

Tab 1	CS/SB 1080 by TR, DiCeglie ; Compare to CS/H 00543 Transportation
Tab 2	SB 1112 by Garcia ; Identical to H 01287 Labor Pool Act
Tab 3	SB 1324 by McClain ; Compare to H 00955 Principal Offices of Limited Liability Companies and Corporations
Tab 4	SB 1338 by Burton ; Identical to H 01475 Charitable Giving
Tab 5	SB 1582 by Yarborough ; Similar to H 01345 Pawn Data Statewide System
173164	D S LFAV CM, Yarborough Delete everything after 01/28 12:46 PM
Tab 6	SB 1672 by McClain (CO-INTRODUCERS) Arrington ; Similar to H 00311 Tax Credits for Contributions to Assist Homebuyers

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Leek, Chair
Senator Arrington, Vice Chair

MEETING DATE: Wednesday, January 28, 2026

TIME: 10:30 a.m.—12:30 p.m.

PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Leek, Chair; Senator Arrington, Vice Chair; Senators Bracy Davis, Davis, DiCeglie, Mayfield, McClain, Smith, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1080 Transportation / DiCeglie (Compare CS/H 543, S 1274)	Transportation; Requiring the Department of Transportation to adopt rules establishing circumstances under which it may make direct payments to a first-tier subcontractor; requiring that a takeover agreement between the department and a surety require the surety's completion contractor to meet certain requirements and follow certain contract procedures, etc. TR 01/20/2026 Fav/CS CM 01/28/2026 Favorable RC	Favorable Yeas 9 Nays 0
2	SB 1112 Garcia (Identical H 1287)	Labor Pool Act; Prohibiting a labor pool from charging a certain fee to a third-party user if such user directly employs a laborer for work; requiring a labor pool to register annually with the Department of Commerce; revising the remedies, damages, and costs a court may award the prevailing party in certain actions, etc. CM 01/28/2026 Favorable ATD FP	Favorable Yeas 9 Nays 0
3	SB 1324 McClain (Compare H 955)	Principal Offices of Limited Liability Companies and Corporations; Revising the definition of the term "principal office", etc. CM 01/28/2026 Temporarily Postponed JU RC	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Wednesday, January 28, 2026, 10:30 a.m.—12:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1338 Burton (Identical H 1475)	Charitable Giving; Prohibiting a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction from violating the terms of that restriction without potential penalty; requiring a charitable organization to notify a donor, or a donor's legal representative, if it cannot fulfill a term in the endowment agreement and offer the donor, or the donor's legal representative, an alternative solution that closely matches the initial term in such endowment agreement; prohibiting a state agency or a state official from imposing any annual filing or reporting requirements on certain organizations regulated or exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by state law, etc. CM 01/28/2026 Favorable JU RC	Favorable Yeas 8 Nays 0
5	SB 1582 Yarborough (Similar H 1345)	Pawn Data Statewide System; Requiring the Department of Law Enforcement to establish, operate, and maintain a statewide system for the collection of pawn data; providing procurement authority to the department to contract with a single vendor to provide pawn data collection as a service; requiring mandatory participation in the statewide system by specified dealers and recyclers; providing that all pawn data collected is the exclusive property of the state, etc. CM 01/28/2026 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
6	SB 1672 McClain (Similar H 311)	Tax Credits for Contributions to Assist Homebuyers; Authorizing certain taxpayers to receive a tax credit for contributions made to certain employees for specified expenses related to buying a home; providing a maximum credit authorized in certain circumstances; authorizing a taxpayer to receive a tax credit for contributions made to certain programs; authorizing the taxpayer to submit an application for the tax credit; authorizing the tax credit to be used against certain taxes; requiring the Department of Revenue to approve applications on a first-come, first-served basis, etc. CM 01/28/2026 Favorable FT AP	Favorable Yeas 9 Nays 0

Other Related Meeting Documents



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR TRACIE DAVIS

Democratic Leader Pro Tempore
5th District

COMMITTEES:

Appropriations Committee on Health and Human
Services, *Vice Chair*
Appropriations Committee on Higher Education
Commerce and Tourism
Education Pre-K - 12
Fiscal Policy
Health Policy
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

January 27, 2026

The Honorable Tom Leek
Commerce and Tourism, Chair
111 W. Madison Street
Tallahassee, FL 32399-1100

Dear Chair Leek,

I respectfully request an excused absence from the January 28, 2026, Commerce and Tourism committee meeting.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tracie Davis", with a long horizontal flourish extending to the right.

Tracie Davis
State Senator
District 05

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 Commerce and Tourism

BILL: CS/SB 1080

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Transportation

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	Fav/CS
2.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 1080 requires the Florida Department of Transportation (FDOT) to adopt rules providing circumstances under which it may make direct payments to a first-tier subcontractor, including specified conditions, with the amount paid to the subcontractor deducted from the amount paid to the contractor.

The bill also requires that, if due to default by the contract, the FDOT and the surety enter into a takeover agreement, such agreement must require the surety's completion contractor to meet the certificate of qualification requirements of the original contract bid solicitation and that the surety must follow the contract's procedures regarding the payment of subcontractors.

This bill does not appear to have a fiscal impact on state or local government entities.

This bill takes effect July 1, 2026.

II. Present Situation:

Florida Prompt Payment Act

Florida law has several "Prompt Payment Acts" regulating various aspects of payments connected to construction projects and services. Part VII of ch. 218, F.S., addresses payment for local government construction projects. Chapter 255, F.S., governs payments connected to state

agency construction projects, and payments for private construction projects are regulated in chs. 713 and 715, F.S.

Prompt Payment Act for State Construction Projects

Sections 255.0705 - 255.078, F.S., are known as the Florida Prompt Payment Act. This act governs the timely payment for construction services by the state or any agency thereof (public entity).¹ This act also governs payments made by contractors to subcontractors and suppliers when the construction services are in connection with a public entity construction project.

Payment Deadline for Public Entity to Contractor

For public entities contracting with a prime contractor, the public entity must submit the contractor's request to the Chief Financial Officer within 14 days of receiving the payment application.² If a public entity disputes a portion of a payment request, the undisputed portion must be paid by the date required under the contract or by 20 business days after receipt of the request, whichever is earlier.³

When a contractor receives payment from a public entity for labor, services, or materials furnished by subcontractors and suppliers hired by the contractor, the contractor is required to remit payment due to those subcontractors and suppliers within 10 days after the contractor's receipt of payment.⁴ When a subcontractor receives payment from a contractor for labor, services, or materials furnished by subcontractors and suppliers hired by the subcontractor, the subcontractor is required to remit payment due to those subcontractors and suppliers within 7 days after the subcontractor's receipt of payment.⁵

Penalties for Late Payment

All payments due for the purchase of construction services under the Florida Prompt Payment Act and wrongfully withheld by a public entity or prime contractor bear statutorily imposed interest at the rate of 2 percent per month.⁶

Florida Department of Transportation Contracting Authority

Section 337.11, F.S., authorizes the Florida Department of Transportation (FDOT) to enter into contracts for the construction and maintenance of roads and related facilities under its jurisdiction.⁷

¹ Section 255.072, F.S., defines "public entity" to mean the state, or any office, board, bureau, commission, department, branch, division, or institution thereof, but does not include a local governmental entity as defined in s. 218.72, F.S.

² Section 255.074, F.S.

³ Section 255.073(2), F.S.

⁴ Section 255.073(3), F.S.

⁵ *Id.* A contractor or subcontractor is still permitted to dispute, pursuant to the terms of the relevant contract, all or any portion of a payment alleged to be due to another party if the contractor or subcontractor notifies the party whose payment is disputed, in writing, of the amount in dispute and the actions required to cure the dispute. The contractor or subcontractor must pay all undisputed amounts due within the time limits imposed by this subsection.

⁶ Section 255.073(4), F.S.

⁷ Section 337.11(1), F.S.

Every contract let by the FDOT for the performance of work must require the prime contractor, before receiving any progress payment under such contract, to certify that the prime contractor has disbursed to all of its subcontractors and suppliers their pro rata shares of the payment out of previous progress payments received by the prime contractor for all work completed and materials furnished in the previous period,⁸ as FDOT approved payment.⁹ The FDOT may not make any such progress payment before receiving such certification, unless the contractor demonstrates good cause for not making any such required payment and furnishes written notification of any such good cause to both the FDOT and the affected subcontractors and suppliers.¹⁰

Every contract let by the FDOT for the performance of work must require the prime contractor, within 30 days of receipt of the final progress payment or any other payments received thereafter except the final payment, to pay all of its subcontractors and suppliers their pro rata shares of the payment for all work completed and materials furnished, unless the contractor demonstrates good cause for not making any such required payment and furnishes written notification of any such good cause to both the FDOT and the affected subcontractors or suppliers within such 30-day period.¹¹

Surety Bonds for FDOT's Construction and Maintenance Contracts

Section 337.18, F.S., requires a surety bond of the successful bidder in an amount equal to the awarded contract price for a FDOT contract. However, in limited circumstances, the FDOT has the discretion to authorize phased bonding or waive all or a portion of the bond requirement.¹²

The FDOT's contracts must provide for the determination of default on the part of any contractor for cause attributable to such contractor. The FDOT is not liable for anticipated profits for unfinished work on a contract which it has determined to be in default.¹³

FDOT Certificate of Qualification

Section 337.14, F.S., requires the FDOT to prequalify any contractor wishing to bid on a contract in excess of \$250,000. Rule 14-22, F.A.C., provides the FDOT's rules regarding obtaining a certificate of qualification.

III. Effect of Proposed Changes:

Section 1 amends s. 337.11, F.S. to require the FDOT to adopt rules establishing circumstances under which it may make direct payments to first-tier subcontractors. Such circumstances must include all of the following:

- The contractor has not requested payment from the FDOT in the past six months.

⁸ Section 337.11(11)(a), F.S. This is less any retainage withheld by the prime contractor pursuant to an agreement with a subcontractor.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 337.11(11)(b), F.S.

¹² Section 337.18(1)(a), F.S.

¹³ Section 337.18(2), F.S.

- There is a binding, written subcontract between the contractor and the subcontractor, and the FDOT is in possession of a complete copy of the contract.
- The subcontractor has performed work that is unpaid by the subcontractor, and the FDOT has sufficient documentation of such unpaid work.
- There is no bona fide, documented dispute between the contractor and the subcontractor.

The amounts the FDOT pays to the subcontractor must be deducted from amounts otherwise due to the contractor.

Section 2 amends s. 337.18, F.S., to provide that if, due to a default by the contractor, the FDOT and the surety enter into a takeover agreement such agreement must require the surety's completion contractor to meet the certification of qualification requirements in the original contract's bid solicitation. The bill also requires the surety to follow the contract's procedures regarding the certification of disbursement of payment to subcontractors.

Section 3 provides that this 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The FDOT's rules specifying circumstances under which it may directly pay subcontractors may have a positive fiscal impact on such subcontractors. However, the fiscal impact is indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 337.11 and 337.18.

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

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

CS by Transportation on January 20, 2026:

The committee substitute:

- Requires FDOT to adopt rules regarding the circumstances under which it may directly pay first-tier subcontractors; and
- Requires the completion contractor in a takeover agreement to meet the same certification of qualification requirements as in the original contract's bid solicitation.

B. Amendments:

None.

By the Committee on Transportation; and Senator DiCeglie

596-02021-26

20261080c1

A bill to be entitled

An act relating to transportation; amending s. 337.11, F.S.; requiring the Department of Transportation to adopt rules establishing circumstances under which it may make direct payments to a first-tier subcontractor; requiring that amounts paid to such subcontractor be deducted from amounts otherwise due to the contractor; amending s. 337.18, F.S.; requiring that a takeover agreement between the department and a surety require the surety's completion contractor to meet certain requirements and follow certain contract procedures; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (11) of section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(11)

(d)1. The department shall adopt rules establishing circumstances under which it may make direct payments to a first-tier subcontractor. Such circumstances must include all of the following:

a. The contractor has not requested payment from the department in the past 6 months.

b. There is a binding, written subcontract between the

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596-02021-26

20261080c1

contractor and the subcontractor, and the department is in possession of a complete copy of the subcontract.

c. The subcontractor has performed work that is unpaid by the contractor, and the department has sufficient documentation of such unpaid work.

d. There is no bona fide, documented dispute between the contractor and the subcontractor.

2. Amounts paid by the department pursuant to rules adopted under this paragraph must be deducted from amounts otherwise due to the contractor.

Section 2. Present subsection (6) of section 337.18, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(6) If, due to a default by the contractor, the department and the surety enter into a takeover agreement, such agreement must require the surety's completion contractor to meet the certification of qualification requirements of the original contract bid solicitation and follow the contract's procedures regarding certification of disbursement of payment to subcontractors.

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

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The Florida Senate

APPEARANCE RECORD

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

1/28/22
Meeting Date

Comm & Tourism
Committee

1080
Bill Number or Topic
C-1
Amendment Barcode (if applicable)

Name DAN HURTADO Phone 526-0500

Address Street Email DHURTADO@FTBA.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. [2020-2022 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

01/28/26

Meeting Date

SB 1080

Bill Number or Topic

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

ORANGE COUNTY S.O.

Committee

Amendment Barcode (if applicable)

Name CHIP DENMARK - LIEUTENANT

Phone 407-448-1690

Address 2500 W. COLONIAL DR

Email CHARLES.DENMARK@OCsOFL.COM

Street

ORLANDO

FL

32804

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:
SHERIFF MINA

☐ 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 Commerce and Tourism

BILL: SB 1112

INTRODUCER: Senator Garcia

SUBJECT: Labor Pool Act

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Favorable
2.			ATD	
3.			FP	

I. Summary:

SB 1112 alters the Florida Labor Pool Act by:

- Prohibiting labor pools from charging third-party users a placement fee if a third-party user directly employs a laborer for work;
- Requiring labor pools in the state to register annually with the Department of Commerce (department); and
- Allowing courts to award attorney fees and costs to the prevailing party for legal proceedings brought under the Labor Pool Act.

The bill takes effect July 1, 2026.

II. Present Situation:

Labor Pool Act

Florida's Labor Pool Act (the act), ss. 448.20-448.26, F.S., provides for the health, safety, and well-being of day laborers throughout the state and outlines uniform standards of conduct and practice for labor pools. Under the act, a labor pool is defined as "business entity"¹ that operates a labor hall² by one or more of the following methods:

- Contracting with third-party users³ to supply day laborers⁴ to them on a temporary basis.

¹ "Business entity" means any individual, corporation, business partnership, firm, institution, or association. Section 448.22(4), F.S.

² "Labor hall" means a central location maintained by a labor pool where day laborers assemble and are dispatched to work for a third-party user. Section 448.22(3), F.S.

³ "Third-party user" means a business entity that uses the services of a day laborer provided by a labor pool. Section 448.22(5), F.S.

⁴ "Day labor" means temporary labor or employment that is occasional or irregular for which the worker is employed for not longer than the time period required to complete the temporary assignment for which the individual worker was hired, although an individual may be eligible for additional temporary assignments when available. Section 448.22(2), F.S.

- Hiring, employing, recruiting, or contracting with workers to fulfill these temporary labor contracts for day labor.
- Fulfilling any contracts for day labor in accordance with this subsection, even if the entity also conducts other business.⁵

Exceptions

The act does not apply to the following types of businesses:

- Business entities duly registered as farm labor contractors pursuant to part III of ch. 450, F.S.;
- Employee leasing companies,⁶ as defined in s. 468.520, F.S.;
- Temporary help services engaged in supplying solely white collar employees, secretarial employees, clerical employees, or skilled laborers;
- Labor union hiring halls; or
- Labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use.⁷

Prohibitions

The act prohibits labor pools from:⁸

- Charging a day laborer:
 - For safety equipment, clothing, accessories, or any other items required by the nature of the work;
 - More than a reasonable amount to transport a worker to or from the designated worksite; or
 - For directly or indirectly cashing a worker's check.
- Requesting or requiring that any day laborer sign any document waiving statutory protections.
- Charging more than the actual cost of providing lunch, if the labor pool provides lunch at the worksite.⁹
- Restricting a day laborer's right to accept a permanent position with a third-party user to whom the laborer is referred for temporary work, or to restrict the right of a third-party user to offer employment to an employee of the labor pool.¹⁰

Requirements

The act requires labor pools to:

- Provide the following facilities for a worker waiting at a labor hall for a job assignment:¹¹
 - Restroom facilities;
 - Drinking water; and
 - Sufficient seating.

⁵ Section 448.22(1), F.S.

⁶ "Employee Leasing Company" means a sole proprietorship, partnership, corporation, or other form of business entity engaged in employee leasing.

⁷ Section 448.23, F.S.

⁸ Section 448.24(1), F.S.

⁹ Section 448.24(4), F.S.

¹⁰ Section 448.24(6), F.S.

¹¹ Section 448.24(5), F.S.

- Select one of the following methods to pay a day laborer for work performed:¹²
 - Cash;
 - Commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount;
 - Payroll debit card; or
 - Electronic fund transfer.
- Notify a day laborer of the payment method that the labor pool intends to use and the day laborer's options to elect a different payment method.¹³
- If selecting to pay a day laborer by payroll debit card:¹⁴
 - Offer the day laborer the option to elect payment by electronic fund transfer; and
 - Provide the day laborer with a list, including the address, of a nearby business that does not charge a fee to withdraw the debit card's contents.
- Compensate day laborers at or above the minimum wage.¹⁵
- Comply with the Workers' Compensation Law in ch. 440, F.S.¹⁶
- Insure any motor vehicle owned or operated by the labor pool and used for worker transportation.¹⁷
- Furnish each worker with a written itemized statement showing in detail each wage deduction.
- Give each worker an annual earnings statement summary.¹⁸

Remedies

Under the act, any worker affected by a violation of the provisions relating to labor pool duties and obligations may file a lawsuit against the labor pool. In any such lawsuit, the worker is required to give the labor pool a reasonable opportunity to cure the alleged violation within 60 days. Workers are authorized to recover actual and consequential damages, or \$1,000, whichever is greater, for each violation, and costs. The legal remedy:

- Must be filed within 1 year after the date the notice of an alleged violation is served; and
- Is exclusive and prohibits the worker from pursuing any other available legal remedy.¹⁹

Registration of Businesses

Business entities that seek to operate and transact business in Florida must first register with the Department of State (DOS). Such entities may register as a Limited Liability Company,²⁰ a corporation,²¹ or a Limited Partnership.²² Typically, this registration includes the name of the business, the street and mailing address of the designated/principal office and registered agent,

¹² Section 448.24(2), F.S.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* As of September 2025, the Florida minimum wage is \$14.00 per hour. U.S. DEPT. OF LABOR, *State Minimum Wage Laws*, available at <https://www.dol.gov/agencies/whd/minimum-wage/state> (last visited Jan. 27, 2026).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 448.25, F.S.

²⁰ *See* s. 605.0201, F.S.

²¹ *See* s. 607.0202, F.S.

²² *See* s. 620.1201, F.S.

and information about the partners/incorporators/managers/members.²³ As labor pools are business entities, they must comply with relevant statutory requirements for registration and annual filing with DOS. If a business fails to register with DOS, either the Department of Legal Affairs or the Attorney General, depending on the type of business entity, may bring legal action to prevent the company from transacting business in Florida.²⁴

III. Effect of Proposed Changes:

The bill amends s. 448.24, F.S., to prohibit labor pools from charging a placement fee when a third-party user directly hires a laborer for work.

The bill adds subsection (8) to require labor pools located, operating, or transacting business in Florida to register annually with the department. The bill gives the department rulemaking authority to implement this subsection.

Last, the bill allows courts to award attorney fees and costs to the winning party of a legal proceeding brought for a violation of the act.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²³ See ss. 605.0201, 607.0202, 620.1201, F.S.

²⁴ See ss. 605.0913, 607.1523, 620.1908, F.S.

B. Private Sector Impact:

Indeterminate. If more third-party users directly hire workers, then labor pools may see reduced funds due to fewer placement fees.

C. Government Sector Impact:

Indeterminate. The department may have increased expenditures to register labor pools.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 448.24, 448.25.

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 Garcia

36-00659A-26

20261112__

1 A bill to be entitled
 2 An act relating to the Labor Pool Act; amending s.
 3 448.24, F.S.; prohibiting a labor pool from charging a
 4 certain fee to a third-party user if such user
 5 directly employs a laborer for work; requiring a labor
 6 pool to register annually with the Department of
 7 Commerce; authorizing the department to adopt rules;
 8 amending s. 448.25, F.S.; revising the remedies,
 9 damages, and costs a court may award the prevailing
 10 party in certain actions; providing an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Subsection (6) of section 448.24, Florida
 15 Statutes, is amended, and subsection (8) is added to that
 16 section, to read:
 17 448.24 Duties and rights.—
 18 (6) A ~~no~~ labor pool may not ~~shall~~ restrict the right of a
 19 day laborer to accept a permanent position with a third-party
 20 user to whom the laborer is referred for temporary work, or to
 21 restrict the right of such a third-party user to offer such
 22 employment to an employee of the labor pool. If a third-party
 23 user directly employs a laborer for work, a labor pool may not
 24 charge the third-party user a placement fee ~~However, nothing~~
 25 ~~shall restrict the labor pool from receiving a reasonable~~
 26 ~~placement fee from the third-party user.~~
 27 (8) A labor pool that is located, operates, or transacts
 28 business in this state shall register annually with the
 29 Department of Commerce. The department may adopt rules to

Page 1 of 2

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36-00659A-26

20261112__

30 implement this subsection.
 31 Section 2. Subsection (4) is added to section 448.25,
 32 Florida Statutes, to read:
 33 448.25 Remedies; damages; costs.—
 34 (4) In addition to any damages awarded for an action
 35 brought pursuant to this section, the court shall award
 36 reasonable attorney fees and costs to the prevailing party.
 37 Section 3. This act shall take effect July 1, 2026.

Page 2 of 2

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The Florida Senate

Committee Agenda Request

To: Senator Thomas Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: January 13, 2026

I respectfully request that **Senate Bill #1112**, relating to Labor Pool Act, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

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

Senator Ileana Garcia
Florida Senate, District 36

The Florida Senate

APPEARANCE RECORD

1/28/2026

Meeting Date

SB 1112

Bill Number or Topic

Commerce and Tourism

Committee

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

Amendment Barcode (if applicable)

Name Jean Tuffet

Phone 786 290 5181

Address 1951 NW 7th Avenue Suite 300

Street

Email jean@beyondthebars.org

Miami, FL

City

State

33136

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

01-28-2026

Meeting Date

Commerce & Tourism

Committee

SB 1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jandrick Castro

Phone (407) 416-8332

Address 112 Rockhill Dr.
Street

Email info@beyondthebars.org

Sanford FL 32771
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

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01/28/26

Meeting Date

Tourism & Commerce

Committee

KLPA Amendment

Bill Number or Topic

Amendment Barcode (if applicable)

Name

CLAYTON LEE Blackford

Phone

561 980 3569

Address

10000 BATHAMA DR CUTLER BAY

Street

Email

Miami

City

FL

State

33189

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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01/28/26

Meeting Date

Tourism and Commerce

Committee

FLPA Amendment

Bill Number or Topic

(SB1112)

Amendment Barcode (if applicable)

Name Alfredo Patino

Phone 305-376-1629

Address 4573 Louvania Ct

Street

Email al.patino-ap@gmail.com

Tallahassee

City

FL

State

32311

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

FLPA

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Freddy Pierre

Phone

786 406 - 3757

Address

515 NW 140th St

Email

Freddy @ Beyond The Bars. Org.

Street

N. Miami

FL

33151

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)

January 28, 2026
Meeting Date

The Florida Senate
APPEARANCE RECORD

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

FLPA SB112
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jasmine Williams Phone 305 525 8820

Address 1951 NW 7th Avenue Email _____
Street

Miami FL 33147
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)

01-28-2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB1112

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Latrice Clark

Phone

305-525-7268

Address

7735 NW 27th Ave Apt 308

Email

Street

Miami

FL

331417

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

B1112

~~FLA~~ FLA amendment

Bill Number or Topic

128 26

Meeting Date

TOURISM & COMMERCE

Committee

Amendment Barcode (if applicable)

Name Christopher JACKSON

Phone 786-847-9360

Address 6690 NW 18 AV

Street

Email Chris JACKSON@gmail.com 6416

Miami Fla

City

State

33147

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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01/26/2020
Meeting Date

Commerce Tourism
Committee

SB 1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name CLAUDE PARFAIT

Phone 754 422 4331

Address 60 N.W. 5th Street
Street

Email mr.cparfait40@gmail.com

miami
City

Fla.
State

33127
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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SB 1112

FLPA Amendment

Bill Number or Topic

Amendment Barcode (if applicable)

1/28/26

Meeting Date

Tourism and commerce

Committee

Name Siaara Pinder

Phone 645-240-6501

Address 12 NW 61st St
Street

Email psiaara@gmail.com

Miami
City

FL
State

33127
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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SB 1112
FLPA Amendment
Bill Number or Topic

01/28/26

Meeting Date

Tourism & Commerce

Committee

Name William Suarez

Phone 786-731-1508

Address 1690 SW 27 Ave

Email William@beyondthebars.org

Street

Miami

City

FL

State

33145

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

1/28/26

Meeting Date

Commerce & Tourism

Committee

5131112

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Katherine Passley

Phone 786 447 0114

Address 1951 NW 7th Ave

Email Katherine@beyondthebars.org

Street

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:



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

Beyond the Bars

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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5-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

01/28/26
Meeting Date
Commerce & Tourism
Committee

SB1112
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brian Simmons

Phone 904-307-4612

Address Hurst Rd

Email BSSBAA2001@aol.com

Callahan, FL 32011
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:

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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

1/28/26

Meeting Date

SB 1112

Bill Number or Topic

Commerce and Tourism

Committee

Amendment Barcode (if applicable)

Name

Oscar Alvarez

Phone

786 518 4857

Address

1817 SW 102nd PL

Email

bossocar125@gmail.com

Street

Miami

City

FL

State

33165

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/28/26
Meeting Date

Commerce and Tourism
Committee

SB1112
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jimmie Dean Span

Phone 561-525-3613

Address 1821 NW 155th St
Street

Email jimmie span 70@gmail.com

Opalocka FL 33054
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1112

1/28/26

Meeting Date

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

Bill Number or Topic

Commerce & tourism

Committee

Amendment Barcode (if applicable)

Name Angela Beltrés

Phone 786 663 6998

Address 300 NE 118th St

Email

Street

miami FL 33161

City

State

Zip

Speaking:



For

☐

Against

☐

Information

OR

Waive Speaking:


☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

01/28/26

Meeting Date

commerce & tourism

Committee

SD-1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Loggier Philippe

Phone

786 400 4045

Address

130 NE 50 St

Street

Email

LoggierPhilippe9@gmail.com

Miami

City

FL

State

33137

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/28/26

Meeting Date

Commerce

Committee

SB 1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 850-224-6926

Address 135 S. Monroe
Street

Email _____

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:

Florida AFL-CIO

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

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

S-001 (08/10/2021)

1/28/2026

Meeting Date

Commerce & Tourism

Committee

Mike Phillips

Name

The Florida Senate

APPEARANCE RECORD

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

SB 1112

Bill Number or Topic

Amendment Barcode (if applicable)

321-652-2089

Phone

Address

744 Moment Street

Street

Cocoa

FL

32926

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-28-2026

Meeting Date

1112

Bill Number or Topic

Commerce & Tourism

Committee

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

Amendment Barcode (if applicable)

Name Joaquin Almazan

Phone 561-516-4650

Address 187 Dabou

Email Joaquin.alk@adk.com

Street

Belle Glade

City

FL

State

33430

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/28/26

Meeting Date

SB1112

Bill Number or Topic

Commerce + Tourism

Committee

Amendment Barcode (if applicable)

Name

MARTIN ORTIZ

Phone

619 240 97

Address

5666 SANDSTONE DRIVE

Email

Street

PAGE

City

FL

State

32571

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-28-2026

Meeting Date

Commerce & Tourism

Committee

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

SB 1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name Justin Seepersand

Phone (917) 684-1150

Address 1951 NW 7th Ave

Street

Email wonshinton4@gmail.com

Miami

FL

33136

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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1/28/2026

Meeting Date

Commerce

Committee

1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Karen Woodell

Phone

850-321-9386

Address

579 E. Call St.

Email

fstep@yahoo.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:

FL Center for Fiscal & Economic
Policy & 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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1. 28.26

Meeting Date

Transportation

Committee

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

SB 1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lissen Ellington (Lee-Sin)

Phone _____

Address _____

Email _____

Street

W. Palm Beach, FL 33409

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/28/26

Meeting Date

SB 1112

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Veronica Kivela
KEY-VEIL-AH

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:

☐ 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 1112

Bill Number or Topic

Amendment Barcode (if applicable)

1/28/26
Meeting Date

Commerce & Tourism
Committee

Name Cheyne Seleski

Phone (561) 254-9123

Address 53 SE Ontario Way
Street

Email CSeleski@gmail.com

Stuart
City

FL
State

34497
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

~~S~~ B 1112

Meeting Date _____

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

Bill Number or Topic _____

Committee _____

Amendment Barcode (if applicable) _____

Name

Brandon Santiago

Phone _____

Address

Street

Tarpon Springs FL 34688

City

State

Zip

Email _____

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 1112

Bill Number or Topic

Amendment Barcode (if applicable)

1-28-26

Meeting Date

Labor Pod Act

Committee

Name

Juan Saita

Phone

Address

Orange County

Email

Street

Orlando

FL

32806

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/28/26

Meeting Date

Commerce + Tourism

Committee

SB 1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Michelle Rodriguez

Phone

Address

Street

Winter Haven

City

FL

State

33884

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

1/28/24

Meeting Date

HB 1112

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Emily Gorentz

Phone

Address

Street

Orlando

City

State

32837

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

JAN 28, 26

Meeting Date

Commerce + Tourism

Committee

S 1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Barb Toepke

Phone

Address

Street

Tampa

City

FL

State

33603

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/28/26

Meeting Date

Commerce and Tourism

Committee

S1112

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Thomas Woods

Phone

Address

Street

Titusville

City

FL

State

32780

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/28/26

Meeting Date

Commerce and Tourism

Committee

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

5112

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Stephanie Moody

Phone

Address

Street

Indialantic

City

FL

State

32903

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Meeting Date

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Committee

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:



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 Commerce and Tourism

BILL: SB 1324

INTRODUCER: Senator McClain

SUBJECT: Principal Offices of Limited Liability Companies and Corporations

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 1324 amends Florida’s Revised Limited Liability Company Act (LLC Act) and the Florida Business Corporation Act (FBCA) to include a registered agent’s address in the definition of a business’s “principal office” and require registered agents to add the registered address to their statement of acceptance.

The bill takes effect on July 1, 2026.

II. Present Situation:

Florida’s Revised Limited Liability Company Act

Florida’s LLC Act, ss. 605.0101-605.2802, F.S., governs the internal affairs and liabilities of Limited Liability Companies in the state. An LLC can be organized for any lawful purpose and is created by naming the business, designating a registered agent, and filing articles of organization with the Department of State (department).¹ Every LLC must designate a registered agent, who must be:

- An individual who resides in this state and whose business address is identical to the address of the registered office;
- Another domestic entity that is an authorized entity and whose business address is identical to the address of the registered office; or
- A foreign entity authorized to transact business in this state that is an authorized entity and whose business address is identical to the address of the registered office.²

¹ Section 605.0201, F.S.

² Section 605.0113(1)(b), F.S.

The registered agent must file a statement of acceptance with the department, which states the registered agent is familiar with and accepts the obligations of the position.³ The LLC's articles of organization must include the agent's written acceptance and the street and mailing address of the company's principal office.⁴ Currently, the principal office is defined as "the principal executive office of a limited liability company or foreign limited liability company, regardless of whether the office is located in this state."⁵

Florida Business Corporation Act

The FBCA, ss. 607.001-607.414, F.S., governs the internal affairs and liabilities of corporations created in Florida. Corporations that seek to transact business in Florida must file articles of incorporation with the department.⁶ Among other information, the articles of incorporation must include:

- The street address of the initial principal office and, if different, the mailing address of the corporation; and
- The street address of the corporation's initial registered office and the name of its initial registered agent at that office together with a written acceptance as required in s. 607.0501(3), F.S.⁷

Identical to the requirements for an LLC, the registered agent of a corporation must be:

- An individual who resides in this state whose business address is identical to the address of the registered office;
- Another domestic entity that is an authorized entity and whose business address is identical to the address of the registered office; or
- A foreign entity authorized to transact business in this state which is an authorized entity and whose business address is identical to the address of the registered office.⁸

The registered agent must file a statement of acceptance with the department, which states the registered agent is familiar with and accepts the obligations of the position.⁹

Further, the FBCA defines a principal office to mean "the office (in or out of this state) where the principal executive offices of a domestic or foreign corporation are located as designated in the articles of incorporation or other initial filing until an annual report has been filed, and thereafter as designated in the annual report."¹⁰

³ Section 605.0113(2), F.S.

⁴ Section 605.0201(2), F.S.

⁵ Section 605.0102(54), F.S.

⁶ See section 607.0202, F.S.

⁷ *Id.*

⁸ Section 607.01401(57), F.S.

⁹ Section 605.0501, F.S.

¹⁰ *Id.*

III. Effect of Proposed Changes:

Sections 1-2 amend ss. 605.0102 and 607.01401, F.S., to include a registered agent's address in the definition of the "principal office" for an LLC or corporation.

Sections 3-4 amend ss. 605.0113 and 607.0501, F.S., providing that a registered agent must include the address of the registered office in their statement of acceptance.

Sections 5-8 reenact ss. 605.0114, 605.0203, 607.0202, and 607.0502, F.S., to incorporate the amendments made by this bill.

Section 9 sets forth an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 605.0102, 607.01401, 605.0113, 607.0501, 605.0114, 605.0203, 607.0202, 607.0502.

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 McClain

9-01096-26

20261324__

1 A bill to be entitled
 2 An act relating to the principal offices of limited
 3 liability companies and corporations; amending ss.
 4 605.0102 and 607.01401, F.S.; revising the definition
 5 of the term "principal office"; amending ss. 605.0113
 6 and 607.0501, F.S.; conforming provisions to changes
 7 made by the act; reenacting ss. 605.0114(2) and
 8 605.0203(1)(b) and (e), F.S., relating to change of
 9 registered agent or registered office and the signing
 10 of records to be delivered for filing to the
 11 Department of State, respectively, to incorporate the
 12 amendment made to s. 605.0113, F.S., in references
 13 thereto; reenacting ss. 607.0202(1) and 607.0502(2),
 14 F.S., relating to the content of the articles of
 15 incorporation and the change of registered office or
 16 registered agent, respectively, to incorporate the
 17 amendment made to s. 607.0501, F.S., in references
 18 thereto; providing an effective date.
 19
 20 Be It Enacted by the Legislature of the State of Florida:
 21
 22 Section 1. Subsection (54) of section 605.0102, Florida
 23 Statutes, is amended to read:
 24 605.0102 Definitions.—As used in this chapter, the term:
 25 (54) "Principal office" means:
 26 (a) The principal executive office of a limited liability
 27 company or foreign limited liability company, regardless of
 28 whether the office is located in this state; or
 29 (b) The registered address of the registered agent filed

Page 1 of 5

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

9-01096-26

20261324__

30 ~~with the department pursuant to s. 605.0113(2).~~
 31 Section 2. Subsection (57) of section 607.01401, Florida
 32 Statutes, is amended to read:
 33 607.01401 Definitions.—As used in this chapter, unless the
 34 context otherwise requires, the term:
 35 (57) "Principal office" means:
 36 (a) The office, whether inside ~~in~~ or outside ~~out of~~ this
 37 state, where the principal executive offices of a domestic or
 38 foreign corporation are located as designated in the articles of
 39 incorporation or other initial filing until an annual report has
 40 been filed, and thereafter as designated in the annual report;
 41 or
 42 (b) The registered office's address filed with the
 43 department pursuant to s. 607.0501(3).
 44 Section 3. Subsection (2) of section 605.0113, Florida
 45 Statutes, is amended to read:
 46 605.0113 Registered agent.—
 47 (2) Each initial registered agent, and each successor
 48 registered agent that is appointed, shall file a statement in
 49 writing with the department, in the form and manner prescribed
 50 by the department, accepting the appointment as registered agent
 51 while simultaneously being designated as the registered agent.
 52 The statement of acceptance must provide the address of the
 53 registered office and that the registered agent is familiar with
 54 and accepts the obligations of that position.
 55 Section 4. Subsection (3) of section 607.0501, Florida
 56 Statutes, is amended to read:
 57 607.0501 Registered office and registered agent.—
 58 (3) Each initial registered agent, and each successor

Page 2 of 5

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

9-01096-26 20261324__

59 registered agent that is appointed, shall file a statement in
60 writing with the department, in the form and manner prescribed
61 by the department, accepting the appointment as registered agent
62 while simultaneously being designated as the registered agent.
63 The statement of acceptance must provide the address of the
64 registered office and that the registered agent is familiar
65 with, and accepts, the obligations of that position.

66 Section 5. For the purpose of incorporating the amendment
67 made by this act to section 605.0113, Florida Statutes, in a
68 reference thereto, subsection (2) of section 605.0114, Florida
69 Statutes, is reenacted to read:

70 605.0114 Change of registered agent or registