqualify someone from participating.

According to OSCA, the most common problem-solving courts include adult, juvenile, and dependency drug courts, early childhood courts, veterans’ courts, adult and juvenile mental health courts, DUI courts, and a delinquency pretrial intervention court program.⁵

Problem-Solving Court Month and Opioid and Stimulant Use Disorder Awareness Month



Reporting Requirements

Problem-solving Court Reports

The Office of the State Courts Administrator is required to provide an annual report to the President of the Senate and the Speaker of the House of Representatives which identifies:

- The number of participants in each problem-solving court for each fiscal year the court has operated.
- The types of services provided.
- Each source of funding for each court for each fiscal year.
- Information on the performance of each court based upon outcome measures established by the courts.⁶

³ Florida’s 10th Judicial Circuit, *Problem Solving Court*, <https://www.jud10.flcourts.org/problem-solving-court#:~:text=Problem%20Solving%20Court%20programs%20are,random%20testing%20for%20substance%20use> (Jan. 23, 2026).

⁴ Florida Courts, Office of the State Courts Administrator, *About Problem-Solving Courts* <https://www.flcourts.gov/Services/Problem-Solving-Courts/about-problem-solving-courts> (last visited Jan. 23, 2026).

⁵ *Id.*

⁶ Section 43.51(1), F.S.

Mental Health Court Programs and Treatment-based Drug Court Programs Reports

Sections 394.47892(5)(b) and 397.334(6)(b), F.S., require mental health court programs and treatment-based drug court programs, respectively, to “collect sufficient client-level data and programmatic information” for the programs to be evaluated.

“Client-level data” includes:

- Primary offenses that resulted in the program referral or sentence.
- Treatment compliance.
- Completion status and reasons for failure to complete.
- Offenses committed during treatment and the sanctions imposed.
- Frequency of court appearances.
- Units of service.

“Programmatic information” includes referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources. The programmatic information and aggregate data on the number of admissions and terminations by type of termination must be reported annually to OSCA.

III. Effect of Proposed Changes:

Problem-solving Court Reports – Section 1

The bill amends s. 43.51, F.S., to require additional and specific data in OSCA’s annual problem-solving court report to the officers of the Legislature. The report must include, at a minimum, the following uniform aggregate participant data:

- The number of participants by court type.
- The primary offenses that resulted in the court program referral or sentence.
- Treatment compliance.
- Completion status and reasons for failure to complete.
- Offenses committed during treatment and the sanctions imposed.
- The frequency of court appearances.
- Units of service.

The report must also include these specific impact and outcome measures by each problem-solving court:

- Participant recidivism rate by category, including new arrests, new adjudications, and new felony adjudications.
- Participant changes in the status of employment, housing, and child custody during program participation.
- Other uniform information that demonstrates the effectiveness of the program.

Mental Health Court and Treatment-based Drug Court Programs – Sections 2 and 3

The bill also amends s. 394.47892, F.S., relating to mental health court programs, and s. 397.334, F.S., relating to treatment-based drug court programs, to specify that the client-level data and programmatic information must be collected for the purpose of program evaluation under s.

43.51, F.S., for the annual problem-solving court report. The statutes are further amended to require that the mental health court programs and drug court programs report the information and data to OSCA each quarter rather than each year.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Office of the State Courts Administrator's, *2026 Judicial Impact Statement*, the bill is "anticipated to have a significant workload impact." The problem-solving court staff in each circuit will need "to collect, compile, and report the additional required data to OSCA" each quarter rather than each year. The bill will also increase the workload of OSCA staff who will need to compile and format the data information for the approximately 180 problem-solving courts. OSCA reports that additional staff will be

required in the circuit courts and at OSCA to meet the additional reporting requirements.⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 43.51, 394.47892, 397.334.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

⁷ Office of the State Courts Administrator, *2026 Judicial Impact Statement, SB 820* (Jan 19, 2026), <https://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=37313>.

By Senator Bradley

6-01136-26

2026820__

1 A bill to be entitled
 2 An act relating to problem-solving court reports;
 3 amending s. 43.51, F.S.; requiring that specified data
 4 be included in problem-solving court reports; amending
 5 ss. 394.47892 and 397.334, F.S.; conforming provisions
 6 to changes made by the act; revising the frequency
 7 with which mental health and treatment-based drug
 8 court program reports, respectively, must be reported
 9 to the Office of the State Courts Administrator;
 10 providing an effective date.

11

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

13

14 Section 1. Subsection (1) of section 43.51, Florida
 15 Statutes, is amended to read:

16 43.51 Problem-solving court reports.—

17 (1) The Office of the State Courts Administrator shall
 18 provide an annual report to the President of the Senate and the
 19 Speaker of the House of Representatives which details the number
 20 of participants in each problem-solving court for each fiscal
 21 year the court has been operating and the types of services
 22 provided, identifies each source of funding for each court
 23 during each fiscal year, and provides information on the
 24 performance of each court based upon outcome measures
 25 established by the courts. The report must, at a minimum,
 26 include uniform aggregate data regarding:

27 (a) The number of participants by court type.
 28 (b) Participant primary offenses that resulted in the court
 29 program referral or sentence, treatment compliance, completion

Page 1 of 3

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

6-01136-26

2026820__

30 status and reasons for failure to complete, offenses committed
 31 during treatment and the sanctions imposed, frequency of court
 32 appearances, and units of service.
 33 (c) Participant recidivism rate by category, including new
 34 arrests, new adjudications, and new felony adjudications.
 35 (d) Participant changes in the status of employment,
 36 housing, and child custody during program participation.
 37 (e) Other uniform information that demonstrates the
 38 effectiveness of the program.

39 Section 2. Paragraph (b) of subsection (5) of section
 40 394.47892, Florida Statutes, is amended to read:

41 394.47892 Mental health court programs.—
 42 (5)
 43 (b) Each mental health court program shall collect
 44 sufficient client-level data and programmatic information for
 45 purposes of program evaluation under s. 43.51. Client-level data
 46 includes primary offenses that resulted in the mental health
 47 court program referral or sentence, treatment compliance,
 48 completion status and reasons for failure to complete, offenses
 49 committed during treatment and the sanctions imposed, frequency
 50 of court appearances, and units of service. Programmatic
 51 information includes referral and screening procedures,
 52 eligibility criteria, type and duration of treatment offered,
 53 and residential treatment resources. The programmatic
 54 information and aggregate data ~~must on the number of mental~~
 55 ~~health court program admissions and terminations by type of~~
 56 ~~termination shall be reported at least quarterly annually by~~
 57 ~~each mental health court program~~ to the Office of the State
 58 Courts Administrator.

Page 2 of 3

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

6-01136-26

2026820

59 Section 3. Paragraph (b) of subsection (6) of section
60 397.334, Florida Statutes, is amended to read:
61 397.334 Treatment-based drug court programs.—
62 (6)
63 (b) Each treatment-based drug court program shall collect
64 sufficient client-level data and programmatic information for
65 purposes of program evaluation under s. 43.51. Client-level data
66 includes primary offenses that resulted in the treatment-based
67 drug court program referral or sentence, treatment compliance,
68 completion status and reasons for failure to complete, offenses
69 committed during treatment and the sanctions imposed, frequency
70 of court appearances, and units of service. Programmatic
71 information includes referral and screening procedures,
72 eligibility criteria, type and duration of treatment offered,
73 and residential treatment resources. Each treatment-based drug
74 court program must ~~annually~~ report at least quarterly the
75 programmatic information and aggregate data ~~on the number of~~
76 ~~treatment-based drug court program admissions and terminations~~
77 ~~by type of termination~~ to the Office of the State Courts
78 Administrator.
79 Section 4. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR JENNIFER BRADLEY

6th District

December 17, 2025

Senator Clay Yarborough, Chairman
Senate Judiciary Committee
308 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Yarborough:

I respectfully request that Senate Bill 820 be placed on the agenda of the Judiciary Committee at your earliest convenience. This bill amends existing reporting requirements of the State Courts Administrator with regards to problem-solving court programs.

Thank you for your consideration and please reach out if you have any questions or concerns about the bill.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

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

REPLY TO:

- 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 888

INTRODUCER: Senator Martin

SUBJECT: Professional Services Contracts

DATE: January 26, 2026

REVISED: _____

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

I. Summary:

SB 888 provides that a contract for professional services by a design professional (an architect, landscape architect, surveyor, or engineer) may not require the design professional to assume liability for anything other than the negligence of the design professional or of a person employed by or used by the design professional. This limit on contractual indemnity clauses is in current law but it applies only to contracts between a design professional and a public agency. An indemnity clause that does not conform to the limits in the bill is void.

The bill also provides that a contract with a design professional must require that services be performed with the level of skill and care ordinarily provided by a competent design professional. Additionally, a contract may not require the design professional to list a contracting party or other party as an additional insured.

The bill is effective July 1, 2026.

II. Present Situation:

Design Professionals

A “design professional” is an individual or entity licensed by the state who holds a current certificate of registration or is qualified to practice architecture, landscape architecture, land surveying and mapping, or engineering.¹

A design professional is generally like any other professional or indeed any other business entity in that the design professional is generally liable in tort for any negligent act that he or she commits. They are also like most businesses in their freedom to enter into most contract terms

¹ Section 725.08, F.S. Architecture and landscape architecture are regulated by ch. 481, F.S. land surveying and mapping are regulated by ch. 472, F.S., and engineering is regulated by ch. 471, F.S.

and conditions, and their freedom to decline work and reject contracts that they feel are not profitable enough or entail too much risk. Correspondingly, those who employ design professionals are mostly free to hire who they want, negotiate prices, negotiate contract terms, and seek a different design professional if they wish.²

One contract clause that is commonly found in contracts is an indemnification clause. Such clauses often use the terminology of “indemnify and hold harmless.” The term indemnification “refers to the broad concept of one party compensating another for losses, damages, or liabilities, usually due to third-party claims. It’s an agreement that safeguards one party against the financial impacts of specific actions or events.”³

There are limits to the generally broad freedom to contract. Current law provides that a contract between a design professional and a public agency may contain an indemnification clause, but that clause may only require the design professional to assume liability for negligence, recklessness or intentionally wrongful conduct of the design professional and other people employed or utilized by the design professional.⁴

Professional Liability – In General

The professional liability standard that applies to a design professional is similar to the liability standard of any other professional. The jury instruction is informative:

Negligence is the failure to use reasonable care. Reasonable care on the part of a (identify professional) is the care that a reasonably careful (identify professional) would use under like circumstances. Negligence is doing something that a reasonably careful (identify professional) would not do under like circumstances or failing to do something that a reasonably careful (identify professional) would do under like circumstances.⁵

History

Section 725.08, F.S., was enacted in 2000. In the initial version of the statute the statute limited the terms of an indemnity clause in any contract with a design professional. This limitation provided that an indemnification clause may require a design professional to assume liability only for the negligence of the design professional or another person employed or utilized by the design professional.⁶ In 2001, the statute was amended to the current form that applies the limitation only to a contract between a design professional and a public agency.⁷

² FLA. CONST. art. I s. 2.

³ Thomson Reuters, *Reduce the Risk of Claims with Indemnification Clauses in Contracts* (Oct. 20, 2024), <https://legal.thomsonreuters.com/en/insights/articles/indemnification-clauses-in-commercial-contracts>.

⁴ Section 725.08(1), F.S.

⁵ The Florida Bar, *Florida Standard Jury Instruction 402.5 Other Professional Negligence*, <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww-media.floridabar.org%2Fuploads%2F2024%2F04%2F402.5.docx&wdOrigin=BROWSELINK>.

⁶ Section 1, ch. 2000-162, Laws of Florida.

⁷ Section 11, ch. 2001-211, Laws of Florida.

III. Effect of Proposed Changes:

SB 888 provides that, while a contract between a design professional (an architect, landscape architect, surveyor, or engineer) and any other person may require a design professional to indemnify and hold harmless the other contracting party, the indemnification clause is limited to the negligence, recklessness or intentionally wrongful conduct of the design professional or any other persons employed or used by the design professional. A contract provision that violates this limitation is void.

The bill adds that a professional services contract must require the design professional to perform the services with the level of professional skill and care ordinarily provided by a competent design professional practicing under the same or similar circumstances and professional licenses as expeditiously as is prudent. This standard of care appears to reflect the ordinary standard of care that would apply to a claim against a design professional absent any modification made by a contract. The bill further provides that a professional services contract may not subject a design professional to a different standard of care, and that a contract mandating a different standard of care must be interpreted as if the lawful standard of care applies.

The bill also adds that a professional services contract may not require a design professional to list a contracting party or any other person or entity as an additional insured on the design professional's policy of professional liability insurance.

The bill applies to any contract entered into on or after July 1, 2026, which is the effective date of the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

This bill may allow for lower general liability or professional liability insurance costs paid by design professionals. Those costs, however, may increase for persons who contract for the services of a design professional.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 725.08 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Martin

33-00430-26

2026888__

1 A bill to be entitled
 2 An act relating to professional services contracts;
 3 amending s. 725.08, F.S.; providing that a
 4 professional services contract between a design
 5 professional and a contracting party, rather than
 6 between a design professional and a public agency, may
 7 require the design professional to indemnify and hold
 8 harmless the contracting party, and its officers and
 9 employees, only against certain liability and damages;
 10 providing that all professional services contracts,
 11 rather than professional services contracts entered
 12 into with a public agency, may not require the design
 13 professional to defend, indemnify, or hold harmless
 14 the contracting party or its employees, officers,
 15 directors, or agents; declaring that such a contract
 16 provision is void as against public policy; specifying
 17 that a professional services contract must require a
 18 design professional to perform to a certain level of
 19 professional skill and care; prohibiting a
 20 professional services contract from subjecting a
 21 design professional to a different standard of care;
 22 providing applicability; prohibiting a professional
 23 services contract from requiring a design professional
 24 to list additional insureds on its policy; providing
 25 an effective date.
 26
 27 Be It Enacted by the Legislature of the State of Florida:
 28
 29 Section 1. Present subsections (3), (4), and (5) of section

Page 1 of 3

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

33-00430-26

2026888__

30 725.08, Florida Statutes, are redesignated as subsections (5),
 31 (6), and (7), respectively, new subsections (3) and (4) are
 32 added to that section, and subsections (1) and (2) and present
 33 subsection (5) of that section are amended, to read:
 34 725.08 Design professional contracts; limitation in
 35 indemnification.—
 36 (1) Notwithstanding ~~the provisions of s. 725.06~~, if a
 37 design professional provides professional services to or for a
 38 contracting party ~~public agency~~, the contracting party ~~agency~~
 39 may require ~~in a professional services contract with the design~~
 40 ~~professional~~ that the design professional indemnify and hold
 41 harmless the contracting party ~~agency~~, and its officers and
 42 employees, from liabilities, damages, losses, and costs,
 43 including, but not limited to, reasonable attorney attorneys'
 44 fees, only to the extent caused by the negligence, recklessness,
 45 or intentionally wrongful conduct of the design professional and
 46 other persons employed or used ~~utilized~~ by the design
 47 professional in the performance of the contract.
 48 (2) Except as specifically provided in subsection (1), a
 49 professional services contract ~~entered into with a public agency~~
 50 may not require that the design professional defend, indemnify,
 51 or hold harmless the contracting party or agency, its employees,
 52 officers, directors, or agents from any liability, damage, loss,
 53 claim, action, or proceeding, and any such contract provision is
 54 ~~shall be~~ void as against the public policy of this state.
 55 (3) (a) A professional services contract must require the
 56 design professional to perform the services with the level of
 57 professional skill and care ordinarily provided by a competent
 58 design professional practicing under the same or similar

Page 2 of 3

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33-00430-26

2026888

59 circumstances and professional licenses as expeditiously as is
60 prudent.

61 (b) A professional services contract may not subject a
62 design professional to a standard of care different than that
63 provided in paragraph (a).

64 (c) If the standard of care in a professional services
65 contract differs from the professional skill and care as
66 described in paragraph (a), paragraph (a) applies.

67 (4) A professional services contract may not require a
68 design professional to list a contracting party or any other
69 person or entity as an additional insured on the design
70 professional's policy of professional liability insurance.

71 (7)(5) This section does not affect contracts or agreements
72 entered into before July 1, 2026 the effective date of this
73 section.

74 Section 2. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Committee on Criminal
and Civil Justice, *Vice Chair*
Appropriations
Appropriations Committee on
Transportation, Tourism, and Economic
Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN
33rd District

January 21st, 2026

RE: SB 888: Professional Services Contracts

Dear Chair Yarborough,

Please allow this letter to serve as my respectful request to place SB 888 on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin".

Jonathan Martin
Senate District 33

REPLY TO:

- 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- 315 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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888

Bill Number or Topic

1-27-26

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Peter Hauerstein

Phone

813-242-4267

Address

1718 E 7th Ave Ste 301

Email

peter.hauerstein@sol-designstudio.com

Street

Tampa

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/27/20

Meeting Date

SB 980

Bill Number or Topic

JUDICIARY

Committee

Amendment Barcode (if applicable)

Name

PETER MOORE

Phone

954 818 9552

Address

500 W. LYRNESS LK RD # 600

Email

Pmoore@clerkmoore.com

Street

FT LAUDERDALE FL

33304

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

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

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S-001 (08/10/2021)

12/27/2020
Meeting Date

The Florida Senate APPEARANCE RECORD

888

Bill Number or Topic

Judiciary
Committee

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Amendment Barcode (if applicable)

Name Peter Moore

Phone 954-730-0701

Address 600 W. Cypress Creek Road
Street

Email pmoore@chenmoore.com

FTL
City

FL
State

33309
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

1/27/26

Meeting Date

Judiciary

Committee

The Florida Senate

APPEARANCE RECORD

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888

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Shawn Kalbli**

Phone **(850)553-3500**

Address **2619 Centennial Boulevard, Suite 200**

Email **shawn.kalbli@kimley-horn.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:

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

Kimley-Horn & Associates

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1-27-26

Meeting Date

SB 888

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

ADAM GAYLE

Phone

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Address

8921 SW 75th St.

Email

AGAYLE@GMAIL.COM

Street

Gainesville

FL

32608

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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The Florida Senate

APPEARANCE RECORD

1-27-26

Meeting Date

888

Bill Number or Topic

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Judiciary

Committee

Amendment Barcode (if applicable)

Name

Becky Magdaleno

Phone

850-222-7510

Address

101 E Jefferson St

Email

bmagdaleno@aiafla.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 Association of the American Institute of Architects (AIA Florida)

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

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

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11/27/20

Meeting Date

888

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

JW Hunter Florida Engineering Society

Phone

850-251-8513

Address

210 Phelps Rd

Email

jhunter@chenmoor.com

Street

Lamont FL

32336

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

01/27/24

Meeting Date

Judiciary

Committee

Amina Spahic

Name

Phone

Address

Street

Email

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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889

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida For All

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

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

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S-001 (08/10/2021)

The Florida Senate
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 1000

INTRODUCER: Senator Grall

SUBJECT: Trust Fund Interest for Purposes Approved by the Supreme Court

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Favorable
2.			BI	
3.			RC	

I. Summary:

SB 1000 establishes *in statute* an interest on trust account rate that financial institutions must pay when paying interest or dividends on a lawyer or law firm’s trust accounts. These interest producing accounts are known as the interest on trust accounts or IOTA program. The substance of this bill is the result of an agreement between The Florida Bar and the Florida Bankers Association.

Under the bill, the interest or dividends will be remitted to an entity established by the Florida Supreme Court which uses the funds to provide free legal services to low-income people or for other purposes expressly authorized by a rule of the Court. This is consistent with current practice whereby IOTA funds are transmitted from financial institutions to The Florida Bar and the Bar’s Foundation distributes the funds, primarily, to provide legal assistance to the poor. The current formula for calculating interest and dividend rates is set forth in The Florida Bar Rules, not in statute, and is significantly different from the formula in this bill.

If a financial institution holds one of these trust accounts, it must pay, after all fees and charges are assessed by the institution, interest or dividends at the Wall Street Journal Prime Rate in effect on the first business day of each month, less 300 basis points, or 3.0 percent, with a minimum floor rate of 0.25 percent and a maximum ceiling rate, of 1.5 percent.

By establishing the floor rate, the Bar Foundation is assured that it will receive funds to finance the IOTA program during periods of low interest rates. By establishing a ceiling rate, the financial institutions are assured that they can operate the IOTA accounts at profit over the long term.

The bill takes effect July 1, 2026.

II. Present Situation:

Overview of Interest on Trust Accounts or IOTA

All attorneys who maintain trust accounts must abide by rules developed by The Florida Bar and approved by the Florida Supreme Court.¹ The rules require that trust fund accounts be deposited with financial institutions that pay a guaranteed interest rate set by rule.² The interest generated by the trust accounts is referred to as the Interest on Trust Accounts program or IOTA. The program generates millions of dollars in interest each year. Once generated, the interest is transmitted directly to The Florida Bar and used exclusively by the Bar's Foundation, Funding Florida Legal Aid, which is authorized by the Florida Supreme Court to administer the IOTA program. The collections for FY 2024-25 were \$260,414,122 and \$96.4 million was placed in reserves while \$125 million was distributed in December 2025 for use in calendar year 2026.³

Attorney Trust Accounts

A trust account is a short-term account set up by an attorney in which he or she deposits funds on behalf of a client. The account generally contains client funds that are often commingled with funds of other clients and may include funds from a retainer payment, discovery or litigation costs paid in advance, filing fees, or a settlement award. The amount of money in the account changes often because deposits and withdrawals are made frequently, sometimes daily. These fees may not be commingled with an attorney's operating account but must be kept separately. It is estimated that between \$9 and \$10 billion is deposited annually into IOTA accounts at financial institutions.

A trust account has been described as an "unusual" creation that is significantly different from other accounts. Although an attorney opens the account and is responsible for managing the funds in the account, he or she is not the owner of the funds.⁴ While an attorney is not the owner of the account, and therefore, not entitled to interest generated by the account, neither is the client entitled to interest generated by the funds. The U.S. Court of Appeals for the Eleventh Circuit issued a decision in 1987 determining that a client was not entitled to the interest generated in a trust account.⁵ Financial institutions, however, are permitted to impose certain approved charges and fees on IOTA accounts to cover their operating expenses.⁶

¹ The State Constitution grants exclusive jurisdiction to the Florida Supreme Court to regulate the admission and discipline of people to practice law in the state. See FLA. CONST. art. V, s. 15. The Florida Supreme Court has established the "authority and responsibilities of The Florida Bar" in the *Rules Regulating the Florida Bar*. Chapter 5 contains the "Rules Regulating Trust Accounts," which all attorneys who maintain trust accounts must abide by.

² Participation in the IOTA program is voluntary for financial institutions. However, if an institution chooses to participate and hold IOTA accounts, it must provide the interest or dividend rate established under the Bar Rules.

³ See *In Re: FFLA-FY 2024-25 Collections, Request for Approval of Additional Reserve Amount*, Case No. AOSC25-66 (Oct. 29, 2025), <https://flcourts-media.flcourts.gov/content/download/2470773/file/AOSC25-66.pdf>.

⁴ *In re: Amendments to the Rules Regulating the Florida Bar-Miscellaneous: The Florida Bar's Response to the Florida Bankers Association's Motion for Rehearing*, Case No. SC22-1292, 2 (April 14, 2023), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/a8e413ea-a6d4-417f-a1b0-2536bb7c9292>.

⁵ *Cone v. State Bar of Florida*, 819 F.2d 1002 (11th Cir. 1987).

⁶ "The following charges and fees have been defined as 'reasonable' and are the only service charges or fees permitted to be deducted from interest earned on IOTA accounts. These service charges or fees may be deducted from IOTA account interest only at such rates and under such circumstances as is the financial institution's customary practice for all its interest-bearing

How the accounts may be regulated or restricted has presented a quandary for almost 200 years. The earliest attempt to regulate trust accounts can be traced to the Legislative Council of the Territory of Florida in 1828. In 1936, the Florida Supreme Court incorporated the regulation of trust accounts into the Court's rules. Additional measures were adopted over the years to ensure that attorneys, acting as "trustees" would not misuse their clients' funds or neglect to return them when requested to do so by the client.⁷

Evolution of Interest Earned on Trusts Accounts

Trust accounts have evolved from simple accounts that earned no interest and benefitted no one in particular to today's more regulated accounts. The Florida Bar, with Florida Supreme Court approval, mandates participation by attorneys, establishes the interest rates, and requires that the interest be remitted to The Florida Bar's foundation, Funding Florida Legal Aid.⁸

1978 – Voluntary Participation for Lawyers with Trust Accounts

For many years, attorneys deposited their clients' funds in non-interest bearing checking accounts because trying to apportion multiple clients' interest earnings on short-term deposits was far too complex. In 1978, however, the Florida Supreme Court amended The Florida Bar Rules (Rules) in response to a petition by The Florida Bar and authorized attorneys to invest trust funds held for their clients to generate investment income that would, among other things, provide legal aid to the poor and help provide student loans. Participation would be *voluntary* and interest would be transmitted directly from the financial institutions to The Florida Bar Foundation. In implementing these changes, Florida became the first state in the nation to adopt an IOTA program.⁹ After several adjustments, the program became operational in 1981 and permitted *voluntary* participation by attorneys and their firms.¹⁰

1989 – Mandatory Participation for Lawyers with Trust Accounts

In 1989, the Rules were amended and participation in the program became *mandatory* for all attorneys who held trust accounts.¹¹

checking account customers: per check charge, per deposit charge, fee in lieu of minimum balance, federal deposit insurance fee." Financial institutions are also permitted to recover special costs for their participation in IOTA by deducting a reasonable IOTA handling or administrative fee. See *Funding Florida Legal Aid, Iota, For Lawyers and Law Firms, Reasonable Service Charge Policy*, <https://fundingfla.org/iota/attorneys-lawfirms/> (last visited Jan. 21, 2026).

⁷ *A Petition of Florida Bar*, 356 So. 2d 799 (Mem), 800-801 (Fla. 1978). (The lengthier case style is *In re Interest on Trust Accounts, A Petition of The Florida Bar to Amend the Code of Professional Responsibility and the Rules Governing the Practice of Law.*)

⁸ See generally R. Regulating Fla. Bar Rule 5-1, Rules Regulating Trust Accounts, https://www-media.floridabar.org/uploads/2025/12/2026_06-DEC-Chapter-5-RRTFB.pdf.

⁹ *In re: Interest on Trust Accounts, A Petition of the Florida Bar*, 356 So. 2d 799 (Mem) (Fla. 1978).

¹⁰ It should be noted that the establishment of IOTA or IOLTA (Interest on Lawyers' Trust Accounts as they are called in other states) was possible only after Congress made changes to federal banking laws in 1980 that allowed certain checking accounts to pay interest. American Bar Association, *Interest on Lawyers' Trust Accounts*, https://www.americanbar.org/groups/interest_lawyers_trust_accounts/overview/ (last visited Jan. 21, 2026). See also *In the Matter of Interest on Trust Accounts*, 402 So. 2d 389 (Mem) (Fla. 1981).

¹¹ *Matter of Interest on Trust Accounts: Petition to Amend the Rules Regulating the Florida Bar*, 538 So. 2d 448, 449-450, (Fla. 1989).

2001 – Participating Financial Institutions Defined and Limited

In 2001, the Rules were amended again to define which financial institutions were eligible to hold IOTA accounts. These eligible institutions were limited to the institutions that pay IOTA account depositors “the highest interest rate or dividend generally available from the institution to its non-IOTA account customers when IOTA accounts meet or exceed the same minimum balance” or other eligibility requirements. In essence, The Florida Bar Foundation was asking that IOTA accounts be placed on an equal par with non-IOTA accounts in an institution.¹²

It is worth noting that these rules are not found in the Florida Statutes, but are rules adopted by The Florida Bar and approved by the Florida Supreme Court.

2023 Amendments to Interest on Trust Accounts Rule and The Florida Bankers Association Response

The Florida Bar petitioned the Court on October 3, 2022, to again amend the IOTA rules. The stated goal of the proposed amendments was to “include all possible accounts that can be used as trust accounts” and “ensure the highest possible interest is available for IOTA accounts.”^{13,14}

The Florida Bankers Association opposed the measure and challenged the 2023 amendments by filing a motion for rehearing. The Bankers Association stated that it did not receive adequate or meaningful notice of the proposed IOTA amendments. The Court denied the motion and the new rule became effective on May 15, 2023, and remains in effect.¹⁵

According to documents filed in the Florida Supreme Court, the Florida Bankers Association and The Florida Bar attempted for months to reach a compromise rate that was agreeable to both parties. This resulted in an impasse and no compromise was reached.¹⁶ On August 7, 2024, the Court denied the Florida Bankers Association’s motion for rehearing. The result was that the IOTA program generated an unprecedented amount of interest for the Bar’s Foundation.¹⁷

¹² *Amendment to Rules Regulating the Florida Bar—Rule 5-1.1(e)--IOTA*, 797 So. 2d 551 (Fla. 2001).

¹³ *In re: Amendments to the Rules Regulating the Florida Bar – Miscellaneous: Petition to Amend the Rules Regulating the Florida Bar*, Case No. SC2022-1292 (Oct. 3, 2022), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/60ddf5a7-6ae4-425a-a90b-2cebce635bd0>.

¹⁴ The formula stated, “When the Wall Street Journal Prime Rate (“indexed rate”) is between 325 and 499 basis points (3.25% and 4.99%), the minimum interest rate paid net of all fees and service charges (“yield”) must be no less than 300 basis points (3.00%) below the indexed rate in effect on the first business day of each month. When the indexed rate is 500 basis points (5.00%) or above, the yield must be no less than 40% of the indexed rate in effect on the first business day of each month.

¹⁵ *In re: Amendments to the Rules Regulating the Florida Bar: Petition to Amend the Rules Regulating the Florida Bar*, Case No. SC2025-1730, <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/da732548-6b47-4a8a-ae84-ec3faf5691ae/docketentrydocuments/e5b55656-749b-4362-aa02-6f0c46c338f4>.

¹⁶ *In re: Amendments to the Rules Regulating the Florida Bar*, The Florida Bankers Association’s Comment to the Florida Bar’s Report on Implementation Status, Case No: SC2022-1292, <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/baa8ed04-2926-4922-b099-9d51fd7ab2ae/docketentrydocuments/f5381851-24da-4ff6-932d-487a9ca0b99c> (last visited Jan. 21, 2026).

¹⁷ For a detailed account of these proceedings and responses from the Florida Bankers Association, please see *CS/CS/CS SB 498 Bill Analysis and Impact Statement*, <https://www.flsenate.gov/Session/Bill/2025/498/Analyses/2025s00498.rc.PDF>.

Rule Amendment Pending in the Florida Supreme Court - Compromise Reached Between the Florida Bar and the Florida Bankers Association

According to a petition filed by The Florida Bar in the Supreme Court, the Florida Bankers Association sought legislation in 2024 and 2025 that would establish in statute the interest rates on trust fund accounts. The petition states that the Bar Foundation and its grantees support the rule amendment that is the substance of this bill “choosing certainty over continuing to spend resources on legislative activity or possible litigation involving the Florida Bankers Association.” The petition to amend the rules regulating the interest rate states that, “For its part, the Florida Bankers Association has assured the Bar and interested legislators that it is satisfied with these proposed amendments.”¹⁸

The proposed Bar Rule states:

(5) *Eligible Institution Participation in IOTA*. Participation in the IOTA program is voluntary for banks, credit unions, savings and loan associations, and investment companies. Institutions that choose to offer and maintain IOTA accounts must pay, net of all fees and charges assessed by the eligible financial institution, the Wall Street Journal Prime Rate in effect on the first business day of each month less 300 basis points (3.00%) with a floor of 0.25% and a ceiling of 1.50%.¹⁹

The proposed rule change was approved by various Bar committees and the petition to amend the IOTA rates was filed in the Florida Supreme Court on November 4, 2025.²⁰ The Court has not ruled on the petition at this time.

IOTA Data for Funding Florida Legal Aid

Amounts Received by FFLA From the IOTA Program

Funding Florida Legal Aid supplied the information below on remittances from the IOTA accounts. The fiscal year begins July 1 and ends June 30 of the following year. The collections for the 2024-2025 fiscal year were distributed in December 2025 to be used during the 2026 calendar year.

¹⁸ *In re: Amendments to the Rules Regulating the Florida Bar: Petition to Amend the Rules Regulating the Florida Bar*, Case No. SC2025-1730, 2,3 (filed Nov. 4, 2025), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/da732548-6b47-4a8a-ae84-ec3faf5691ae/docketentrydocuments/e5b55656-749b-4362-aa02-6f0c46c338f4>.

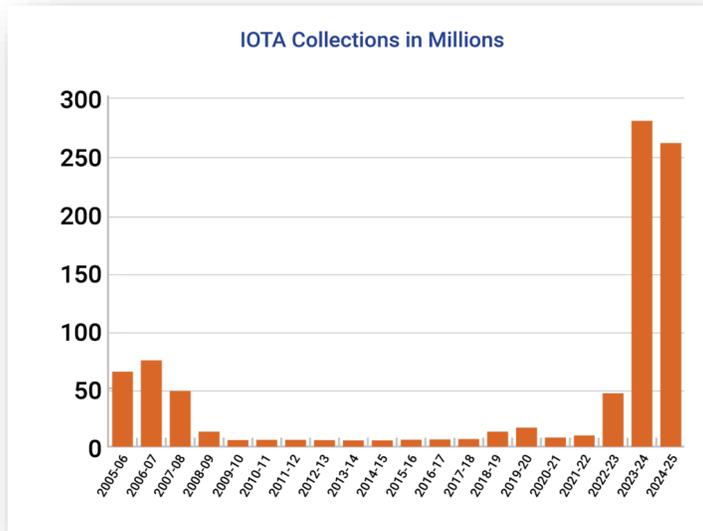
¹⁹ Rules Regulating The Florida Bar, Chapter 5. Rules Regulating Trust Accounts, 5-1. Generally, Rule 5-1.1 Trust Accounts, <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/da732548-6b47-4a8a-ae84-ec3faf5691ae/docketentrydocuments/a88e5381-482e-4ca4-9e11-fee7f4953c>.

²⁰ *In re: Amendments to the Rules Regulating the Florida Bar: Petition to Amend the Rules Regulating the Florida Bar*, Case No. SC2025-1730 (filed Nov. 4, 2025), <https://acis-api.flcourts.gov/courts/68f021c4-6a44-4735-9a76-5360b2e8af13/cms/case/da732548-6b47-4a8a-ae84-ec3faf5691ae/docketentrydocuments/e5b55656-749b-4362-aa02-6f0c46c338f4>.

FY 2021-22	\$9,498,692
FY 2022-23	\$45,547,390
FY 2023-24	\$279,656,155
FY 2024-25	\$260,414,122 ²¹

It is significant to note that the IOTA collections increased by \$234,108,765 between fiscal year 2022-23 and fiscal year 2023-24. This is due to the funding formula authorized by the Supreme Court in May 2023 for the benefit of the Bar Foundation.

The chart below shows how IOTA collections have changed over the past 20 years.²²



Wall Street Prime Rate

The Wall Street Journal Prime Rate is the most widely relied upon measure of the prime interest rate. To arrive at this rate, *The Wall Street Journal* regularly surveys the country’s largest banks to determine the interest rate they are charging their “prime” customers for short-term loans. The “prime” customers are those with the highest credit ratings. When 23 of the 30 largest banks change their rate, the *Journal* adjusts its rate. The *Journal* defines the prime rate as the “base rate on corporate loans posted by at least 70% of the nation’s largest banks.”²³

²¹ Funding Florida Legal Aid, *IOTA, Interest on Trust Accounts Program, IOTA Collections Public Notices* <https://fundingfla.org/iota/>.

²² Florida Funding Legal Aid, Financial Stewardship, Florida’s Interest on Trust Accounts (IOTA) Program, <https://fundingfla.org/about-ffla/ffla-finance/> (last visited Jan. 21, 2026).

²³ Fulton Bank, “*What Is Wall Street Journal Prime Rate and Why It Matters*” <https://www.fultonbank.com/Education-Center/Managing-Credit-and-Debt/Prime-rate-and-why-it-matters> (last visited Jan. 21, 2026), Bankrate, *Wall Street Journal Prime Rate* (last visited Jan. 21, 2026), <https://www.bankrate.com/rates/interest-rates/wall-street-prime-rate/#:~:text=Bankrate.com%20provides%20the%20Wall%20Street%20Prime%20Rate%20and%20WSJ%20current%20prime%20rates%20index>, and Wall Street Journal, *WSJ/Markets*, <https://www.wsj.com/market-data/bonds> (last visited Jan. 21, 2026).

As of January 21, 2026, the Wall Street Journal Prime Rate is 6.75. For the last 52 week period, the high was 7.50 percent and the low was 6.75 percent.²⁴

III. Effect of Proposed Changes:

This bill establishes in statute an Interest on Trust Account rate that is based upon an agreement made between The Florida Bar and the Florida Bankers Association.

The Interest or Dividend Rate and the Recipients

The bill establishes the interest rate that financial institutions must provide when paying interest or dividends on certain lawyer or law firm trust accounts. The interest or dividends will be remitted to an entity established by the Florida Supreme Court which uses the interest or dividends to provide or facilitate free legal services to low-income people or to a program that is expressly authorized by a rule of the Court. This is consistent with current practice whereby IOTA funds are transmitted from financial institutions to The Florida Bar and the Bar's Foundation which distributes the funds, primarily, to provide legal assistance to the poor.

Although the current funding formula for calculating interest and dividend rates is set forth in The Florida Bar Rules, the bill establishes the formula in statute.

Applying the Formula

A financial institution that holds one of these trust accounts must pay, "net of all fees and charges assessed by the financial institution, interests or dividends at the Wall Street Journal Prime Rate in effect on the first business day of each month, less 300 basis points, with a floor of 0.25 percent and ceiling of 1.5 percent." By establishing the floor rate, the Bar Foundation is assured that it will receive funds to finance the IOTA program during periods of low interest rates. By establishing a ceiling rate, the financial institutions are assured that they can operate IOTA accounts at a profit over the long term.

This mathematical formula established in the bill will result in a number of possible calculations described below:

When the "Floor" Takes Effect

If, after deducting 3.0 percent from the prime rate, the number is equal to or less than 0.25 percent, a financial institution must pay the floor rate, or 0.25 percent in interest or dividends.

When the "Ceiling" Takes Effect

In contrast, if after deducting 3.0 percent from the prime rate, the number is equal to or greater than 1.50 percent, a financial institution must pay the ceiling rate, or 1.50 percent.

²⁴ Wall Street Journal, *WSJ/Markets*, <https://www.wsj.com/market-data/bonds> (last visited Jan 21, 2026).

Other Results Determined by Applying the Formula

The formula also results in rates that are between the floor and the ceiling, at which point the actual number arrived at by deducting 3.0 percent from the prime rate is the IOTA rate. For example, if the prime rate is 3.75 percent, and 3.0 percent is deducted, the resulting rate is 0.75 percent, which is the applicable interest or dividend rate payable by the institution.

The bill takes effect July 1, 2026.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill does not appear to regulate attorneys or the practice of law in violation of Article V section 15 of the State Constitution. Instead, the bill is a regulation of financial institutions.

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

None.

B. Private Sector Impact:

The interest rates established in the bill will result in financial institutions participating in the IOTA program paying lower interest rates on trust accounts. This change might allow them to operate IOTA accounts at a profit or allow smaller financial institutions to participate. Likewise, the bill may result in attorneys having more financial institutions to choose from when selecting a financial institution for their trust accounts. In contrast, Funding Florida Legal Aid will likely see a significant reduction in the interest revenue it

receives to fund its legal aid programs and other programs authorized by the Supreme Court.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates s. 655.98 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Grall

29-01212D-26

20261000__

1 A bill to be entitled
 2 An act relating to trust fund interest for purposes
 3 approved by the Supreme Court; creating s. 655.98,
 4 F.S.; authorizing financial institutions to hold funds
 5 in specified trust accounts used for specified
 6 purposes expressly authorized by Supreme Court rule;
 7 requiring certain entities to use interest and
 8 dividends for specified purposes; requiring certain
 9 financial institutions to pay specified interest or
 10 dividends; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 655.98, Florida Statutes, is created to
 15 read:

16 655.98 Lawyer or law firm trust account interest rates.—A
 17 financial institution may hold funds in an interest-bearing
 18 trust account of a lawyer or law firm in which the institution
 19 remits interest or dividends on the balance of the deposited
 20 funds to an entity established by the Supreme Court. Such entity
 21 shall use the interest or dividends to provide or facilitate the
 22 provision of free legal services to low-income individuals or
 23 for such other purposes as may be expressly authorized by rule
 24 of the Supreme Court. If the financial institution holds such an
 25 account, it must pay, net of all fees and charges assessed by
 26 the financial institution, interest or dividends at the Wall
 27 Street Journal prime rate in effect on the first business day of
 28 each month, less 300 basis points, with a floor of 0.25 percent
 29 and a ceiling of 1.5 percent.

Page 1 of 2

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

29-01212D-26

20261000__

30 Section 2. This act shall take effect July 1, 2026.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 9, 2026

I respectfully request that **Senate Bill #1000**, relating to Trust Fund Interest for Purposes Approved by the Supreme Court, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29

The Florida Senate
APPEARANCE RECORD

1/27/24

Meeting Date

1080

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Anthony DiMarco

Phone

(850) 224-2265

Address

1001 Romanville Rd

Email

adimarco@floridabankers.com

Street

Talahassee

City

FL

State

32303

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Bankers Association

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

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

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

S-001 (08/10/2021)

01/27/26

The Florida Senate
APPEARANCE RECORD

SB 1000

Meeting Date

Bill Number or Topic

Judiciary
Committee

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

Amendment Barcode (if applicable)

Name Christopher Hodge

Phone 850-375-2532

Address 1709 Hamitage Ct
Street

Email Christopher.Hodge@the-league-coc.org

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:

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

Florida Credit Union Assn.

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 1224

INTRODUCER: Judiciary Committee and Senator Rodriguez

SUBJECT: Fraudulent Entry of Residential Dwellings

DATE: January 27, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1224 creates the concept of fraudulent entry upon real property. Fraudulent entry is the act of entering into and taking possession of a residential dwelling unit by presenting false identity documents or false financial documents to the landlord. The bill creates a third degree felony criminal offense for fraudulent entry into a residential property. The bill also amends civil landlord tenant laws to add that a person in possession of a residential dwelling because of fraudulent entry is subject to the existing eviction procedures regarding matters that may not be cured by a tenant.

The bill is effective July 1, 2026.

II. Present Situation:

Background

Florida, like other states, has suffered from problems related to various unauthorized persons such as transients, squatters, and other people who wrongfully try to live on someone else's property. The criminal laws of the state have long authorized law enforcement to arrest and remove someone who is criminally trespassing on land. However, criminal trespass law is only a remedy where the offense is clear to the law enforcement officer.

Constitutional concepts of due process and property rights require that the state provide an individual with appropriate due process before removing the individual from private property using the power of the state. The due process that one is entitled to varies based on the individual's relationship to the property and the nature of the circumstance giving rise to the removal. So, for instance, a property owner facing foreclosure for nonpayment of monetary obligations is given substantial due process rights and protections that typically require months of legal process and numerous opportunities for the property owner to try and protect his or her right to possess the property. A lawful ordinary tenant has due process rights that require at least several weeks of process. An ordinary tenant in these matters may legally remain in possession of the property until the civil courts finally determine that the tenant has lost the right to possession. On the other hand, a person committing criminal trespass will usually be immediately arrested and removed,¹ left to pursue his or her due process rights in the criminal court system while living somewhere other than the subject property.²

Somewhere between the long-time landowner and the temporary criminal trespasser is a grey area of circumstances by which someone may be wrongfully on the property of another. Until recently, in circumstances where law enforcement could not find a criminal trespass, the property owner facing an unwanted and unidentified guest would be left with using the civil court processes for ejectment or tenant eviction.³ These are costly and time-consuming, and often left the property subject to theft and vandalism.

Florida first addressed the gray area in regards to transient occupants by enacting s. 82.035, F.S. in 2015.⁴ A "transient occupant" is a person whose residency in real property intended for residential use has occurred for a brief length of time, is not pursuant to a lease, and whose occupancy was intended to be transient in nature.⁵ A law enforcement officer may remove a transient occupant upon receipt of an affidavit showing that an individual is a transient.⁶

Florida next addressed the gray area regarding squatters. In general, a squatter is a stranger to a property who moves into the property and acts as if he or she is the lawful owner or tenant. Squatters may cause significant damage to a property in a short period of time. Squatters evade arrest and removal as trespassers by asserting an ownership or leasehold interest in the property often by commonly using false, misleading, or fraudulent documents and claims. Those claimed interests are rarely if ever based on facts and law. In 2024, Florida created s. 82.036, F.S., to provide a process to summarily remove an "unauthorized person" from residential property.⁷ In 2025, a similar process was enacted at s. 82.037, F.S., to summarily remove an unauthorized

¹ Section 901.15, F.S.

² An example of what often happens might be in order: A local law enforcement agency is called by a landowner complaining that someone has broken into their rental home and is trespassing. A law enforcement officer knocks on the door, identifies himself, and demands that the occupant open the door. If the occupant runs out the back door, hops the fence, and continues running, he is acting guilty, is probably a trespasser, and will be arrested if caught. However, if that same occupant calmly opens the door, says "I live here," and can offer some manner or proof that he might actually live there, the law enforcement officer may leave the occupant in the property and refer the owner to the court system to sort it out.

³ See generally, ejectment in ch. 82, F.S., and eviction for residential tenancies in part II of ch. 83, F.S.

⁴ Chapter 2015-89, Laws of Fla.

⁵ Section 82.035(1), F.S.

⁶ Section 82.035(3), F.S.

⁷ Chapter 2024-44, Laws of Fla.

person from commercial real property.⁸ Note, however, that none of the newly created summary procedures apply to an individual who had peacefully gained access to a key freely provided by a landlord.

One prior form of deceit that enabled a squatter to delay removal from a residential dwelling was for the squatter to forge a deed or lease. The forged document was used to try to have law enforcement officers refuse to remove the squatter. The presentation of a false document to claim the right to possess real property was made a criminal offense in 2024.⁹

Fraud Issue

Another type of individual has emerged in the gray area of individuals who may be wrongfully in possession of real property they do not own. Their wrongful conduct is not addressed by the recent legislation. This type is an individual who is in possession by fraud. The current summary remedies for removal of a transient occupant or removal of an unauthorized person specifically do not apply to an individual who has an apparent leasehold interest in the real property. If an individual can show a facially valid lease, a law enforcement officer will generally decline summary removal and suggest that the landowner seek relief in the court system.

Fraud appears to occur within two common patterns: identity fraud and credit fraud. In identity fraud, a prospective tenant assumes the identity of another individual who would qualify to lease a property. Landlords report that identity fraud, once rare and difficult, is increasingly common.¹⁰ They typically discover the identity fraud months later when rent payments stop and eviction proceedings reveal no traceable real person behind the lease.¹¹ Credit fraud is similar. It occurs when a tenant gives the landlord his or her proper identity but makes a false statement or statements regarding his or her income, debts, or other financial matters. True documents might have shown a present inability to pay the periodic rent, in which case the landlord might have declined to lease the property.

Whether identity fraud or credit fraud is alleged, these tenants have a written lease, and therefore, the tenant cannot be removed pursuant to any of the current summary remedy procedures. In either situation, a landlord may suffer significant losses of time and money related to the fraudulent actions of another. Presumably, had the fraud not occurred the landlord would have leased to a responsible tenant who is likely to have paid the rent. On the other hand, there may be some tenants who obtain a lease by fraud, but who otherwise pay their rent, are never discovered, and cause no harm to the landlord.

Alternatives Under Current Laws

A landlord who discovers that a residential tenant has furnished a false identity or has lied on the application may evict the tenant under current law. However, existing law does not directly

⁸ Chapter 2025-112, Laws of Fla.

⁹ Section 817.03(2), F.S., ch. 2024-44, Laws of Fla.

¹⁰ Florida Landlord Network, *Fake Identities, When the Applicant Isn't Who They Claim to Be*, at <https://www.flalandlord.com/fake-identities-when-the-applicant-isnt-who-they-claim-to-be> (last visited Jan. 22, 2026).

¹¹ *Id.*

address these specific facts.¹² If the landlord prevails he or she may obtain a civil judgment for costs and for losses.¹³

The current eviction procedure for matters other than rent starts with the requirement that the landlord serve a 5 day letter to the tenant¹⁴ Then, there are two eviction tracks. One track applies to a tenant who should be given an opportunity to either cure a noncompliance or to surrender possession within the 5 days. The other track applies to problems where the tenant is not given an opportunity to cure and the track allows a landlord to demand that the tenant surrender possession within 5 days.

Examples of noncompliance that may be cured include, but are not limited to, activities in contravention of the lease such as having or permitting unauthorized pets, guests, or vehicles; parking in an unauthorized manner or permitting such parking; or failing to keep the premises clean and sanitary. Examples of noncompliance that are of a nature that the tenant should not be given an opportunity to cure include, but are not limited to, destruction, damage, or misuse of the landlord's or other tenants' property by intentional act or a subsequent or continued unreasonable disturbance.¹⁵ If the 5 day period runs without resolution, the landlord may file a civil eviction complaint. The court procedure is the same for either track. Current law does not address whether the actions described by the bill as fraudulent entry are something that the tenant should or should not be given the opportunity to cure.

A landlord who discovers that a residential tenant has furnished a false identity or has furnished false documents regarding ability to pay the rent may also file a complaint with a local law enforcement agency. There are current criminal laws regarding fraudulent actions that may, based on the facts of the case, provide a basis for prosecution of a fraudulent entry under existing law, including:

- Obtaining property by false personation.¹⁶
- Making false statement(s) to obtain property or credit or using false document(s) to claim a possessory interest in real property.¹⁷
- Unlawful filing of false documents or records against real or personal property.¹⁸
- Criminal use of personal identification information.¹⁹
- Unlawful possession of the personal identification information of another person.²⁰

A criminal prosecution may result in an order awarding a victim monetary restitution.²¹

¹² Section 83.56, F.S.

¹³ Sections 83.55 and 83.625, F.S.

¹⁴ Section 83.56(2), F.S.

¹⁵ *Id.*

¹⁶ Section 817.02, F.S.

¹⁷ Section 817.03, F.S.

¹⁸ Section 817.535, F.S.

¹⁹ Section 817.568, F.S.

²⁰ Section 817.5685, F.S.

²¹ Section 775.089, F.S.

III. Effect of Proposed Changes:

Criminal Offense of Fraudulent Entry

The bill creates a third degree felony offense for fraudulent entry into a residential dwelling unit. The offense is not classified in the Criminal Punishment Code Offense Severity Chart, and thus, defaults to Offense Level 1. In general, an individual committing a third degree felony offense may be imprisoned for up to 5 years,²² or fined up to \$5,000.²³ However, a single third degree nonviolent felony offense that falls in category 1 committed by an individual having no prior record falls within the category of “any nonstate prison sanction”²⁴ as the presumptive sentence.

Fraudulent entry is defined as entering into and taking possession of a residential dwelling unit by knowingly and willfully engaging in any of the following acts:

- Making or causing to be made any materially false statement, in writing, relating to the person’s identity as a part of a rental application for a residential tenancy.
- Presenting forged, fictitious, or counterfeit documents to the landlord of the residential dwelling unit. Covered documents include but are not limited to a driver license, an identification card, a bank statement, or a pay stub.
- Executing a rental agreement, or taking possession of a residential dwelling unit, while impersonating the person in whose name the rental application is submitted to the landlord.

Civil Remedies Related to Fraudulent Entry

CS/SB 1244 amends residential landlord-tenant law in s. 83.56, F.S., to provide that the act of fraudulent entry as defined in the criminal statute created by the bill (see above) may be grounds for civil eviction under the current statutory procedure for noncompliance by a tenant for which the tenant need not be given an opportunity to cure the noncompliance.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²² Section 775.082(4)(e), F.S.

²³ Section 775.083(1)(c), F.S.

²⁴ Section 921.0024(2), F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that the bill discourages the fraudulent entry of residential dwelling units, the bill will reduce financial costs imposed on landlords who must address the practice.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 83.56 of the Florida Statutes.
This bill creates section 817.537 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 January 27, 2026:

The amendment clarifies the description of the actions that make one criminally liable for fraudulent entry, removes provisions for summary eviction outside of civil eviction process through the courts, and adds that fraudulent entry may warrant civil eviction procedures that currently apply to a tenant who need not be given the opportunity to cure certain acts of noncompliance with a rental agreement.

B. Amendments:

None.

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



809630

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 817.537, Florida Statutes, is created to
read:

817.537 Fraudulent entry of a residential dwelling unit.—

(1) A person may not enter into and take possession of a
residential dwelling unit by knowingly and willfully:

(a) Making or causing to be made any materially false



809630

11 statement, in writing, relating to the person's identity in any
12 rental application for a residential tenancy.

13 (b) Presenting forged, fictitious, or counterfeit documents
14 to the landlord of a residential dwelling unit, including, but
15 not limited to, a driver license, an identification card, a bank
16 statement, or a paystub.

17 (c) Executing a rental agreement, or taking possession of a
18 residential dwelling unit, while impersonating the person in
19 whose name the rental application is submitted to the landlord.

20 (2) A person who violates this section commits the offense
21 of fraudulent entry of a residential dwelling unit, which is a
22 felony of the third degree, punishable as provided in s.
23 775.082, s. 775.083, or s. 775.084.

24 Section 2. Paragraph (a) of subsection (2) of section
25 83.56, Florida Statutes, is amended to read:

26 83.56 Termination of rental agreement.—

27 (2) If the tenant materially fails to comply with s. 83.52
28 or material provisions of the rental agreement, other than a
29 failure to pay rent, or reasonable rules or regulations, the
30 landlord may:

31 (a) If such noncompliance is of a nature that the tenant
32 should not be given an opportunity to cure it or if the
33 noncompliance constitutes a subsequent or continuing
34 noncompliance within 12 months of a written warning by the
35 landlord of a similar violation, deliver a written notice to the
36 tenant specifying the noncompliance and the landlord's intent to
37 terminate the rental agreement by reason thereof. Examples of
38 noncompliance which are of a nature that the tenant should not
39 be given an opportunity to cure include, but are not limited to,



40 destruction, damage, or misuse of the landlord's or other
41 tenants' property by intentional act; an act of fraudulent entry
42 of a residential dwelling unit which violates s. 817.537(1),
43 regardless of whether criminal proceedings have commenced; or a
44 subsequent or continued unreasonable disturbance. In such event,
45 the landlord may terminate the rental agreement, and the tenant
46 shall have 7 days from the date that the notice is delivered to
47 vacate the premises. The notice shall be in substantially the
48 following form:

49
50 You are advised that your lease is terminated effective
51 immediately. You shall have 7 days from the delivery of this
52 letter to vacate the premises. This action is taken because
53 ... (cite the noncompliance)

54
55 Section 3. This act shall take effect October 1, 2026.

56
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete everything before the enacting clause
60 and insert:

61 A bill to be entitled
62 An act relating to fraudulent entry of residential
63 dwellings; creating s. 817.537, F.S.; creating the
64 crime of fraudulent entry of a residential dwelling
65 unit; prohibiting a person from entering into and
66 taking possession of a residential dwelling unit under
67 specified circumstances; providing a criminal penalty;
68 amending s. 83.56, F.S.; providing that fraudulent



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69
70
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entry of a residential dwelling unit is an act of
noncompliance for which a landlord may terminate a
rental agreement; providing an effective date.

By Senator Rodriguez

40-01337-26

20261224__

A bill to be entitled

An act relating to fraudulent entry of residential dwellings; amending s. 82.01, F.S.; defining the term "fraudulent entry"; amending s. 82.02, F.S.; revising applicability; amending s. 82.03, F.S.; providing a cause of action against a person who obtains possession of certain real property by fraudulent entry; requiring a court, under certain circumstances, to award certain damages beginning at the time of a fraudulent entry; amending s. 82.036, F.S.; authorizing a property owner to request that the sheriff remove a person unlawfully occupying a residential dwelling if the unauthorized person obtained possession through fraudulent entry; creating s. 817.537, F.S.; defining the term "fraudulent entry"; creating the crime of fraudulent entry of a residential dwelling unit; providing a criminal penalty; providing effective dates.

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

Section 1. Present subsections (2) through (5) of section 82.01, Florida Statutes, are redesignated as subsections (3) through (6), respectively, and a new subsection (2) is added to that section, to read:

82.01 Definitions.—As used in this chapter, the term:

(2) "Fraudulent entry" has the same meaning as in s. 817.537(1), regardless of whether the person who obtained possession of the residential dwelling by fraudulent entry is

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charged with or convicted of a criminal offense.

Section 2. Section 82.02, Florida Statutes, is amended to read:

82.02 Applicability.—

~~(1) This chapter does not apply to residential tenancies under part II of chapter 83.~~

~~(2) This chapter does not apply to the possession of real property under chapter 513 or chapter 723.~~

Section 3. Subsections (1) and (2) of section 82.03, Florida Statutes, are amended to read:

82.03 Remedies.—

(1) A person entitled to possession of real property, including constructive possession by a record titleholder, has a cause of action against a person who obtained possession of that real property by forcible entry, fraudulent entry, unlawful entry, or unlawful detention and may recover possession and damages. The person entitled to possession is not required to notify the prospective defendant before filing the action.

(2) If the court finds that the entry or detention by the defendant is willful and knowingly wrongful, the court must award the plaintiff damages equal to double the reasonable rental value of the real property from the beginning of the forcible entry, fraudulent entry, unlawful entry, or unlawful detention until possession is delivered to the plaintiff. The plaintiff may also recover other damages, including, but not limited to, damages for waste.

Section 4. Paragraph (f) of subsection (2) and subsection (3) of section 82.036, Florida Statutes, are amended to read:

82.036 Limited alternative remedy to remove unauthorized

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59 persons from residential real property.-

60 (2) A property owner or his or her authorized agent may
61 request from the sheriff of the county in which the property is
62 located the immediate removal of a person or persons unlawfully
63 occupying a residential dwelling pursuant to this section if all
64 of the following conditions are met:

65 (f) The unauthorized person or persons obtained possession
66 of the residential dwelling by fraudulent entry or are not
67 current or former tenants pursuant to a written or oral rental
68 agreement authorized by the property owner.

69 (3) To request the immediate removal of an unlawful
70 occupant of a residential dwelling, the property owner or his or
71 her authorized agent must submit a complaint by presenting a
72 completed and verified Complaint to Remove Persons Unlawfully
73 Occupying Residential Real Property to the sheriff of the county
74 in which the real property is located. The submitted complaint
75 must be in substantially the following form:

76
77 COMPLAINT TO REMOVE PERSONS UNLAWFULLY
78 OCCUPYING RESIDENTIAL REAL PROPERTY
79

80 I, the owner or authorized agent of the owner of the real
81 property located at, declare under the penalty of
82 perjury that (initial each box):

- 83 1. I am the owner of the real property or the
84 authorized agent of the owner of the real property.
85 2. I purchased the property on
- 86 3. The real property is a residential dwelling.
87 4. An unauthorized person or persons have unlawfully

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88 entered and are remaining or residing unlawfully on the real
89 property.

90 5. The real property was not open to members of the
91 public at the time the unauthorized person or persons entered.

92 6. I have directed the unauthorized person or persons
93 to leave the real property, but they have not done so.

94 7. The person or persons obtained possession of the
95 residential dwelling by fraudulent entry or are not current or
96 former tenants pursuant to any valid lease authorized by the
97 property owner, and any lease that may be produced by an
98 occupant is fraudulent or was obtained fraudulently.

99 8. The unauthorized person or persons sought to be
100 removed are not an owner or a co-owner of the property and have
101 not been listed on the title to the property unless the person
102 or persons have engaged in title fraud.

103 9. The unauthorized person or persons are not
104 immediate family members of the property owner.

105 10. There is no litigation related to the real
106 property pending between the property owner and any person
107 sought to be removed.

108 11. I understand that a person or persons removed from
109 the property pursuant to this procedure may bring a cause of
110 action against me for any false statements made in this
111 complaint, or for wrongfully using this procedure, and that as a
112 result of such action I may be held liable for actual damages,
113 penalties, costs, and reasonable attorney fees.

114 12. I am requesting the sheriff to immediately remove
115 the unauthorized person or persons from the residential
116 property. I authorize the sheriff to enter the property using

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117 reasonably necessary force, to search the property, and to
118 remove any unauthorized person or persons.

119 13. A copy of my valid government-issued
120 identification is attached, or I am an agent of the property
121 owner, and documents evidencing my authority to act on the
122 property owner's behalf are attached.

123
124 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
125 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
126 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
127 PUNISHABLE AS PROVIDED IN SECTION 92.525, FLORIDA STATUTES.

128
129 ... (Signature of Property Owner or Agent of Owner) ...

130
131

132 Section 5. Effective October 1, 2026, section 817.537,
133 Florida Statutes, is created to read:

134 817.537 Fraudulent entry of a residential dwelling unit.-

135 (1) As used in this section, the term "fraudulent entry"
136 means entering into and taking possession of a residential
137 dwelling unit by making or causing to be made any false
138 statement in writing relating to the person's identity,
139 financial condition, assets, or liabilities in any rental
140 application for a residential tenancy. The term includes, but is
141 not limited to, the following fraudulent practices:

142 (a) Presenting forged, fictitious, or counterfeit documents
143 to the landlord of the residential dwelling unit, including, but
144 not limited to, a driver license, an identification card, a bank
145 statement, or a paystub.

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146 (b) Executing a rental agreement, or taking possession of a
147 residential dwelling unit, while impersonating the person in
148 whose name the rental application is submitted to the landlord.

149 (2) A person who commits the offense of fraudulent entry
150 commits a felony of the third degree, punishable as provided in
151 s. 775.082, s. 775.083, or s. 775.084.

152 Section 6. Except as otherwise expressly provided in this
153 act, this act shall take effect July 1, 2026.

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The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 21, 2026

I respectfully request that **Senate Bill 1224**, relating to Fraudulent Entry of Residential Dwellings, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

The Florida Senate

APPEARANCE RECORD

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

SB 1224

Bill Number or Topic

02/21/26

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Kelly Mallette

Phone

(850) 224-3427

Address

104 W Jefferson Street

Email

kelly@RUBOOKPA.COM

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Apartment Association

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.

01/27/26

Meeting Date

Judiciary

Committee

Name **Ethan Perry**

Phone **850-224-1400**

Address **200 S Monroe St.**

Email **ethanp@floridarealtors.org**

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Realtors

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 1396

INTRODUCER: Senator Burton

SUBJECT: Litigation Financing Consumer Protection

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1396 creates the “Litigation Investment Safeguards and Transparency Act,” to regulate litigation financing activities and to require disclosure if a foreign investor is involved.

To regulate litigation financing activities, the bill provides that a litigation financier may not:

- Direct the course of legal proceedings.
- Contract for or receive a share of the proceeds of a legal proceeding that exceeds the share collectively recovered by the plaintiffs.
- Pay or offer to pay a referral fee or commission to any person.
- Assign or securitize a litigation financing agreement.
- Receive anything other than the authorized share of the proceeds.

To provide transparency, the bill requires that the existence of a litigation financing agreement be disclosed if the agreement involves a foreign person, foreign principal, or sovereign wealth fund. The disclosure of the existence of the agreement, however, is not required to include the specific terms of the agreement.

The bill provides for general enforcement pursuant to the Florida Deceptive and Unfair Trade Practices Act. A litigation financing agreement that violates the Act is void. Additionally, a court may consider the existence of a litigation financing agreement when determining adequacy of a class action plaintiff representatives or class counsel.

The bill’s disclosure requirements apply to legal proceedings pending on or commenced on or after, July 1, 2026. The remainder of the bill applies to a litigation financing agreement entered on or after July 1, 2026.

The bill is effective July 1, 2026.

II. Present Situation:

Litigation Financing – In General

There is no Florida statute specific to litigation financing, and the field appears to be generally unregulated by the state outside of basic common law contract principles.¹ The state regulates consumer loans, usury,² and interest,³ but litigation financing agreements appear to be a private investment in the lawsuit and thus not a loan.⁴

Third-party litigation financing is a non-recourse transaction⁵ where a funder – known as a “litigation financier” or “litigation funder” – that is not a party to a lawsuit agrees to provide funding to a litigant (typically a plaintiff) or law firm in exchange for an interest in the potential recovery in the lawsuit. Plaintiffs do not have to repay the funding if the lawsuit is not successful.⁶ Litigation financing is available to both the commercial and consumer sectors.⁷

In the commercial sector, the funds are provided to sophisticated litigants and used primarily for litigation costs in commercial disputes and class actions.⁸ Sometimes litigation financiers finance multiple cases belonging to a lawyer or law firm, with the return on invested capital coming from the settlement or judgment of many individual or group of cases. Portfolio funding allows the litigation financier to essentially bankroll all or a portion of a law firm’s cases in exchange for a portion of any proceeds.

In the consumer sector, the funds are paid directly to an individual plaintiff and are used primarily for living expenses while the consumer waits for resolution of the civil action or claim that is the subject of the litigation financing agreement.⁹ Industry data suggest that more than half

¹ *Fausone v. U.S. Claims, Inc.*, 915 So. 2d 626 (Fla. 2nd DCA 2005).

² “Usury” means loaning money at an exorbitant or illegally high interest rate. States set their own maximum interest rates. Florida declares interest higher than 18 percent per year for loans up to \$500,000 and higher than 25 percent for loans over \$500,000 usurious unless otherwise allowed by law. Cornell Law School, Legal Information Institute, *Usury*, <https://www.law.cornell.edu/wex/usury> (last visited Jan. 24, 2026); see also s. 687.02(1), F.S. (defining usurious contracts) and s. 687.071(2)-(3), F.S. (criminalizing certain kinds of usury and loan sharking).

Ss. 687.02(1) and 687.071(2) and (3), F.S. this looks off?

³ See generally chs. 516 (regulating consumer finance) and 687, F.S. (regulating interest, usury, and lending practices).

⁴ *Fausone* at 629.

⁵ A non-recourse transaction is a financial transaction in which the borrower is not personally liable to the lender, so that the lender can only pursue the collateral to collect what the borrower owes. In other words, the lender does not have a lien on, and cannot seize, the borrower’s assets to repay the debt. U.S. Department of the Treasury, Internal Revenue Service, *Resource vs. Nonrecourse Debt*, https://apps.irs.gov/app/vita/content/36/36_02_020.jsp (last visited Jan. 24, 2026).

⁶ U.S. Government Accountability Office, *Report to Congressional Requesters, Third-Party Litigation Financing: Market Characteristics, Data, and Trends* (Dec. 2022), 1, available at <https://www.gao.gov/assets/gao-23-105210.pdf> [hereinafter *Report to Congressional Requesters*]; Bloomberg Law, *How Litigation Finance Works*, Feb. 24, 2020, <https://pro.bloomberglaw.com/brief/how-litigation-finance-works/>; Ronen Avraham & Anthony Sebok, *An Empirical Investigation of Third Party Consumer Litigation Funding*, 104 CORNELL L. REV. 1133, 1135 fn. 9 (2019), available at <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=4802&context=clr> [hereinafter *An Empirical Investigation*].

⁷ *Report to Congressional Requesters*, supra note 2, at Preface; *An Empirical Investigation*, supra note 2, at 1135.

⁸ *Id.*; see also Paige Marta Skiba & Jean Xiao, *Consumer Litigation Funding: Just Another Form of Payday Lending?*, 80 LAW AND CONTEMP. PROB. 117, 125 (2017), available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4840&context=lcp> [hereinafter *Consumer Litigation Funding*].

⁹ *Report to Congressional Requesters*, supra note 2, at Preface; *An Empirical Investigation*, supra note 2, at 1135; see also *Consumer Litigation Funding*, supra note 4, at 122.

of such consumers have an annual family income of \$50,000 or less and lack a college degree, while less than half are homeowners, suggesting that lower-income consumers with access to fewer resources are the primary market for litigation funding agreements.¹⁰

A consumer can apply for litigation financing any time before resolution of his or her civil action or claim.¹¹ Unlike a traditional loan, where a lender might look at a consumer's credit score, income, and other indicators of the consumer's ability to pay, a litigation financier looks at the strength of the consumer's civil action or claim, the consumer's likelihood of prevailing at trial or in settlement, and the potential damages a consumer could obtain.¹² A litigation financier also assesses the consumer's attorneys' fees and other debts, such as medical or child support liens,¹³ which might take priority over the litigation financier's repayment.¹⁴

Litigation Financing Support and Opposition

Litigation financing proponents argue that the product provides a necessary funding source for some consumers suffering an unexpected economic loss connected to a pending legal action or claim, giving consumers financial stability and helping them meet immediate personal needs, such as rent, utilities, and food.¹⁵ Proponents also point out that, because litigation financing is a non-recourse transaction, if the consumer loses the subject action or claim, he or she owes nothing under a litigation financing agreement, making litigation financing less risky than traditional loans.¹⁶ Additionally, because the agreement obligation is paid only out of the proceeds of a subject action or claim, there are no monthly or upfront payments required before the subject action or claim resolves.¹⁷

Litigation financing opponents point out that in order to estimate the total amount owed under a litigation financing agreement, including interest¹⁸ and fees, a consumer must accurately predict the date of the subject action or claim's resolution and the amount of any settlement or judgment that will result in the consumer's favor.¹⁹ Because agreement terms may be unclearly stated or require complicated calculations, opponents argue that consumers may end up owing much more than they might have anticipated at the agreement's initiation.²⁰ Additionally, the fees in the

¹⁰ Eric Schuller, President, Alliance for Responsible Consumer Legal Funding, *Consumer Legal Funding 101: Also Known As...Everything You Wanted To Know About Consumer Legal Funding But Were Afraid to Ask*, presented to the Florida House of Representatives Civil Justice Subcommittee, Dec. 12, 2019, at 134:09 https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804_2019121124 [hereinafter *Consumer Legal Funding 101*].

¹¹ See *Consumer Litigation Funding*, *supra* note 8, at 122.

¹² *Id.*; see also *Consumer Legal Funding 101*, *supra* note 8, at 1:31:15.

¹³ A lien is a claim against property evidencing a debt, obligation, or duty. A lien can be created by judgment, equity, agreement, or statute. 37 FLA. JUR. 2D, *Liens* s. 1.

¹⁴ See *Consumer Litigation Funding*, *supra* note 8, at 123.

¹⁵ *Report to Congressional Requesters*, *supra* note 6, at Preface; The Alliance for Responsible Consumer Legal Funding (ARC), *More than A Trade Association*, <http://arclegalfunding.org/> (last visited Jan. 24, 2026).

¹⁶ See *Consumer Legal Funding 101*, *supra* note 8, at 1:29:15; see also ARC, *What is Consumer Legal Funding?*, <http://arclegalfunding.org/consumer-legal-funding/> (last visited Jan. 24, 2026).

¹⁷ *Id.*

¹⁸ Interest is the cost of borrowing money, expressed as a percentage of the borrowed amount. See Anya Martin, *The Interest Rate v. the Annual Percentage Rate*, THE WALL STREET JOURNAL, May 21, 2015, <https://www.wsj.com/articles/the-interest-rate-vs-the-annual-percentage-rate-1432215724>.

¹⁹ See *Consumer Litigation Funding*, *supra* note 6, at 126.

²⁰ *Id.* at 137-38.

nature of interest charged on a litigation financing agreement, even if clearly stated, can be high.²¹ A consumer who realizes he or she may owe more than he or she may recover may drive up the defendant's litigation costs by rejecting reasonable settlement offers for a chance to win a larger verdict in court.²²

Another concern of opponents is how much litigation financiers recover from the cases they finance compared to the plaintiffs they are funding. In some cases, litigation financiers have recovered significantly more money than the plaintiffs. In a 2023 television interview, Burford's CEO, Christopher Bogart, admitted that although "it doesn't happen very often ... it certainly can happen" that Burford recovers more money than the person who was wronged.²³

Uncertainty also exists as to whether an attorney can discuss a litigation financing agreement with a litigation financier without waiving the attorney-client²⁴ or work product²⁵ privileges. Such privileges are typically waived or limited when protected information is shared with a third party, but attorney-financier communications may be necessary for a litigation financier to evaluate a consumer's claim.²⁶ The American Bar Association urges attorneys discussing a litigation financing contract with a litigation financier to safeguard against waiving privilege, warning that infringing upon rights that clients would otherwise have, resulting from the presence of alternative litigation finance, requires the informed consent of the client after full, candid disclosure of all associated risks and benefits.²⁷ The Florida Bar²⁸ generally "discourages the use of [litigation financing] companies," allowing an attorney to inform a client about litigation financing only if the attorney feels it is in the client's best interests.²⁹

III. Effect of Proposed Changes:

SB 1396 creates the "Litigation Investment Safeguards and Transparency Act," to regulate litigation financing.

²¹ *Id.* at 122.

²² *See id.*; *see also Report to Congressional Requesters, supra* note 6, at Preface.

²³ Lesley Stahl, CBS News, *Litigation Funding: A multibillion-dollar industry for investments in lawsuits with little oversight*, 60 MINUTES, Jul. 23, 2023, <https://www.cbsnews.com/news/litigation-funding-60-minutes-transcript-2023-07-23/>.

Founded in 2009, Burford is the world's largest litigation funder, with \$5 billion invested in multiple lawsuits. *Id.*

²⁴ Under the attorney-client privilege, communication between an attorney and his or her client is typically confidential if such persons do not intend to disclose it to a third party. This protects the giving of information to an attorney so that the attorney can give sound and informed legal advice. Section 90.502(1)(c), F.S.; *Upjohn Co. v. U.S.*, 449 U.S. 383, 389 (1981).

²⁵ Under the work product doctrine, documents prepared by or on behalf of a party in anticipation of litigation are not discoverable. *GKK, etc. v. Cruz*, 251 So. 3d 967, 969 fn. 3 (Fla. 3d DCA 2018). Work product is almost absolutely protected under Florida common law if it contains mental impressions, conclusions, opinions and legal theories about litigation. *State v. Rabin*, 495 So. 2d 257, 262 (Fla. 3d DCA 1986).

²⁶ ARC, *What is Consumer Legal Funding?*, <http://arclegalfunding.org/consumer-legal-funding/> (last visited Jan. 24, 2026).

²⁷ American Bar Association, *Commission on Ethics 20/20, Informational Report to the House of Delegates*, available at https://web-stage.law.columbia.edu/sites/default/files/microsites/clwa/CIAA/keynote_third_party_funding.pdf (last visited Jan. 24, 2026).

²⁸ The Florida Constitution gives the Florida Supreme Court exclusive and ultimate regulatory authority over persons admitted to practice law in Florida. The Court performs this function through The Florida Bar, an investigative and prosecutorial authority charged with ensuring that all attorneys meet the minimum standards of conduct set out in the Rules Regulating the Florida Bar. *See* FLA. CONST. art V, s. 15.

²⁹ The Florida Bar, *Ethics Opinion 00-3* (Mar. 15, 2002), <https://www.floridabar.org/etopinions/etopinion-00-3/>.

Short Title and Organization

Section 1 provides a short title for the bill, the “Litigation Investment Safeguards and Transparency Act.”

Section 2 of the bill designates ss. 69.011, 69.021, 69.031, 69.041, 69.051, 69.061, 69.071, and 69.081, F.S., as part I of chapter 69, F.S., entitled “General Provisions.”

Section 3 of the bill creates part II of chapter 69, F.S., consisting of ss. 69.101, 69.103, 69.105, 69.107, 69.109, and 69.111, F.S., entitled “Litigation Financing.”

Definitions Applicable to Litigation Financing

The bill creates s. 69.101, F.S., which defines the following terms for purposes of the Act: “Foreign person” means a person or an entity that is not:

- A citizen of the U.S.
- An alien lawfully admitted for permanent residence in the U.S.
- An unincorporated association, a majority of members of which are citizens of the U.S. or aliens lawfully admitted for permanent residence in the U.S.
- A corporation that is incorporated in the U.S.

“Foreign principal” means:

- The government or a government official of any country other than the U.S.
- A political subdivision or political party (including the officials of the subdivision or party) of a country other than the U.S.
- A partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a country other than the U.S., whose shares or other ownership interest is owned by the government or a government official of a country other than the U.S., or owned by a political subdivision or political party of a country other than the U.S.

“Foreign funder” means a foreign person, foreign principal, or sovereign wealth fund that provides funding directly or indirectly under a litigation financing agreement.

“Health care practitioner” means any person licensed under the numerous health care licensing statutes.³⁰

“Litigation financier” means a person engaged in the business of providing litigation financing.

³⁰ Those professions are listed in s. 456.001, F.S., and are: acupuncture, general medical practice, osteopathic medicine, chiropractic medicine, podiatric medicine, naturopathy, optometry, nursing, pharmacy, dentistry, dental hygiene, dental laboratories, midwifery, speech-language pathology and audiology, nursing home administration, occupational therapy, respiratory therapy, dietetics and nutrition practice, athletic trainers, orthotics, prosthetics, pedorthics is this correct? pedorthists?, electrolysis, massage therapy practice, clinical laboratory personnel, medical physicists, genetic counseling, dispensing of optical devices and hearing aids, physical therapy practice, psychological services, and clinical, counseling, and psychotherapy services.

“Litigation financing agreement” or “litigation financing” means a transaction in which a litigation financier agrees to provide financing to a person who is a party to, or an attorney or law firm representing a party in a civil action, administrative proceeding, claim, or other legal proceeding, in exchange for a right to receive payment, which right is contingent in any respect on the outcome of such action, claim, or proceeding, or on the outcome of any matter within a portfolio that includes such action, claim, or proceeding, and involves the same counsel or affiliated counsel. However, the terms do not apply to:

- An agreement to provide funds for or to a party to a civil action, administrative proceeding, claim, or other legal proceeding, for the person’s use in paying his or her costs of living or other personal or familial expenses during the pendency of the action, claim, or proceeding, and if the funds are not used to finance any litigation or other legal costs.
- An agreement for an attorney to provide legal services on a contingency fee basis or to advance his or her client’s legal costs, and if the services or costs are provided by the attorney in accordance with the Florida Rules of Professional Conduct.
- An entity having a preexisting contractual obligation to indemnify or defend a party to a civil action, administrative proceeding, claim, or other legal proceeding.
- A health insurer that has paid, or is obligated to pay, any sums for health care for an injured person under the terms of a health insurance plan or agreement.
- The repayment of a financial institution for loans made directly to a party to a civil action, administrative proceeding, claim, or other legal proceeding, or to such party’s attorney if repayment of the loan is not contingent upon the outcome of such action, claim, or proceeding, or on the outcome of any matter within a portfolio that includes such action, claim, or proceeding and involves the same counsel or affiliated counsel.
- Funding provided to a nonprofit organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code, if nonprofit organization uses the funding solely to provide pro bono legal representation and does not seek punitive damages.
- Funding provided by a nonprofit organization exempt from federal income tax pursuant to s. 501(c)(3) of the U.S. Internal Revenue Code, by grant or otherwise, to support the pursuit of pro bono, no-cost litigation, and if the organization does not seek punitive damages.

“National security interests” means those interests relating to the national defense, foreign intelligence and counterintelligence, international, and domestic security, and foreign relations.

“Proprietary information” means information developed, created, or discovered by a person, or which became known by or was conveyed to the person, which has commercial value in the person’s business. The term includes, but is not limited to, domain names, trade secrets, copyrights, ideas, techniques, inventions, regardless of whether patentable, and other information of any type relating to designs, configurations, documentation, recorded data, schematics, circuits, mask works, layouts, source code, object code, master works, master databases, algorithms, flow charts, formulae, works of authorship, mechanisms, research, manufacture, improvements, assembly, installation, intellectual property including patents and patent applications, and information concerning the person’s actual or anticipated business, research, or development or received in confidence by or for the person from any other source.

“Sovereign wealth fund” means an investment fund owned or controlled by a foreign principal or an agent of a foreign principal.

Litigation Financing Agreements and Representation of Client Interests

The bill creates s. 69.103, F.S., which regulates litigation financing agreements and the representation of client interests. Specifically, the bill provides that a court may take the existence of a litigation financing agreement into account:

- When determining whether a class representative or class counsel would adequately and fairly represent the interests of the class in a class action lawsuit.
- In actions involving a common question of law or fact pending before the court which may be or have been consolidated, when determining whether the lead counsel or any co-lead counsel would adequately and fairly represent the interests of the parties to such actions.

Prohibited Conduct by Litigation Financiers

The bill creates s. 69.105, F.S., which prohibits certain conduct by litigation financiers. Specifically, the bill provides that a litigation financier may not:

- Direct, or make any decisions with respect to, the course of any civil action, administrative proceeding, claim, or other legal proceeding for which the litigation financier has provided financing, or any settlement or other disposition thereof. This prohibition includes, but is not limited to, decisions in appointing or changing counsel, choice or use of expert witnesses, and litigation strategy. All rights to make decisions with respect to the course and settlement or other disposition of the subject civil action, administrative proceeding, claim, or other legal proceeding remain solely with the parties to such action, claim, or proceeding and their counsel of record.
- Contract for or receive, whether directly or indirectly, a larger share of the proceeds of a civil action, administrative proceeding, claim, or other legal proceeding financed by a litigation financing agreement than the share of the proceeds collectively recovered by the plaintiffs to the action, claim, or proceeding, after the payment of any attorney fees and costs owed in connection to such action, claim, or proceeding.
- Pay or offer to pay a commission, referral fee, or other consideration to any person, including an attorney, law firm, or health care practitioner, for referring a person to the litigation financier.
- Assign or securitize a litigation financing agreement in whole or in part.
- Be assigned rights to or in a civil action, administrative proceeding, claim, or other legal proceeding, for which the litigation financier provided financing, other than the right to receive a share of the proceeds of the action, claim, or proceeding, pursuant to the litigation financing agreement.

Required Transparency for Foreign Litigation Financing

The bill creates s. 69.107, F.S., which requires certain disclosures in connection with litigation financing. The filing and notice requirements apply:

- If a party to any civil action, administrative proceeding, claim, or other legal proceeding has entered into a litigation financing agreement with a foreign person, foreign principal of sovereign wealth fund; or
- If a foreign person, foreign principal, or sovereign wealth fund has provided or will provide funds, whether directly or indirectly, to the litigation financier which amount to 5 percent or

more of the funds the financier has provided or is committed to provide under the litigation funding agreement.

The filing must occur within the earlier of 14 days after execution or 7 days after filing the action. The filing and notice must:

- Disclose the existence of the funding relationship;
- Name the foreign person, foreign principal, or sovereign wealth fund by legal name and the jurisdiction under whose laws it is organized; and
- List each foreign person, foreign principal, or sovereign wealth fund that, directly or indirectly, owns or controls 3 percent or more of the capital, equity, or other beneficial ownership interests in the litigation financier, including the legal name, address, and citizenship or country of incorporation or registration of each such person or entity.

The notice must be filed with the court, agency, or tribunal in which the action is pending, served on all parties, and provided to the Department of Financial Services and the Office of the Attorney General. The dollar amounts, financing terms, and other proprietary or trade secret information contained in or related to the litigation financing agreement are not required to be disclosed. The court, agency, or tribunal may order the notice or supporting documentation to be filed under seal and may issue protective orders as necessary to safeguard proprietary or confidential information.

A foreign litigation financier or any person acting on its behalf may not:

- Use a domestic entity or affiliate to conceal or evade the disclosure requirements of this section; or
- Receive, transmit, or share proprietary, privileged, or national security-related information obtained through litigation financing with any foreign person, foreign principal, or sovereign wealth fund not a party or attorney to the action.

Failure to comply with these filing and notice requirements may subject the noncomplying party to appropriate sanctions under s. 69.109, F.S., or the applicable rules of civil procedure. The section of the bill that requires the disclosures relating to foreign litigation financiers provides that it does not create a private cause of action.

Violations and Enforcement

The bill creates s. 69.109, F.S., which provides for violations and provides for enforcement. Specifically, the bill provides that:

- A litigation financing agreement executed in violation of the litigation financing regulations in the bill is void and unenforceable.
- A violation of any of the restrictions created in s. 69.105, F.S., which relate to litigation control, excessive payments to financiers, referral fees, assignment or securitization of financing agreements, or assignment of rights to a claim, is a deceptive and unfair trade practice actionable under the Florida Deceptive and Unfair Trade Practices Act.
- A court, agency, or tribunal may impose fines or any other sanction it deems appropriate upon any person who violates the disclosure and notice requirements created in s. 69.107, F.S.

Severability

Section 4 of the bill provides that if any provision of the bill or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the bill which can be given effect without the invalid provision or application, and to this end the provisions of the bill are severable.

Applicability and Effective Date

Section 5 of the bill provides for application of the bill as to actions pending on the effective date of the bill. Specifically, the notice and disclosure requirements created in s. 69.107, F.S., apply to any civil action, administrative proceeding, claim, or other legal proceeding pending or commenced on or after July 1, 2026. Any party to or counsel of record for a civil action, administrative proceeding, claim, or other legal proceeding pending on July 1, 2026, who would have been required to make a disclosure under s. 69.107, F.S., had it been in effect at the time the relevant action occurred must make the disclosure under that section within 30 days after July 1, 2026. Failure to do so is sanctionable as provided in s. 69.109, F.S.

Section 6 of the bill provides that except as otherwise provided in the bill, the Act applies to litigation financing agreements entered into on or after July 1, 2026.

Section 7 of the bill provides that it takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may positively impact some consumers entering into litigation financing agreements by effectively capping the recovery of litigation financiers (i.e. by prohibiting litigation financiers from contracting for a larger share of the proceeds of a legal proceeding than collectively recovered by the plaintiffs). Conversely, the bill may reduce the potential for consumers to obtain funding that might be necessary to bring a claim.

The bill may negatively impact litigation financiers to the extent that those financiers currently act in a manner that will be limited or prohibited by the bill.

A litigation financier who willfully uses a deceptive or unfair trade act or practice may face a civil penalty of up to \$10,000 per violation, or \$15,000 per violation if the victim is a senior citizen, disabled person, or military service member.

C. Government Sector Impact:

The bill authorizes courts, agencies, or tribunals to fine or sanction a person who violates the disclosure and discovery provisions of the bill. Accordingly, the bill may, to some unknown and limited extent, result in minimal increased revenues to these courts, agencies, and tribunals.

Under the bill, the Department of Legal Affairs or the Office of the State Attorney may also collect civil penalties from litigation financiers who violate the Florida Deceptive and Unfair Trade Practices Act. Litigation financiers who willfully use deceptive or unfair trade practices may face civil penalties of up to \$10,000 per violation, or \$15,000 per violation if the victim is a senior citizen, disabled person, or military service member. Accordingly, the bill may result in increased revenues to the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 69.101, 69.103, 69.105, 69.107, and 69.109.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

By Senator Burton

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20261396__

1 A bill to be entitled
 2 An act relating to litigation financing consumer
 3 protection; providing a short title; designating part
 4 I of ch. 69, F.S., entitled "General Provisions";
 5 creating part II of ch. 69, F.S., entitled "Litigation
 6 Financing"; creating s. 69.101, F.S.; defining terms;
 7 creating s. 69.103, F.S.; authorizing courts to
 8 consider the existence of a litigation financing
 9 agreement to determine if a class representative or
 10 lead counsel or co-lead counsel to a class action
 11 lawsuit would adequately and fairly represent the
 12 interests of the class; creating s. 69.105, F.S.;
 13 prohibiting specified acts by litigation financiers;
 14 providing that all rights to make certain decisions in
 15 a legal proceeding remain solely with the parties to
 16 such legal proceeding; creating s. 69.107, F.S.;
 17 requiring certain parties to a legal proceeding which
 18 have entered into a litigation financing agreement
 19 with a foreign person, a foreign principal, or a
 20 sovereign wealth fund to file and serve a notice
 21 identifying specified information with the court,
 22 agency, or tribunal and all other parties to the legal
 23 proceeding within a specified timeframe; requiring
 24 that such notice also be filed with the Department of
 25 Financial Services and the Office of the Attorney
 26 General; providing that certain information in a
 27 litigation financing agreement is not required to be
 28 disclosed; authorizing the court, agency, or tribunal
 29 to order that the notice or supporting documentation

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30 be filed under seal and issue protective orders to
 31 safeguard proprietary or confidential information;
 32 prohibiting a foreign litigation financier or person
 33 acting on its behalf from using a domestic entity or
 34 affiliate to conceal or evade such disclosure
 35 requirements or from receiving, transmitting, or
 36 sharing certain information obtained through
 37 litigation financing with certain foreign persons,
 38 foreign principals, or sovereign wealth funds;
 39 providing applicability; providing for sanctions;
 40 providing construction; creating s. 69.109, F.S.;
 41 providing that a litigation financing agreement is
 42 void and unenforceable in specified circumstances;
 43 providing for enforcement of specified violations
 44 under the Florida Deceptive and Unfair Trade Practices
 45 Act; authorizing any court, agency, or tribunal of
 46 competent jurisdiction to impose fines or other
 47 sanctions it deems appropriate for violations of
 48 certain provisions; providing severability; providing
 49 retroactive applicability; providing applicability;
 50 providing an effective date.

51
 52 Be It Enacted by the Legislature of the State of Florida:

53
 54 Section 1. This act may be cited as the "Litigation
 55 Investment Safeguards and Transparency Act."

56 Section 2. Sections 69.011, 69.021, 69.031, 69.041, 69.051,
 57 69.061, 69.071, and 69.081, Florida Statutes, are designated as
 58 part I of chapter 69, Florida Statutes, and entitled "General

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59 Provisions."

60 Section 3. Part II of chapter 69, Florida Statutes,
61 consisting of ss. 69.101, 69.103, 69.105, 69.107, and 69.109,
62 Florida Statutes, is created and entitled "Litigation
63 Financing," to read:

64
65 PART II

66 LITIGATION FINANCING

67 69.101 Definitions.—As used in this part, the term:

68 (1) "Foreign person" means a person or an entity that is
69 not:

70 (a) A citizen of the United States;

71 (b) An alien lawfully admitted for permanent residence in
72 the United States;

73 (c) An unincorporated association, a majority of members of
74 which are citizens of the United States or aliens lawfully
75 admitted for permanent residence in the United States; or

76 (d) A corporation incorporated in the United States.

77 (2) "Foreign principal" means:

78 (a) The government or a government official of any country
79 other than the United States;

80 (b) A political subdivision or political party, or the
81 officials thereof, of a country other than the United States; or

82 (c) Any partnership, association, corporation,
83 organization, or other combination of persons organized under
84 the laws of, or having its principal place of business in, a
85 country other than the United States whose shares or other
86 ownership interest is owned by the government or a government
87 official of a country other than the United States or owned by a

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88 political subdivision or political party, or the officials
89 thereof, of a country other than the United States.

90 (3) "Foreign funder" means a foreign person, foreign
91 principal, or sovereign wealth fund that provides funding
92 directly or indirectly under a litigation financing agreement.

93 (4) "Health care practitioner" has the same meaning as in
94 s. 456.001.

95 (5) "Litigation financier" means a person engaged in the
96 business of providing litigation financing.

97 (6) "Litigation financing agreement" or "litigation
98 financing" means a transaction in which a litigation financier
99 agrees to provide financing to a person who is a party to, or an
100 attorney or law firm representing a party, in a civil action, an
101 administrative proceeding, a claim, or other legal proceeding in
102 exchange for a right to receive payment, which right is
103 contingent in any respect on the outcome of such action, claim,
104 or proceeding or on the outcome of any matter within a portfolio
105 that includes such action, claim, or proceeding and involves the
106 same counsel or affiliated counsel. However, the term does not
107 apply to any of the following:

108 (a) An agreement to provide funds for or to a party to a
109 civil action, an administrative proceeding, a claim, or other
110 legal proceeding for such person's use in paying his or her
111 costs of living or other personal or familial expenses during
112 the pendency of such action, claim, or proceeding which funds
113 are not used to finance any litigation or other legal costs.

114 (b) An agreement wherein an attorney consents to provide
115 legal services on a contingency fee basis or to advance his or
116 her client's legal costs, and where such services or costs are

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117 provided by the attorney in accordance with the Florida Rules of
118 Professional Conduct.

119 (c) An entity with a preexisting contractual obligation to
120 indemnify or defend a party to a civil action, an administrative
121 proceeding, a claim, or other legal proceeding.

122 (d) A health insurer that has paid, or is obligated to pay,
123 any sums for health care for an injured person under the terms
124 of a health insurance plan or agreement.

125 (e) The repayment of a financial institution as defined in
126 s. 655.005 for loans made directly to a party to a civil action,
127 an administrative proceeding, a claim, or other legal
128 proceeding, or to such party's attorney, when repayment of the
129 loan is not contingent upon the outcome of such action, claim,
130 or proceeding or on the outcome of any matter within a portfolio
131 that includes such action, claim, or proceeding and involves the
132 same counsel or affiliated counsel.

133 (f) Funding provided to a nonprofit organization exempt
134 from federal income tax under s. 501(c)(3) of the United States
135 Internal Revenue Code, provided that the nonprofit organization
136 uses the funding only to provide pro bono legal representation
137 on behalf of a client or to engage in litigation on behalf of
138 itself, its members, or a client and does not seek punitive
139 damages, regardless of whether the nonprofit organization seeks
140 an award of costs or attorney fees.

141 (g) Funding provided by a nonprofit organization exempt
142 from federal income tax under s. 501(c)(3) of the United States
143 Internal Revenue Code, by grant or otherwise, to cover the costs
144 and expenses of pro bono legal representation or litigation that
145 does not seek punitive damages, regardless of whether the

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146 recipient of the funding seeks an award of costs or attorney
147 fees. The nonprofit organization may, contingent upon the
148 outcome of the litigation, receive repayment not to exceed the
149 amount of funding provided.

150 (7) "National security interests" means those interests
151 relating to the national defense, foreign intelligence and
152 counterintelligence, international and domestic security, or
153 foreign relations.

154 (8) "Proprietary information" means information developed,
155 created, or discovered by a person, or which became known by or
156 was conveyed to a person, which has commercial value in the
157 person's business. The term includes, but is not limited to,
158 domain names; trade secrets; copyrights; ideas; techniques;
159 inventions, regardless of whether patentable, and other
160 information of any type relating to designs; configurations;
161 documentation; recorded data; schematics; circuits; mask works;
162 layouts; source code; object code; master works; master
163 databases; algorithms; flow charts; formulae; works of
164 authorship; mechanisms; research; manufacture; improvements;
165 assembly; installation; intellectual property, including patents
166 and patent applications; and information concerning the person's
167 actual or anticipated business, research, or development or
168 received in confidence by or for the person from any other
169 source.

170 (9) "Sovereign wealth fund" means an investment fund owned
171 or controlled by a foreign principal or an agent thereof.

172 69.103 Litigation financing agreement; representation of
173 client interests; adequate representation.—A court may take the
174 existence of a litigation financing agreement into account:

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175 (1) In a class action lawsuit brought in the courts of this
 176 state, when determining whether a class representative or class
 177 counsel would adequately and fairly represent the interests of
 178 the class.

179 (2) In actions involving a common question of law or fact
 180 pending before the court which may be or has been consolidated,
 181 when determining whether the lead counsel or any co-lead counsel
 182 would adequately and fairly represent the interests of the
 183 parties to such actions.

184 69.105 Prohibited conduct.—A litigation financier may not:

185 (1) Direct, or make any decisions with respect to, the
 186 course of any civil action, administrative proceeding, claim, or
 187 other legal proceeding for which the litigation financier has
 188 provided financing, or any settlement or other disposition
 189 thereof. This prohibition includes, but is not limited to,
 190 decisions in appointing or changing counsel, choice or use of
 191 expert witnesses, and litigation strategy. All rights to make
 192 decisions with respect to the course and settlement or other
 193 disposition of the subject civil action, administrative
 194 proceeding, claim, or other legal proceeding remain solely with
 195 the parties to such action, claim, or proceeding and their
 196 counsel of record.

197 (2) Contract for or receive, whether directly or
 198 indirectly, a larger share of the proceeds of any civil action,
 199 administrative proceeding, claim, or other legal proceeding
 200 financed by a litigation financing agreement than the share of
 201 the proceeds collectively recovered by the plaintiffs to any
 202 such action, claim, or proceeding after the payment of any
 203 attorney fees and costs owed in connection to such action,

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204 claim, or proceeding.

205 (3) Pay or offer to pay a commission, referral fee, or
 206 other consideration to any person, including an attorney, a law
 207 firm, or a health care practitioner, for referring a person to
 208 the litigation financier.

209 (4) Assign or securitize a litigation financing agreement,
 210 in whole or in part.

211 (5) Be assigned rights to or in any civil action,
 212 administrative proceeding, claim, or other legal proceeding for
 213 which the litigation financier provided financing, other than
 214 the right to receive a share of the proceeds of such action,
 215 claim, or proceeding pursuant to the litigation financing
 216 agreement.

217 69.107 Transparency for foreign litigation financiers.—

218 (1) If a party to any civil action, administrative
 219 proceeding, claim, or other legal proceeding, or that party's
 220 counsel of record, has entered into a litigation financing
 221 agreement with a foreign person, foreign principal, or sovereign
 222 wealth fund, the party, or the party's counsel of record, must,
 223 within 14 days after execution of the agreement or within 7 days
 224 after filing such action, whichever occurs first, file and serve
 225 a notice that identifies:

226 (a) The existence of the funding relationship;

227 (b) The foreign person, foreign principal, or sovereign
 228 wealth fund by legal name and the jurisdiction under whose laws
 229 it is organized; and

230 (c) Each foreign person, foreign principal, or sovereign
 231 wealth fund that, directly or indirectly, owns or controls 3
 232 percent or more of the capital, equity, or other beneficial

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233 ownership interests in the litigation financier, including the
 234 legal name, address, and citizenship or country of incorporation
 235 or registration of each such person or entity.

236 (2) The notice required in subsection (1) must be filed
 237 with the court, agency, or tribunal in which the action is
 238 pending, served on all parties, and provided to the Department
 239 of Financial Services and the Office of the Attorney General.

240 (3) The dollar amounts, financing terms, and other
 241 proprietary or trade secret information contained in or related
 242 to the litigation financing agreement are not required to be
 243 disclosed. The court, agency, or tribunal may order the notice
 244 or supporting documentation to be filed under seal and may issue
 245 protective orders as necessary to safeguard proprietary or
 246 confidential information.

247 (4) A foreign litigation financier or any person acting on
 248 its behalf may not:

249 (a) Use a domestic entity or affiliate to conceal or evade
 250 the disclosure requirements of this section; or

251 (b) Receive, transmit, or share proprietary, privileged, or
 252 national security-related information obtained through
 253 litigation financing with any foreign person, foreign principal,
 254 or sovereign wealth fund not a party or attorney to the action.

255 (5) The requirements of this section apply to a litigation
 256 financing agreement entered into with any litigation financier
 257 if a foreign person, foreign principal, or sovereign wealth fund
 258 has provided or will provide funds, whether directly or
 259 indirectly, to the litigation financier which amount to 5
 260 percent or more of the funds the financier has provided or is
 261 committed to provide under the litigation funding agreement.

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262 (6) Failure to comply with this section may subject the
 263 noncomplying party to appropriate sanctions under s. 69.109 or
 264 the applicable rules of civil procedure. This section does not
 265 create a private cause of action.

266 69.109 Violations; enforcement.—

267 (1) A litigation financing agreement executed in violation
 268 of this part is void and unenforceable.

269 (2) A violation of s. 69.105 is a deceptive and unfair
 270 trade practice actionable under part II of chapter 501.

271 (3) A court, an agency, or a tribunal of competent
 272 jurisdiction may impose fines or any other sanction it deems
 273 appropriate upon any person who violates s. 69.107.

274 Section 4. If any provision of this act or its application
 275 to any person or circumstance is held invalid, the invalidity
 276 does not affect other provisions or applications of the act
 277 which can be given effect without the invalid provision or
 278 application, and to this end the provisions of this act are
 279 severable.

280 Section 5. The disclosure requirements in s. 69.107,
 281 Florida Statutes, as created by this act, apply to any civil
 282 action, administrative proceeding, claim, or other legal
 283 proceeding pending or commenced on or after July 1, 2026. Any
 284 party to or counsel of record for any civil action,
 285 administrative proceeding, claim, or other legal proceeding
 286 pending on July 1, 2026, who would have been required to make a
 287 disclosure under s. 69.107, Florida Statutes, had it been in
 288 effect at the time the relevant action occurred must make the
 289 disclosure under that section by July 31, 2026. Failure to do so
 290 is sanctionable as provided in s. 69.109, Florida Statutes.

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291 Section 6. Except as otherwise provided in this act, this
292 act applies to a litigation financing agreement entered into on
293 or after July 1, 2026.

294 Section 7. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, *Chair*
Judiciary, *Vice Chair*
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules

SENATOR COLLEEN BURTON

12th District

January 20, 2026

The Honorable Clay Yarborough
308 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Yarborough,

I respectfully request SB 1396 Litigation Financing Consumer Protection be placed on the Judiciary agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Tom Cibula, Staff Director
Lisa Larson, Committee Administrative Assistant

REPLY TO:

1375 Havendale Blvd., Winter Haven, FL 33881 (863) 413-1529
408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

01.27.26

Meeting Date

Judiciary

Committee

Name

Bob Schulte

Phone

813-499-9139

Address

4830 West Kennedy Blvd. Ste. 600

Email

bob@monsonfirm.com

Street

Tampa

FL

33609

City

State

Zip

SB 1396

Bill Number or Topic

Amendment Barcode (if applicable)

The Florida Senate APPEARANCE RECORD

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

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Florida Justice Reform Institute

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

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

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

S-001 (08/10/2021)

01.27.26

Meeting Date

The Florida Senate APPEARANCE RECORD

1396

Bill Number or Topic

Judiciary

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Committee

Amendment Barcode (if applicable)

Name **Caroline Gieser**

Phone **470.867.6000**

Address **1230 Peachtree St., Suite 1200**

Email **cgieser@shb.com**

Street

Atlanta

GA

30309

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

American Tort Reform Association

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

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

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S-001 (08/10/2021)

1/27/2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

1396

Bill Number or Topic

Judiciary

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Committee

Amendment Barcode (if applicable)

Name **George Feijoo (Fay-Jew)**

Phone **850-681-0024**

Address **108 S Monroe St**

Email **grfeijoo@flapartners.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

*U.S. Chamber Institute
for Legal Reform*

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/27/24

Meeting Date

Judiciary

Committee

1394

Bill Number or Topic

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 136 S Bronough St
Street

Email cjohnson@flchamber.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Chamber of Commerce

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/27/26

Meeting Date

Judiciary

Committee

1396

Bill Number or Topic

Amendment Barcode (if applicable)

Name Bill Cotterell

Phone

Address 218 S. Monroe St

Email

Street

Pallahassee

FL

32308

City

State

Zip

Speaking: [] For [X] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

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

Florida Justice Association

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/27/26

Meeting Date

1396

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

ALIX MILLER

Phone

850-222-9908

Address

350 E. College Ave

Street

Email

alix@florida trucking .org

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:

FLORIDA TRUCKING ASSOCIATION

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1-27-26

1396

Meeting Date

Bill Number or Topic

Judiciary

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Committee

Amendment Barcode (if applicable)

Name Michael Carlson

Phone 8505449576

Address 215 South Monroe St. Ste. 835

Email michael.carlson@piff.net

Street

Tallahassee

Florida

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Personal Insurance Federation

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1396

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Bill Number or Topic

1/27/2026

Meeting Date

Senate Judiciary

Committee

Amendment Barcode (if applicable)

Name David Mica, Jr.

Phone 850-222-9800

Address 306 E College Ave
Street

Email Davidm@fha.org

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Hospital Association

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

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

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1/27/2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 1396

Bill Number or Topic

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Judiciary

Committee

Amendment Barcode (if applicable)

Name **Gary Guzzo**

Phone **(850) 681-0024**

Address **108 S Monroe St**

Email **gguzzo@flapartners.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Insurance Council

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

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

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S-001 (08/10/2021)

1/27/24

Meeting Date

The Florida Senate APPEARANCE RECORD

1394

Bill Number or Topic

Judiciary

Committee

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Amendment Barcode (if applicable)

Name Katie Webb

Phone 850 228 6014

Address 10 E Jefferson
Street

Email kwebb@coladny
fass.com

Tall
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:

APCIA

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

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

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The Florida Senate

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1/27/26

Meeting Date

1396

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Adam Basford

Phone 352 538 4299

Address 516 N Adams

Email a.basford@aif.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Associated Industries of FL

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

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S-001 (08/10/2021)

The Florida Senate

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1/27/26

Meeting Date

1396

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Amanda Fraser

Phone

Address

Email

Street

Tallahassee

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

GEICO

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-27-26

Meeting Date

1396

Bill Number or Topic

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Judy

Committee

Amendment Barcode (if applicable)

Name Bill Herrle

Phone 850 728 7356

Address 110 E Jofferson St.

Street

Email bill.herrle@nfb.org

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: NFIB

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/27/26

Meeting Date

1396

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Christine Ashburn

Phone

850-728-7855

Address

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Email

christine@dacl.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

The National Assoc. of Mutual Insurance Cos.

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

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S-001 (08/10/2021)

The Florida Senate
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 1500

INTRODUCER: Senator Bradley

SUBJECT: Estates

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	Favorable
2.			BI	
3.			RC	

I. Summary:

SB 1500 amends various provisions of state law relating to uncontested probate proceedings. Probate is the court-supervised process for identifying and gathering a decedent’s assets, paying the decedent’s debts, and distributing the decedent’s remaining assets to his or her beneficiaries.

Specifically, the bill:

- Increases the value of estates eligible for summary administration from \$75,000 to \$150,000.
- Increases the value of intestate estates consisting only of certain personal property that may be disposed of without administration from \$10,000 to \$20,000.
- Increases the maximum income tax refund that may be claimed by a decedent’s spouse or child without administration of the decedent’s estate from \$2,500 to \$5,000.
- Increases the maximum amount of funds in a qualified account held by a financial institution which may be distributed to a family member using affidavit procedures from \$1,000 to \$2,000.
- Requires financial institutions to grant personal representatives access to a decedent’s safe deposit box and allows them to pay any accumulated charges for, and terminate, the safe deposit box lease.
- Authorizes personal representatives to initiate legal proceedings to enforce their authority under the Florida Probate Code and to recover any associated costs, including attorney fees.

In 2024, the Florida Supreme Court established the Workgroup on Uncontested Probate Proceedings (Workgroup) within the Judicial Management Council to make recommendations and improve the efficiency and effectiveness of Florida’s processes and procedures for uncontested probate proceedings. The bill implements the Workgroup’s recommendations.

The bill takes effect July 1, 2026.

II. Present Situation:

The Florida Probate Code (“Probate Code”)¹ outlines the state’s probate process, which is the court-supervised process² for identifying and gathering a decedent’s assets, paying the decedent’s debts, and distributing the decedent’s remaining assets to his or her beneficiaries.³ The probate process is also known as “estate administration.”⁴

Whenever a decedent dies leaving a valid will,⁵ estate administration generally proceeds in accordance with the will’s terms, with estate assets being distributed to the named beneficiaries;⁶ however, if a decedent dies intestate, which means the decedent died and did not leave a valid will, asset distribution generally occurs by operation of Florida’s intestate succession laws.⁷

Personal Representatives

Regardless of whether a decedent had a will or died intestate, when an estate is probated, the court appoints a personal representative⁸ to oversee the estate’s administration and grants him or her letters of administration.⁹ A personal representative’s primary purpose is to ensure that the administration of the decedent’s estate proceeds in accordance with the decedent’s wishes (as outlined in a will) or, if there is no will, in accordance with state law; however, Florida law imposes numerous other, specific duties and obligations on a personal representative.

Duties and Powers

A personal representative is a fiduciary who must observe the standard of care applicable to trustees of express trusts¹⁰ and who is liable to interested persons for damage or loss resulting from the breach of his or her fiduciary duty.¹¹ This duty generally begins upon appointment¹² and includes the following:

¹ Chapters 731-735, F.S.; *see also* s. 731.005, F.S. (providing the short title).

² In Florida, the circuit courts have jurisdiction over probate proceedings. Office of the State Courts Administrator, *Trial Courts-Circuit*, <https://www.flcourts.gov/Florida-Courts/Trial-Courts-Circuit> (last visited Jan. 15, 2026).

³ “Beneficiary” means an heir at law in an intestate estate and a devisee in a testate estate. Section 731.201(2), F.S. Note that probate is not initiated in every circumstance in which a person dies leaving assets; in some instances, other asset distribution mechanisms (such as a trust or a pay-on-death clause) transfer asset ownership without court intervention. In other circumstances, a decedent’s assets may be held jointly with a surviving person, requiring no asset ownership transfer, and thus, no court intervention.

⁴ “Estate” means the property of a decedent that is the subject of administration. Section 731.201(14), F.S.

⁵ A “will” means a testamentary instrument executed by a person in the manner provided in the Florida Probate Code, which disposes of a person’s property on or after his or her death. Section 731.201(40), F.S. Until admitted to probate, a will is ineffective to prove title to, or the right to possession of, the testator’s property. Section 733.103(1), F.S.

⁶ *See generally* Parts V, VI, and IX, ch. 732, F.S. (governing wills, rules of will construction, and will production, respectively).

⁷ *See generally* Part I, ch. 732, F.S. (governing intestate succession).

⁸ “Personal representative” means the fiduciary appointed by the court to administer the estate and refers to what has been known as, among other things, an executor. Section 731.201(28), F.S.

⁹ Letters of administration convey the legal authority to manage a decedent’s estate. Section 731.201(24), F.S.

¹⁰ An “express trust” is a trust created with the settlor’s express intent, usually declared in writing. *Byrne Realty Co. v. South Florida Farms Co.*, 89 So. 318, 326-27 (Fla. 1921).

¹¹ Section 733.609(1), F.S.

¹² Section 733.601, F.S.

- Settle and distribute the estate in accordance with the decedent's will (if any) and applicable law.¹³
- Expeditiously proceed with the settlement and distribution of the decedent's estate.¹⁴
- Act in the best interests of interested persons including creditors.¹⁵
- File a verified inventory of estate property, subject to statutory requirements.¹⁶
- Take all steps reasonably necessary for the estate's management, protection, and preservation.¹⁷

To assist in the exercise of such duties, the personal representative also has statutorily enumerated rights and powers. Specifically, the personal representative may (and in some cases, must), among other things:

- Take possession and control of the decedent's property.
- Perform or, when proper, refuse to perform the decedent's contracts.
- Invest the estate's funds.
- Acquire or dispose of assets including, in certain circumstances, by sale or abandonment.
- Enter into leases.
- Pay taxes, assessments, and other expenses incident to estate administration.
- Continue any unincorporated business or venture in which the decedent was engaged at the time of death.
- Prosecute or defend claims or proceedings for the protection of the estate or the decedent's property.
- Employ persons, including attorneys, accountants, auditors, appraisers, investment advisers, and others to advise or assist the personal representative in estate administration.¹⁸

Compensation

A personal representative is entitled to reasonable compensation for ordinary service, payable from the estate's assets, without a court order.¹⁹ Such compensation must be based on the estate's compensable value, which is the inventory value of the estate's assets and the income the estate earns during administration, and Florida law provides that such compensation is presumed to be reasonable if calculated at statutorily-specified rates.²⁰ However, the court may increase or decrease the personal representative's compensation for ordinary services upon petition of any interested parties.²¹

¹³ Section 733.602(1), F.S.

¹⁴ Section 733.603, F.S.

¹⁵ Section 733.602(1), F.S.

¹⁶ Section 733.604, F.S.

¹⁷ Section 733.607(1), F.S.

¹⁸ *See generally* s. 733.612, F.S.

¹⁹ Section 733.617(1), F.S.

²⁰ Those rates are 3 percent for the first \$1 million; 2.5 percent for all above \$1 million and not exceeding \$5 million; 2 percent for all above \$5 million and not exceeding \$10 million; 1.5 percent for all above \$10 million. Section 733.617(2), F.S.

²¹ Section 733.617(7), F.S.

A personal representative is also entitled to reasonable compensation for any extraordinary services, which the court may award upon petition of any interested person.²² Extraordinary services may include:

- The sale of real or personal property;
- Litigating on behalf of the estate;
- Involvement in proceedings for the adjustment or payment of any taxes;
- The carrying on of the decedent's business;
- Dealing with protected homestead;
- The rendering of legal services in connection with estate administration, if the personal representative is a Florida Bar member;²³ and
- Any other special services that may be necessary for the personal representative to perform.²⁴

Further, if a will provides that a personal representative's compensation must be based on specific criteria, other than a general reference to compensation allowed by law, the personal representative is entitled to compensation in accordance with that provision; however, the personal representative may renounce the provision and receive compensation as provided in law, unless a contract with the decedent would prohibit such renunciation.²⁵

Attorneys for personal representatives are also entitled to reasonable compensation, payable from estate assets without court order, for ordinary and extraordinary services rendered.²⁶

Alternatives to Formal Administration

Florida law provides for certain simplified probate processes, which function as abbreviated alternatives to the formal administration process.

Summary Administration

A summary administration may be had in the administration of either a resident or nonresident decedent's estate if it appears that the value of the entire estate subject to administration in Florida, less the value of property exempt from the claim of creditors, does not exceed \$75,000 or that the decedent has been dead for more than 2 years.²⁷

For summary administration to be available in the administration of a testate estate, the will must not direct administration as required by the statutes governing the administration of estates.²⁸ Such estates may be administered in the same manner as the administration of any other estate, or they may be administered in conformance with summary administration.²⁹

²² Section 733.617(3), F.S.

²³ Section 733.617(6), F.S. The Florida Supreme Court regulates the practice of law in Florida, through the Florida Bar. The Florida Bar, *About the Bar*, <https://www.floridabar.org/about/> (last visited Jan. 15, 2026); FLA. CONST. art. V, s. 15.

²⁴ Section 733.617(3), F.S.

²⁵ Section 733.617(4), F.S.

²⁶ *See generally* s. 733.6171, F.S.

²⁷ Section 735.201(2), F.S.

²⁸ Section 735.201(1), F.S. (referencing ch. 733, F.S.).

²⁹ Section 735.202, F.S.

Disposition without Administration

No administration is required if the decedent leaves an estate only consisting of:

- Personal property exempt under state law.³⁰
- Personal property classified as exempt from the claims of the decedent's creditors by the Florida Constitution.
- Nonexempt personal property, the value of which does not exceed the total of the cost of preferred funeral expenses, and the amount of all reasonable and necessary medical and hospital expenses incurred in the last 60 days of the decedent's final illness, if any.³¹

Administration is also not required if a decedent dies intestate leaving only a small estate consisting of:

- Personal property exempt under state law.³²
- Personal property classified as exempt from the claims of the decedent's creditors by the Florida Constitution.
- Nonexempt personal property, the value of which does not exceed the sum of \$10,000 and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness, if any, provided the decedent has been deceased for more than 1 year and no administration of the decedent's estate is pending in Florida.³³

Additionally, state law permits:

- A maximum of \$2,500 in income tax refunds to be claimed by a decedent's spouse or child without administration of the decedent's estate.³⁴
- A maximum of \$1,000 in funds in a qualified account held by a financial institution to be distributed to a family member of a decedent using affidavit procedures.³⁵

Judicial Management Council Workgroup on Uncontested Probate Proceedings

On April 30, 2024, the Florida Supreme Court issued Administrative Order No. AOSC24-20. That order established the Workgroup on Uncontested Probate Proceedings (Workgroup) within the Judicial Management Council (Council)³⁶ to make recommendations to redesign and improve the efficiency and effectiveness of Florida's processes and procedures for uncontested probate proceedings.³⁷

³⁰ Section 732.402, F.S.

³¹ Section 735.301(1), F.S.

³² Section 732.402, F.S.

³³ Section 735.304, F.S.

³⁴ Section 735.302, F.S.

³⁵ Section 735.303, F.S.

³⁶ The Judicial Management Council is a focused advisory body that assists the chief justice and the Supreme Court. The Council is charged, among other responsibilities, with identifying and evaluating information that would assist in improving the performance and effectiveness of the judicial branch. Florida Courts, Office of the State Courts Administrator, *Judicial Management Council*, <https://www.flcourts.gov/Services/innovations-outreach/judicial-management-council>.

³⁷ *In re: Workgroup on Uncontested Probate Proceedings*, Fla. Admin. Order No. AOSC24-20 (April 30, 2024), available at <https://flcourts-media.flcourts.gov/content/download/2425605/file/AOSC24-20.pdf>.

The Workgroup conducted a comprehensive review of Florida's probate procedures, probate laws in other states, and probate data trends. It also requested and received feedback from stakeholders. Based upon that information, the Workgroup prepared and submitted its Final Report and Recommendations to the Judicial Management Council on July 15, 2025 (Final Report). The Final Report was approved by the Council on August 11, 2025, for submission to the Florida Supreme Court.³⁸

The Final Report identified numerous recurring challenges in Florida's probate proceedings that contribute to inefficiencies, delays, and inconsistent outcomes statewide. These challenges, which include barriers imposed by financial institutions and outdated statutory small estate values,³⁹ are discussed in more detail in Section III, Effect of Proposed Changes.

III. Effect of Proposed Changes:

The bill amends various provisions of state law relating to uncontested probate proceedings, consistent with the recommendations of the Workgroup on Uncontested Probate Proceedings (Workgroup).

Barriers Imposed by Financial Institutions

According to the Workgroup, interactions with financial institutions are a significant source of delay in probate proceedings; personal representatives frequently face obstacles when financial institutions refuse to honor valid letters of administration, impose inconsistent or extralegal requirements, or restrict access to account information and safe deposit boxes. These practices delay asset distribution, generate unnecessary court filings, and impose additional burdens on judges, attorneys, and personal representatives.⁴⁰

To address these issues, the Workgroup's Final Report recommended an amendment to s. 655.933, F.S., which regulates access to safe deposit boxes by fiduciaries, to require, rather than permit, financial institutions to grant personal representatives access to a decedent's safe deposit box.⁴¹ **Section 1** of the bill implements this recommendation.

The Workgroup's Final Report also recommended an amendment to s. 655.936, F.S., which regulates the delivery of safe deposit box contents or property held in safekeeping to personal representatives, to require financial institutions to allow personal representatives or their attorneys to pay accumulated charges for a safe deposit box lease and to terminate the safe deposit box lease.⁴² **Section 2** of the bill implements this recommendation.

³⁸ Florida Courts, Office of the State Courts Administrator, *Uncontested Probate Proceedings*, 1, undated (on file with the Committee on Judiciary).

³⁹ *Id.*; The Workgroup on Uncontested Probate Proceedings, *Final Report and Recommendations* (July 15, 2025), <https://www.flcourts.gov/Services/innovations-outreach/workgroups/workgroup-on-uncontested-probate-proceedings2/the-workgroup-on-uncontested-probate-proceedings-report>.

⁴⁰ *Id.*

⁴¹ Florida Courts, Office of the State Courts Administrator, *Uncontested Probate Proceedings*, 2, undated (on file with the Committee on Judiciary); The Workgroup on Uncontested Probate Proceedings, *Final Report and Recommendations* (July 15, 2025), <https://www.flcourts.gov/Services/innovations-outreach/workgroups/workgroup-on-uncontested-probate-proceedings2/the-workgroup-on-uncontested-probate-proceedings-report>.

⁴² *Id.*

Regarding the apparent obstacles faced by personal representatives, the Workgroup's Final Report recommended amendments to:

- Section 733.603, F.S., which regulates the duties of personal representatives without court order.
- Section 733.612, F.S., which authorizes personal representatives to undertake certain transactions.
- Section 733.6171, F.S., which regulates the compensation a personal representative's attorney may collect.

The recommended amendments expressly authorize personal representatives to initiate legal proceedings to enforce their authority under the Florida Probate Code and to clarify that that attorney involvement in enforcement proceedings constitutes an extraordinary service for which reasonable compensation is warranted.⁴³ **Sections 3, 4, and 6** implement these recommendations.

The Workgroup's Final Report also recommended creating s. 733.6125, F.S., entitled "Proceedings to enforce authority," to require the award of taxable costs, including attorney fees, against any person whose actions or inactions necessitate a successful enforcement proceeding by a personal representative.⁴⁴ **Section 5** of the bill implements this recommendation.

Outdated Statutory Small Estate Values

Another challenge identified by the Workgroup is the statutory value of small estates eligible for Florida's simplified probate processes. According to the Workgroup, these statutory values have not kept pace with inflation and evolving economic conditions, limiting access to simplified probate processes for small estates and resulting in more cases being directed to formal administration.⁴⁵

The Workgroup's Final Report recommended amending s. 735.201, F.S., which regulates summary administration eligibility, to increase the value of estates eligible for summary administration from \$75,000 to \$150,000.⁴⁶ **Section 7** of the bill implements this recommendation.

The Workgroup's Final Report also recommended amending s. 735.302, F.S., which regulates such tax refunds, to increase the maximum income tax refund that may be claimed by a decedent's spouse or child without administration of the decedent's estate from \$2,500 to \$5,000.⁴⁷ **Section 8** of the bill implements this recommendation.

The Workgroup's Final Report also recommended amending s. 735.303, F.S., which regulates the payment of successors without court proceedings, to increase the amount of funds in a qualified account held by a financial institution that may be distributed to a family member of the

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

decedent using affidavit procedures from \$1,000 to \$2,000.⁴⁸ **Section 9** of the bill implements this recommendation.

The Workgroup's Final Report also recommended amending s. 735.304, F.S., which provides for the disposition of intestate property in small estates without administration, to increase the value of intestate estates consisting only of certain personal property that may be disposed of without administration from \$10,000 to \$20,000. **Section 10** of the bill implements this recommendation.

Reenactments

The bill implements the following reenactments:

- **Section 11** of the bill reenacts s. 655.937(1)(b), F.S., for the purpose of incorporating the amendment made by the bill to s. 655.933, F.S.
- **Section 12** of the bill reenacts s. 734.101(4), F.S., for the purpose of incorporating the amendment made by the bill to s. 655.936, F.S.
- **Section 13** of the bill reenacts s. 733.106, F.S., for the purpose of incorporating the amendment made by the bill to s. 733.6171, F.S.

Effective Date

Section 14 of the bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁴⁸ *Id.*

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

None.

B. Private Sector Impact:

The bill will increase the number of estates eligible for summary administration or no administration, which means fewer personal representatives will need to incur the legal and other costs to formally administer estates. Additionally, because the bill clarifies the authority of personal representatives to access certain assets held by financial institutions, it is anticipated the bill will result in fewer legal disputes with financial institutions.

C. Government Sector Impact:

The bill will increase the number of estates eligible for summary administration or no administration. It will also increase the number of assets held by financial institutions that may be distributed without further action by the court. Accordingly, it is anticipated that the bill will conserve judicial resources because it will result in fewer probate cases requiring formal administration or other court action.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 655.933, 655.936, 733.603, 733.612, 733.6171, 735.201, 735.302, 735.303, and 735.304.

This bill creates section 733.6125 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 655.937(1)(b), 734.101(4), and 733.106.

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

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

None.

B. Amendments:

None.

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

By Senator Bradley

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20261500__

1 A bill to be entitled
 2 An act relating to estates; amending ss. 655.933 and
 3 655.936, F.S.; revising the responsibilities a lessor
 4 of a safe-deposit box has to certain persons; amending
 5 s. 733.603, F.S.; revising the issues a court may
 6 resolve for a personal representative; amending s.
 7 733.612, F.S.; revising the list of transactions a
 8 personal representative may make if acting reasonably
 9 for the benefit of certain persons; creating s.
 10 733.6125, F.S.; requiring the court to award taxable
 11 costs and attorney fees in certain proceedings;
 12 authorizing the court to direct such payment from
 13 certain persons; providing that such payment may be
 14 satisfied from certain property; amending s. 733.6171,
 15 F.S.; revising what constitutes an extraordinary
 16 service of an attorney; making technical changes;
 17 amending s. 735.201, F.S.; revising when summary
 18 administration proceedings may commence for either a
 19 resident or nonresident decedent's estate; amending s.
 20 735.302, F.S.; revising the sum at which an
 21 overpayment of taxes by a decedent may be refunded by
 22 the United States Treasury Department; amending s.
 23 735.303, F.S.; revising the sum for funds certain
 24 financial institutions may make payable to a
 25 decedent's family member; conforming provisions to
 26 changes made by the act; amending s. 735.304, F.S.;
 27 revising the prohibition against certain proceedings
 28 for a decedent when he or she dies intestate and
 29 leaves only certain personal property worth a

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

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30 specified sum; reenacting s. 655.937(1)(b), F.S.,
 31 relating to access to safe-deposit boxes leased in two
 32 or more names, to incorporate the amendment made to s.
 33 655.933, F.S., in a reference thereto; reenacting s.
 34 734.101(4), F.S., relating to foreign personal
 35 representatives, to incorporate the amendment made to
 36 s. 655.936, F.S., in a reference thereto; reenacting
 37 s. 733.106(4), F.S., relating to costs and attorney
 38 fees, to incorporate the amendment made to s.
 39 733.6171, F.S., in a reference thereto; providing an
 40 effective date.

41
 42 Be It Enacted by the Legislature of the State of Florida:

43
 44 Section 1. Section 655.933, Florida Statutes, is amended to
 45 read:

46 655.933 Access by fiduciaries.—If a safe-deposit box is
 47 made available by a lessor to one or more persons acting as
 48 fiduciaries, the lessor ~~may~~, except as otherwise expressly
 49 provided in the lease or the writings pursuant to which such
 50 fiduciaries are acting, ~~allow access thereto as follows:~~

51 (1) Must allow access to the safe-deposit box by any ~~one or~~
 52 ~~more~~ of the persons acting as personal representatives; ~~and—~~

53 (2) May allow access to the safe-deposit box by:

54 (a) Any ~~one or more~~ of the persons otherwise acting as
 55 fiduciaries if authorized in writing, which writing is signed by
 56 all other persons so acting; ~~or—~~

57 (b)(3) ~~By~~ Any agent authorized in writing, which writing is
 58 signed by all persons acting as fiduciaries.

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

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59 Section 2. Subsection (1) of section 655.936, Florida
60 Statutes, is amended to read:

61 655.936 Delivery of safe-deposit box contents or property
62 held in safekeeping to personal representative.—

63 (1) Subject to ~~the provisions of~~ subsection (3), the lessor
64 shall:

65 (a) Immediately deliver to a personal representative
66 appointed by a court in this state, upon presentation of a
67 certified copy of his or her letters of authority, all property
68 deposited with it by the decedent for safekeeping;—and shall

69 (b) Grant the personal representative access to any safe-
70 deposit box in the decedent's name and allow ~~permit~~ him or her
71 to remove from such box any part or all of the contents thereof;
72 and

73 (c) Allow the personal representative or the personal
74 representative's attorney to pay the accumulated charges and
75 terminate the lease.

76 Section 3. Section 733.603, Florida Statutes, is amended to
77 read:

78 733.603 Personal representative to proceed without court
79 order.—A personal representative shall proceed expeditiously
80 with the settlement and distribution of a decedent's estate and,
81 except as otherwise specified by this code or ordered by the
82 court, shall do so without adjudication, order, or direction of
83 the court. A personal representative may invoke the jurisdiction
84 of the court to resolve questions concerning the estate or its
85 administration or to enforce the authority of a personal
86 representative conferred by this code.

87 Section 4. Subsection (28) is added to section 733.612,

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88 Florida Statutes, to read:

89 733.612 Transactions authorized for the personal
90 representative; exceptions.—Except as otherwise provided by the
91 will or court order, and subject to the priorities stated in s.
92 733.805, without court order, a personal representative, acting
93 reasonably for the benefit of the interested persons, may
94 properly:

95 (28) Institute a proceeding to enforce his or her authority
96 as personal representative as conferred by this code.

97 Section 5. Section 733.6125, Florida Statutes, is created
98 to read:

99 733.6125 Proceedings to enforce authority.—In any
100 proceeding to enforce the authority of a personal representative
101 as conferred by this code, the court shall award to a prevailing
102 personal representative taxable costs as in chancery actions,
103 including attorney fees. When awarding taxable costs and
104 attorney fees under this section, the court may direct payment
105 from any person whose action or inaction necessitated the
106 enforcement proceeding or from any person having an interest in
107 the estate and may enter a judgment that may be satisfied from
108 other property.

109 Section 6. Paragraph (b) of subsection (2) and subsection
110 (6) of section 733.6171, Florida Statutes, are amended, and
111 paragraph (1) is added to subsection (4) of that section, to
112 read:

113 733.6171 Compensation of attorney for the personal
114 representative.—

115 (2)

116 (b) An attorney representing a personal representative in

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117 an estate administration who intends to charge a fee based upon
118 the schedule set forth in subsection (3) shall make the
119 following disclosures in writing to the personal representative:

120 1. There is not a mandatory statutory attorney fee for
121 estate administration.

122 2. The attorney fee is not required to be based on the size
123 of the estate, and the presumed reasonable fee provided in
124 subsection (3) may not be appropriate in all estate
125 administrations.

126 3. The fee is subject to negotiation between the personal
127 representative and the attorney.

128 4. The selection of the attorney is made at the discretion
129 of the personal representative, who is not required to select
130 the attorney who prepared the will.

131 5. The personal representative is ~~shall be~~ entitled to a
132 summary of ordinary and extraordinary services rendered for the
133 fees agreed upon at the conclusion of the representation. The
134 summary must ~~shall~~ be provided by counsel and must ~~shall~~ consist
135 of the total hours devoted to the representation or a detailed
136 summary of the services performed during the representation.

137 (4) Subject to subsection (2), in addition to fees for
138 ordinary services, the attorney for the personal representative
139 shall be allowed further reasonable compensation for any
140 extraordinary service. What is an extraordinary service may vary
141 depending on many factors, including the size and complexity of
142 the estate. Extraordinary services may include, but are not
143 limited to:

144 (1) Involvement in any proceeding to enforce the authority
145 of a personal representative as conferred by this code.

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146 (6) If a separate written agreement regarding compensation
147 exists between the attorney and the decedent, the attorney must
148 ~~shall~~ furnish a copy to the personal representative before ~~prior~~
149 ~~to~~ commencement of employment, and, if employed, must ~~shall~~
150 promptly file and serve a copy on all interested persons. A
151 separate agreement or a provision in the will suggesting or
152 directing that the personal representative retain a specific
153 attorney does not obligate the personal representative to employ
154 the attorney or obligate the attorney to accept the
155 representation, but if the attorney who is a party to the
156 agreement or who drafted the will is employed, the compensation
157 paid may ~~shall~~ not exceed the compensation provided in the
158 agreement or in the will.

159 Section 7. Subsection (2) of section 735.201, Florida
160 Statutes, is amended to read:

161 735.201 Summary administration; nature of proceedings.—
162 Summary administration may be had in the administration of
163 either a resident or nonresident decedent's estate, when it
164 appears:

165 (2) That the value of the entire estate subject to
166 administration in this state, less the value of property exempt
167 from the claims of creditors, does not exceed \$150,000 ~~\$75,000~~
168 or that the decedent has been dead for more than 2 years.

169 Section 8. Subsection (1) of section 735.302, Florida
170 Statutes, is amended to read:

171 735.302 Income tax refunds in certain cases.—

172 (1) In any case when the United States Treasury Department
173 determines that an overpayment of federal income tax exists and
174 the person in whose favor the overpayment is determined is dead

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175 at the time the overpayment of tax is to be refunded, and
 176 ~~notwithstanding irrespective of~~ whether the decedent had filed a
 177 joint and several or separate income tax return, the amount of
 178 the overpayment, if not in excess of \$5,000 ~~\$2,500~~, may be
 179 refunded as follows:

180 (a) Directly to the surviving spouse on his or her verified
 181 application; or

182 (b) If there is no surviving spouse, to one of the
 183 decedent's children who is designated in a verified application
 184 purporting to be executed by all of the decedent's children over
 185 the age of 14 years.

186
 187 In either event, the application must show that the decedent was
 188 not indebted, that provision has been made for the payment of
 189 the decedent's debts, or that the entire estate is exempt from
 190 the claims of creditors under the constitution and statutes of
 191 the state, and that no administration of the estate, including
 192 summary administration, has been initiated and that none is
 193 planned, to the knowledge of the applicant.

194 Section 9. Subsection (2), paragraph (c) of subsection (3),
 195 and subsection (4) of section 735.303, Florida Statutes, are
 196 amended to read:

197 735.303 Payment to successor without court proceedings.—

198 (2) A financial institution in this state may pay to the
 199 family member of a decedent, without any court proceeding,
 200 order, or judgment, the funds on deposit in all qualified
 201 accounts of the decedent at the financial institution if the
 202 total amount of the combined funds in the qualified accounts at
 203 the financial institution do not exceed an aggregate total of

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204 \$2,000 ~~\$1,000~~. The financial institution may not make such
 205 payment earlier than 6 months after the date of the decedent's
 206 death.

207 (3) In order to receive the funds described in subsection
 208 (2), the family member must provide to the financial institution
 209 a certified copy of the decedent's death certificate and a sworn
 210 affidavit that includes all of the following:

211 (c) A statement attesting that the total amount in all
 212 qualified accounts held by the decedent in all financial
 213 institutions known to the affiant does not exceed an aggregate
 214 total of \$2,000 ~~\$1,000~~.

215 (4) The family member may use an affidavit in substantially
 216 the following form to fulfill the requirements of subsection
 217 (3):

218
 219 AFFIDAVIT UNDER
 220 SECTION 735.303, FLORIDA STATUTES,
 221 TO OBTAIN BANK PROPERTY OF DECEASED
 222 ACCOUNT HOLDER: ...(Name of decedent)...
 223 State of
 224 County of

225
 226 Before the undersigned authority personally appeared ...(name of
 227 affiant)..., of ...(residential address of affiant)..., who has
 228 been sworn and says the following statements are true:

229 (a) The affiant is (initial one of the following
 230 responses):

- 231 The surviving spouse of the decedent.
- 232 A surviving adult child of the decedent, and the

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291 does not exceed the sum of \$20,000 ~~\$10,000~~ and the amount of
 292 preferred funeral expenses and reasonable and necessary medical
 293 and hospital expenses of the last 60 days of the last illness,
 294 provided the decedent has been deceased for more than 1 year and
 295 no administration of the decedent's estate is pending in this
 296 state.

297 Section 11. For the purpose of incorporating the amendment
 298 made by this act to section 655.933, Florida Statutes, in a
 299 reference thereto, paragraph (b) of subsection (1) of section
 300 655.937, Florida Statutes, is reenacted to read:

301 655.937 Access to safe-deposit boxes leased in two or more
 302 names.—

303 (1) Unless specifically provided in the lease or rental
 304 agreement to the contrary, if a safe-deposit box is rented or
 305 leased in the names of two or more lessees, access to the safe-
 306 deposit box will be granted to:

307 (b) Subject to s. 655.933, those persons named in s.
 308 655.933.

309 Section 12. For the purpose of incorporating the amendment
 310 made by this act to section 655.936, Florida Statutes, in a
 311 reference thereto, subsection (4) of section 734.101, Florida
 312 Statutes, is reenacted to read:

313 734.101 Foreign personal representative.—

314 (4) Except as provided in s. 655.936, all persons indebted
 315 to the estate of a decedent, or having possession of personal
 316 property belonging to the estate, who have received no written
 317 demand from a personal representative or curator appointed in
 318 this state for payment of the debt or the delivery of the
 319 property are authorized to pay the debt or to deliver the

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320 personal property to the foreign personal representative after
 321 the expiration of 90 days from the date of appointment of the
 322 foreign personal representative.

323 Section 13. For the purpose of incorporating the amendment
 324 made by this act to section 733.6171, Florida Statutes, in a
 325 reference thereto, subsection (4) of section 733.106, Florida
 326 Statutes, is reenacted to read:

327 733.106 Costs and attorney fees.—

328 (4) If costs and attorney fees are to be paid from the
 329 estate under this section, s. 733.6171(4), s. 736.1005, or s.
 330 736.1006, the court, in its discretion, may direct from what
 331 part of the estate they shall be paid.

332 (a) If the court directs an assessment against a person's
 333 part of the estate and such part is insufficient to fully pay
 334 the assessment, the court may direct payment from the person's
 335 part of a trust, if any, if a pour-over will is involved and the
 336 matter is interrelated with the trust.

337 (b) All or any part of the costs and attorney fees to be
 338 paid from the estate may be assessed against one or more
 339 persons' part of the estate in such proportions as the court
 340 finds to be just and proper.

341 (c) In the exercise of its discretion, the court may
 342 consider the following factors:

343 1. The relative impact of an assessment on the estimated
 344 value of each person's part of the estate.

345 2. The amount of costs and attorney fees to be assessed
 346 against a person's part of the estate.

347 3. The extent to which a person whose part of the estate is
 348 to be assessed, individually or through counsel, actively

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349 participated in the proceeding.

350 4. The potential benefit or detriment to a person's part of
351 the estate expected from the outcome of the proceeding.

352 5. The relative strength or weakness of the merits of the
353 claims, defenses, or objections, if any, asserted by a person
354 whose part of the estate is to be assessed.

355 6. Whether a person whose part of the estate is to be
356 assessed was a prevailing party with respect to one or more
357 claims, defenses, or objections.

358 7. Whether a person whose part of the estate is to be
359 assessed unjustly caused an increase in the amount of costs and
360 attorney fees incurred by the personal representative or another
361 interested person in connection with the proceeding.

362 8. Any other relevant fact, circumstance, or equity.

363 (d) The court may assess a person's part of the estate
364 without finding that the person engaged in bad faith,
365 wrongdoing, or frivolousness.

366 Section 14. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR JENNIFER BRADLEY

6th District

January 20, 2026

Senator Clay Yarborough, Chairman
Judiciary Committee
308 Senate Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Yarborough:

I respectfully request that Senate Bill 1500 be placed on the agenda of the Judiciary Committee at your earliest convenience. The bill implements recommendations of the Workgroup on Uncontested Probate Proceedings.

Thank you for your consideration and please reach out if you have any questions or concerns about the bill.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

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

REPLY TO:

- 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

SB 1500

January 27, 2026

Meeting Date

Senate Judiciary Committee

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Chief Judge Frank Allman**

Phone **850-606-4305**

Address **Leon County Courthouse, 301 S. Monroe Street**

Email

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

1/27/26

Meeting Date

Senate Judiciary Committee

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 1500

Bill Number or Topic

Amendment Barcode (if applicable)

Name Eric W. Maclure, State Courts Administrator

Phone 850-922-9340

Address Supreme Court Bldg., 500 S. Duval Street

Email macluree@flcourts.gov

Street

Tallahassee

FL

32399

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

State Courts System

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

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

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

S-001 (08/10/2021)

Uncontested Probate Proceedings

Source of Proposal

Judicial Management Council Workgroup on Uncontested Probate Proceedings

Summary

This proposal implements legislative recommendations of the Judicial Management Council Workgroup on Uncontested Probate Proceedings (Workgroup).¹

On April 30, 2024, [Administrative Order No. AOSC24-20](#) established the Workgroup within the Judicial Management Council to make recommendations to redesign and improve the efficiency and effectiveness of Florida's processes and procedures for uncontested probate proceedings.² After conducting a comprehensive review of Florida's probate procedures, probate laws in other states, probate data trends, and feedback from extensive stakeholder outreach, the Workgroup submitted its Final Report and Recommendations to the Judicial Management Council (Council) on July 15, 2025. The report was approved by the Council on August 11, 2025, for submission to the Supreme Court.

The Workgroup's report identified numerous recurring challenges in Florida's probate proceedings that contribute to inefficiencies, delays, and inconsistent outcomes statewide. Among these challenges are:

- **Outdated Statutory Small Estate Values:** The statutory value of small estates eligible for Florida's simplified probate processes have not keep pace with inflation and evolving economic conditions, limiting access to simplified probate processes for small estates and resulting in more cases being directed to formal administration.
- **Barriers Imposed by Financial Institutions:** Interactions with financial institutions are a significant source of delay in probate proceedings. Personal representatives frequently face obstacles when financial institutions refuse to honor valid letters of administration, impose inconsistent or extralegal requirements, or restrict access to account information and safe-deposit boxes. These practices delay asset distribution, generate unnecessary court filings, and impose additional burdens on judges, attorneys, and personal representatives.

¹ Judicial Management Council Workgroup on Uncontested Probate Proceedings, [Final Report and Recommendations](#) (July 15, 2025).

² *In re: Workgroup on Uncontested Probate Proceedings*, Fla. Admin. Order No. AOSC24-20 (April 30, 2024).

- **Clerk Resources:** There is a need for increased funding and support for clerks of court to fulfill expanded probate responsibilities recommended by the Workgroup, including assisting unrepresented persons with completing Supreme Court–approved probate forms.³

To address these issues, the Workgroup developed various recommendations⁴ to streamline probate procedures, reduce unnecessary delays, optimize judicial resources, and promote greater statewide consistency—with the overarching goal of making probate administration more timely, efficient, and accessible. The statutory recommendations include:

- Amend s. 735.201(2), F.S., to increase the value of estates eligible for summary administration from \$75,000 to \$150,000.
- Amend s. 735.304(1), F.S., to increase the value of intestate estates consisting only of certain personal property that may be disposed of without administration from \$10,000 to \$20,000.
- Amend s. 735.302(1), F.S., to increase the maximum income tax refund that may be claimed by a decedent’s spouse or child without administration of the decedent’s estate from \$2,500 to \$5,000.
- Amend s. 735.303(2), F.S., to increase the maximum amount of funds in a qualified account held by a financial institution that may be distributed to a family member of the decedent by affidavit procedures from \$1,000 to \$2,000.
- Amend s. 655.933, F.S., to require, rather than permit, financial institutions to grant personal representatives access to a decedent’s safe deposit box.
- Amend s. 655.936, F.S., to require financial institutions to allow personal representatives or their attorneys to pay accumulated charges for a safe-deposit box lease and to terminate the safe-deposit box lease.
- Amend ss. 733.603, 733.612, and 733.6171, F.S., to expressly authorize personal representatives to initiate legal proceedings to enforce their authority under the Florida Probate Code and to clarify that attorney involvement in enforcement proceedings constitutes an extraordinary service for which reasonable compensation is warranted.
- Create s. 733.6125, F.S., to require the award of taxable costs, including attorney fees, against any person whose actions or inactions necessitate a successful enforcement proceeding by a personal representative.

The Workgroup’s statutory recommendations are intended to reduce

³ The Workgroup recommended statewide adoption of Supreme Court–approved probate forms to enhance uniformity, reduce confusion, and promote more efficient case processing.

⁴ The Workgroup has proposed comprehensive reforms to address its findings, including the creation of an administrative probate process facilitated by magistrates for uncontested probate proceedings, the creation of Supreme Court–approved standardized checklists and forms, additional training and education for the bench and bar, and time limitations for letters of administration.

unnecessary judicial workload while preserving robust judicial safeguards against fraud and error. Updating the statutory values of estates eligible for simplified and expedited probate processes will reduce the number of estates requiring formal administration, thereby enhancing judicial efficiency. Additionally, clarifying the authority of personal representatives and providing for attorney fees in enforcement proceedings are expected to improve financial institution compliance with lawful requests of personal representatives and decrease the volume of disputes requiring court intervention.

The Workgroup also recommended an amendment to s. 28.241, F.S., to repeal a re-open fee exemption for probate proceedings initiated prior to discharge and for disposition of personal property without administration.⁵ Potential revenues from repeal of the fee exemption have been identified as a funding source to support clerks' expanded probate responsibilities under the Workgroup's recommendations. In addition to supporting clerk operations, the Workgroup found that the re-open fee may serve as a useful case management tool by encouraging parties to resolve estates within the period prescribed in the letters of administration. The process improvement could reduce the need for courts and clerks to dismiss and later reopen dormant cases.

⁵ The re-open fee is set by the clerk of court but may not exceed \$50. Section 28.241(1)(b), F.S.

Draft Legislation

A bill to be entitled

An act relating to probate; amending ss. 28.241, 655.933, 655.936, 733.603, 733.612, 733.6171, 735.201, 735.302, 735.303, and 735.304, F.S.; creating s. 633.6125, F.S.; providing an effective date.

Be it Enacted by the Legislature of the State of Florida.

Section 1. Paragraph (b) of subsection (1) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(1) Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk. If a fee is not paid upon the filing of the pleading as required under this section, the clerk shall pursue collection of the fee pursuant to s. 28.246.

(b) A party reopening any civil action, suit, or proceeding in the circuit court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed \$50. For purposes of this section, a case is reopened after all appeals have been exhausted or time to file an appeal from a final order or final judgment has expired. A reopen fee may be assessed by the clerk for any motion filed by any party at least 90 days after a final order or final judgment has been filed with the clerk in the initial case. A reservation of jurisdiction by a court does not cause a case to remain open for purposes of this section or exempt a party from paying a reopen fee. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;
2. A writ of replevin;
3. A distress writ;
4. A writ of attachment;
5. A motion for rehearing filed within 10 days;
6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;
7. A motion for dismissal filed after a mediation agreement has been filed;
- ~~8. A disposition of personal property without administration;~~
- ~~9. Any probate case prior to the discharge of a personal representative;~~
- ~~8.~~ 10. Any guardianship pleading prior to discharge;
- ~~9.~~ 11. Any mental health pleading;
- ~~10.~~ 12. Motions to withdraw by attorneys;

- ~~11~~ 13. Motions exclusively for the enforcement of child support orders;
- ~~12~~ 14. A petition for credit of child support;
- ~~13~~ 15. A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;
- ~~14~~ 16. Stipulations and motions to enforce stipulations;
- ~~15~~ 17. Responsive pleadings;
- ~~16~~ 18. Cases in which there is no initial filing fee; or
- ~~17~~ 19. Motions for contempt.

Section 2. Section 655.933, Florida Statutes, is amended to read:

655.933 Access by fiduciaries.—If a safe-deposit box is made available by a lessor to one or more persons acting as fiduciaries, the lessor ~~may~~, except as otherwise expressly provided in the lease or the writings pursuant to which such fiduciaries are acting, ~~allow access thereto as follows:~~

- (1) Must allow access thereto by any one or more of the persons acting as personal representatives; ~~or-~~
- (2) May allow access thereto by:
 - (a) Any one or more of the persons otherwise acting as fiduciaries if authorized in writing, which writing is signed by all other persons so acting; ~~or-~~
 - (b) ~~(3)~~ By Any agent authorized in writing, which writing is signed by all persons acting as fiduciaries.

Section 3. Section 655.936, Florida Statutes, is amended to read:

655.936 Delivery of safe-deposit box contents or property held in safekeeping to personal representative.—

- (1) Subject to the provisions of subsection (3), the lessor must: ~~shall~~
 - (a) Immediately deliver to a personal representative appointed by a court in this state, upon presentation of a certified copy of his or her letters of authority, all property deposited with it by the decedent for safekeeping; ~~and shall~~
 - (b) Grant the personal representative access to any safe-deposit box in the decedent's name and permit him or her to remove from such box any part or all of the contents thereof; and
 - (c) Allow the personal representative or the personal representative's attorney to pay the accumulated charges and terminate the lease.

(2) If a personal representative of a deceased lessee has been appointed by a court of any other state, a lessor may, at its discretion, after 3 months from the issuance to such personal representative of his or her letters of authority, deliver to such personal representative all properties deposited with it for safekeeping and the contents of any safe-deposit box in the name of the decedent if at such time the lessor has not received written notice of the appointment of a personal representative in this state, and such delivery is a valid discharge of the

lessor for all property or contents so delivered. A personal representative appointed by a court of any other state must ~~shall~~ furnish the lessor with an affidavit setting forth facts showing the domicile of the deceased lessee to be other than this state and stating that there are no unpaid creditors of the deceased lessee in this state, together with a certified copy of his or her letters of authority. A lessor making delivery pursuant to this subsection must ~~shall~~ maintain in its files a receipt executed by such personal representative which itemizes in detail all property so delivered.

(3) Notwithstanding the provisions of subsection (1), after the death of a lessee of a safe-deposit box, the lessor must ~~shall~~ permit the initial opening of the safe-deposit box and the removal of the contents of the safe-deposit box in accordance with s. 733.6065.

(4) A lessor is not liable for damages or penalty by reason of any delivery made pursuant to this section.

Section 4. Section 733.603, Florida Statutes, is amended to read:

733.603 Personal representative to proceed without court order.—A personal representative must ~~shall~~ proceed expeditiously with the settlement and distribution of a decedent's estate and, except as otherwise specified by this code or ordered by the court, must ~~shall~~ do so without adjudication, order, or direction of the court. A personal representative may invoke the jurisdiction of the court to resolve questions concerning the estate, ~~or its administration,~~ or to enforce the authority of a personal representative conferred by this code.

Section 5. Subsection (28) is added to section 733.612, Florida Statutes, to read:

733.612 Transactions authorized for the personal representative; exceptions.—Except as otherwise provided by the will or court order, and subject to the priorities stated in s. 733.805, without court order, a personal representative, acting reasonably for the benefit of the interested persons, may properly:

(28) Institute a proceeding to enforce the authority of a personal representative conferred by this code.

Section 6. Section 733.6125, Florida Statutes, is created to read:

733.6125 Proceedings to enforce authority.— In any proceeding to enforce the authority of a personal representative conferred by this code, the court must award taxable costs as in chancery actions, including attorney's fees. When awarding taxable costs and attorney's fees under this section, the court may direct payment from any person whose action or inaction necessitated the enforcement proceeding or from an interest in the estate, and may enter a judgment that may be satisfied from other property.

Section 7. Subsections (2), (4), (5), and (6) of section 733.6171, Florida

Statutes, are amended to read:

733.6171 Compensation of attorney for the personal representative.—

(2)(a) The attorney, the personal representative, and persons bearing the impact of the compensation may agree to compensation determined in a different manner than provided in this section. Compensation may also be determined in a different manner than provided in this section if the manner is disclosed to the parties bearing the impact of the compensation and if no objection is made as provided for in the Florida Probate Rules.

(b) An attorney representing a personal representative in an estate administration who intends to charge a fee based upon the schedule set forth in subsection (3) must ~~shall~~ make the following disclosures in writing to the personal representative:

1. There is not a mandatory statutory attorney fee for estate administration.

2. The attorney fee is not required to be based on the size of the estate, and the presumed reasonable fee provided in subsection (3) may not be appropriate in all estate administrations.

3. The fee is subject to negotiation between the personal representative and the attorney.

4. The selection of the attorney is made at the discretion of the personal representative, who is not required to select the attorney who prepared the will.

5. The personal representative is ~~shall be~~ entitled to a summary of ordinary and extraordinary services rendered for the fees agreed upon at the conclusion of the representation. The summary must ~~shall~~ be provided by counsel and must ~~shall~~ consist of the total hours devoted to the representation or a detailed summary of the services performed during the representation.

(c) The attorney must ~~shall~~ obtain the personal representative's timely signature acknowledging the disclosures.

(d) If the attorney does not make the disclosures required by this section, the attorney may not be paid for legal services without prior court approval of the fees or the written consent of all interested parties.

(4) Subject to subsection (2), in addition to fees for ordinary services, the attorney for the personal representative must ~~shall~~ be allowed further reasonable compensation for any extraordinary service. What is an extraordinary service may vary depending on many factors, including the size and complexity of the estate. Extraordinary services may include, but are not limited to:

(a) Involvement in a will contest, will construction, a proceeding for determination of beneficiaries, a contested claim, elective share proceeding, apportionment of estate taxes, or any adversarial proceeding or litigation by or against the estate.

(b) Representation of the personal representative in audit or any proceeding for adjustment, determination, or collection of any taxes.

(c) Tax advice on postmortem tax planning, including, but not limited to, disclaimer, renunciation of fiduciary commission, alternate valuation date, allocation of administrative expenses between tax returns, the QTIP or reverse QTIP election, allocation of GST exemption, qualification for Internal Revenue Code ss. 6166 and 303 privileges, deduction of last illness expenses, fiscal year planning, distribution planning, asset basis considerations, handling income or deductions in respect of a decedent, valuation discounts, special use and other valuation, handling employee benefit or retirement proceeds, prompt assessment request, or request for release of personal liability for payment of tax.

(d) Review of estate tax return and preparation or review of other tax returns required to be filed by the personal representative.

(e) Preparation of the estate's federal estate tax return. If this return is prepared by the attorney, a fee of one-half of 1 percent up to a value of \$10 million and one-fourth of 1 percent on the value in excess of \$10 million of the gross estate as finally determined for federal estate tax purposes, is presumed to be reasonable compensation for the attorney for this service. These fees shall include services for routine audit of the return, not beyond the examining agent level, if required.

(f) Purchase, sale, lease, or encumbrance of real property by the personal representative or involvement in zoning, land use, environmental, or other similar matters.

(g) Legal advice regarding carrying on of the decedent's business or conducting other commercial activity by the personal representative.

(h) Legal advice regarding claims for damage to the environment or related procedures.

(i) Legal advice regarding homestead status of real property or proceedings involving that status and services related to protected homestead.

(j) Involvement in fiduciary, employee, or attorney compensation disputes.

(k) Proceedings involving ancillary administration of assets not subject to administration in this state.

(l) Involvement in any proceeding to enforce the authority of a personal representative conferred by this code.

(5) Upon petition of any interested person, the court may increase or decrease the compensation for ordinary services of the attorney or award compensation for extraordinary services if the facts and circumstances of the particular administration warrant. In determining reasonable compensation, the court must ~~shall~~ consider all of the following factors, giving weight to each as it

determines to be appropriate:

(a) The promptness, efficiency, and skill with which the administration was handled by the attorney.

(b) The responsibilities assumed by and the potential liabilities of the attorney.

(c) The nature and value of the assets that are affected by the decedent's death.

(d) The benefits or detriments resulting to the estate or interested persons from the attorney's services.

(e) The complexity or simplicity of the administration and the novelty of issues presented.

(f) The attorney's participation in tax planning for the estate and the estate's beneficiaries and tax return preparation, review, or approval.

(g) The nature of the probate, nonprobate, and exempt assets, the expenses of administration, the liabilities of the decedent, and the compensation paid to other professionals and fiduciaries.

(h) Any delay in payment of the compensation after the services were furnished.

(i) Any agreement relating to the attorney's compensation and whether written disclosures were made to the personal representative in a timely manner under the circumstances pursuant to subsection (2).

(j) Any other relevant factors.

(6) If a separate written agreement regarding compensation exists between the attorney and the decedent, the attorney must ~~shall~~ furnish a copy to the personal representative prior to commencement of employment, and, if employed, must ~~shall~~ promptly file and serve a copy on all interested persons. A separate agreement or a provision in the will suggesting or directing that the personal representative retain a specific attorney does not obligate the personal representative to employ the attorney or obligate the attorney to accept the representation, but if the attorney who is a party to the agreement or who drafted the will is employed, the compensation paid must ~~shall~~ not exceed the compensation provided in the agreement or in the will.

Section 8. Subsection (2) of section 735.201, Florida Statutes, is amended to read:

735.201 Summary administration; nature of proceedings.—Summary administration may be had in the administration of either a resident or nonresident decedent's estate, when it appears:

(2) That the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors, does not exceed \$150,000 ~~\$75,000~~ or that the decedent has been dead for more than 2

years.

Section 9. Subsection (1) of section 735.302, Florida Statutes, is amended to read:

735.302 Income tax refunds in certain cases.—

(1) In any case when the United States Treasury Department determines that an overpayment of federal income tax exists and the person in whose favor the overpayment is determined is dead at the time the overpayment of tax is to be refunded, and irrespective of whether the decedent had filed a joint and several or separate income tax return, the amount of the overpayment, if not in excess of \$5,000 ~~\$2,500~~, may be refunded as follows:

- (a) Directly to the surviving spouse on his or her verified application; or
- (b) If there is no surviving spouse, to one of the decedent's children who is designated in a verified application purporting to be executed by all of the decedent's children over the age of 14 years.

In either event, the application must show that the decedent was not indebted, that provision has been made for the payment of the decedent's debts, or that the entire estate is exempt from the claims of creditors under the constitution and statutes of the state, and that no administration of the estate, including summary administration, has been initiated and that none is planned, to the knowledge of the applicant.

Section 10. Paragraph (c) of subsection (3), paragraph (c) of subsection (4), and subsection (2) of section 735.303, Florida Statutes, are amended to read:

735.303 Payment to successor without court proceedings.—

(2) A financial institution in this state may pay to the family member of a decedent, without any court proceeding, order, or judgment, the funds on deposit in all qualified accounts of the decedent at the financial institution if the total amount of the combined funds in the qualified accounts at the financial institution do not exceed an aggregate total of \$2,000 ~~\$1,000~~. The financial institution may not make such payment earlier than 6 months after the date of the decedent's death.

(3) In order to receive the funds described in subsection (2), the family member must provide to the financial institution a certified copy of the decedent's death certificate and a sworn affidavit that includes all of the following:

(c) A statement attesting that the total amount in all qualified accounts held by the decedent in all financial institutions known to the affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~.

(4) The family member may use an affidavit in substantially the following

form to fulfill the requirements of subsection (3):

AFFIDAVIT UNDER
SECTION 735.303, FLORIDA STATUTES,
TO OBTAIN BANK PROPERTY OF DECEASED
ACCOUNT HOLDER: (Name of decedent)

State of

County of

Before the undersigned authority personally appeared (name of affiant) , of (residential address of affiant) , who has been sworn and says the following statements are true:

(c) The affiant is entitled to payment of the funds in the decedent's depository accounts and certificates of deposit held by the financial institution (name of financial institution) . The total amount in all qualified accounts held by the decedent in all financial institutions known to the affiant does not exceed an aggregate total of \$2,000 ~~\$1,000~~. The affiant requests full payment from the financial institution.

Section 11. Subsection (1) of section 735.304, Florida Statutes, is amended to read:

735.304 Disposition without administration of intestate property in small estates.—

(1) No administration shall be required or formal proceedings instituted upon the estate of a decedent who has died intestate leaving only personal property exempt under the provisions of s. 732.402, personal property exempt from the claims of creditors under the State Constitution, and nonexempt personal property the value of which does not exceed the sum of \$20,000 ~~\$10,000~~ and the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness, provided the decedent has been deceased for more than 1 year and no administration of the decedent's estate is pending in this state.

Section 12. This act shall take effect July 1, 2026.

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Judiciary Committee

Judge:

Started: 1/27/2026 1:02:21 PM

Ends: 1/27/2026 2:21:20 PM Length: 01:19:00

1:02:21 PM Chair Yarborough calls the meeting to order
1:02:27 PM Roll call
1:02:45 PM Chair Yarborough makes opening remarks
1:03:08 PM Tab 4: SB 532-Court Fees by Senator Simon is TP'd
1:03:10 PM Tab 5: SB 620-Qualifying Candidates by Senator Mayfield
1:03:16 PM Chair Yarborough recognizes Sen Mayfield to explain the bill
1:03:19 PM Sen Mayfield explains the bill
1:04:00 PM Chair Yarborough reads appearance cards waiving
1:04:16 PM Chair Yarborough recognizes Sen Mayfield to close on the bill
1:04:27 PM Roll call
1:04:48 PM Chair Yarborough reports SB 620
1:05:02 PM Tab 11: SB 1396-Litigation Financing Consumer Protection by Senator Burton
1:05:07 PM Chair Yarborough recognizes Vice Chair Burton to explain the bill
1:05:12 PM Vice Chair Burton explains the bill
1:07:11 PM Questions:
1:07:13 PM Sen Polsky
1:07:34 PM Vice Chair Burton
1:08:06 PM Sen Polsky
1:08:18 PM Vice Chair Burton
1:08:35 PM Sen Polsky
1:08:47 PM Vice Chair Burton
1:09:00 PM Sen Polsky
1:09:14 PM Vice Chair Burton
1:09:58 PM Sen Polsky
1:10:10 PM Vice Chair Burton
1:10:35 PM Public Testimony:
1:10:47 PM Bob Schulte, Florida Justice Reform Institute
1:12:20 PM Chair Yarborough
1:12:26 PM Bob Schulte
1:12:51 PM Caroline Gieser, American Tort Reform Association
1:16:19 PM Sen Polsky
1:16:38 PM Caroline Gieser
1:17:46 PM Sen Polsky
1:18:10 PM Caroline Gieser
1:19:24 PM George Feijoo, U.S. Chamber Institute for Legal Reform
1:23:45 PM Bill Cotterall, Florida Justice Association
1:27:02 PM Chair Yarborough reads appearance cards waiving
1:27:46 PM Chair Yarborough recognizes Vice Chair Burton to close on the bill
1:28:43 PM Roll call
1:29:10 PM Chair Yarborough reports SB 1396
1:29:22 PM Recess
1:29:25 PM Recording Paused

1:30:41 PM Recording Resumed
1:31:00 PM Tab 2: SB 192-Patient Funds held in Trust by Chiropractic Physicians by Senator Martin
1:31:11 PM Chair Yarborough recognizes Sen Martin to explain the bill
1:31:14 PM Sen Martin explains the bill
1:31:25 PM Chair Yarborough
1:31:31 PM Sen Osgood
1:32:00 PM Chair Yarborough
1:32:23 PM Chair Yarborough reads appearance cards waiving
1:32:25 PM Public Testimony:
1:32:29 PM Dr. Rick Means, Florida Chiropractors Association
1:33:38 PM Roll call
1:34:02 PM Chair Yarborough reports SB 192
1:34:15 PM Tab 8: SB 888-Professional Services Contracts by Senator Martin
1:34:18 PM Chair Yarborough recognizes Sen Martin to explain the bill
1:34:20 PM Sen Martin explains the bill
1:35:06 PM Public Testimony:
1:35:20 PM Peter Moore
1:37:20 PM Chair Yarborough reads appearance cards waiving
1:37:50 PM Sen Martin waives close on the bill
1:37:54 PM Roll call
1:38:12 PM Chair Yarborough reports SB 888
1:38:30 PM Tab 3: SB 332-Public Meetings by Senator Bradley
1:38:34 PM Chair Yarborough recognizes Sen Bradley to explain amendment 865486
1:38:36 PM Sen Bradley explains the bill
1:40:08 PM Questions:
1:40:10 PM Sen Osgood
1:40:21 PM Sen Bradley
1:41:46 PM Chair Yarborough reads appearance cards waiving
1:42:27 PM Chair Yarborough recognizes Sen Bradley to close on the bill
1:43:10 PM Roll call
1:43:32 PM Chair Yarborough reports CS/SB 332
1:43:40 PM Tab 7: SB 820-Problem-solving Court Reports
1:43:45 PM Chair Yarborough recognizes Sen Bradley to explain the bill
1:43:47 PM Sen Bradley
1:45:10 PM Roll call
1:45:30 PM Chair Yarborough reports SB 820
1:45:40 PM Tab 12: SB 1500-Estates by Senator Bradley
1:45:46 PM Chair Yarborough recognizes Sen Bradley to explain the bill
1:45:47 PM Sen Bradley
1:47:31 PM Chair Yarborough reads appearance cards waiving
1:47:41 PM Sen Bradley closes on bill
1:47:52 PM Roll call
1:48:13 PM Chair Yarborough reports SB 1500
1:48:26 PM Tab 6: SB 694-Compensation of the Descendants of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas by Senator Bracy Davis
1:48:28 PM Chair Yarborough recognizes Sen Bracy Davis to explain the bill
1:48:33 PM Sen Bracy Davis
1:51:05 PM Questions:
1:51:08 PM Sen Hooper
1:51:42 PM Sen Bracy Davis
1:52:01 PM Sen Hooper
1:52:35 PM Chair Yarborough recognizes Sen Bracy Davis to explain amendment 412616

1:52:41 PM Sen Bracy Davis
1:53:40 PM Public Testimony:
1:53:45 PM Beverly Robinson
1:59:35 PM Kiara Nixon, Equal Ground
2:02:15 PM Adjournment
2:02:58 PM Delaitre Hollinger
2:04:40 PM Jonathan Webber, Southern Poverty Law Center
2:07:12 PM Chair Yarborough reads appearance cards waiving
2:07:40 PM Debate:
2:07:46 PM Sen Osgood
2:09:36 PM Chair Yarborough recognizes Sen Bracy Davis to close on the bill
2:09:41 PM Sen Bracy Davis closes on the bill
2:10:51 PM Roll call
2:11:13 PM Chair Yarborough reports CS/SB 694
2:11:22 PM Tab 1: SB 144-Public Records/Judicial Qualifications Commission by Senator Rouson
2:11:31 PM Chair Yarborough recognizes Sen Rouson to explain the bill
2:11:35 PM Sen Rouson
2:13:16 PM Chair Yarborough reads appearance cards waiving
2:13:29 PM Roll call
2:13:52 PM Chair Yarborough reports SB 144
2:13:59 PM Tab 10: SB 1224-Fraudulent Entry of Residential Dwellings by Senator Rodriguez
2:14:30 PM Chair Yarborough recognizes Sen Rodriguez to explain amendment 809630
2:15:09 PM Sen Rodriguez
2:16:06 PM Chair Yarborough reads appearance cards waiving
2:16:12 PM Sen Rodriguez waives close on the bill
2:16:21 PM Roll call
2:16:42 PM Chair Yarborough reports CS/SB 1224
2:16:56 PM Chair Yarborough recognizes Sen Osgood for a recognition
2:17:28 PM Tab 9: SB 1000-Trust Fund Interest for Purposes Approved by the Supreme Court by Senator Grall
2:17:33 PM Chair Yarborough recognizes Sen Grall to explain the bill
2:17:37 PM Sen Grall explains the bill
2:18:29 PM Public Testimony:
2:18:33 PM Chair Yarborough reads appearance cards waiving
2:18:37 PM Anthony DiMarco, Florida Bankers Association
2:18:52 PM Debate:
2:18:55 PM Sen Passidomo
2:19:21 PM Chair Yarborough recognizes Sen Grall to close on the bill
2:19:23 PM Sen Grall closes on the bill
2:19:52 PM Roll call
2:20:17 PM Chair Yarborough reports SB 1000
2:20:38 PM Sen Osgood motions to record vote after roll call for Tab 5, affirmative
2:20:48 PM Sen Passidomo motions to record votes after roll call for Tab 2 and Tab 8, affirmative
2:20:56 PM Sen Gaetz motions to record votes after roll call for Tabs 5, 11, 2, and 8, affirmative
2:21:04 PM Sen Trumbull motions to record votes after roll call for Tab 2 and Tab 8, affirmative
2:21:15 PM Adjournment



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Agriculture,
Environment, and General Government, *Vice Chair*
Appropriations
Education Postsecondary
Education Pre-K - 12
Health Policy
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR LORI BERMAN

Democratic Leader
26th District

MEMORANDUM

To: Senator Yarborough
From: Senator Berman
Subject: Absence
Date: January 22, 2026

Good afternoon, Chair Yarborough,

Please excuse my absence from the Judiciary Committee on January 27, 2025. Please let me know if you have any questions.

All the best,

A handwritten signature in black ink that reads "Lori Berman" followed by a horizontal line.

REPLY TO:

- 2300 High Ridge Road, Suite 161, Boynton Beach, Florida 33426 (561) 292-6014 FAX: (888) 284-6491
- 228 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

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BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore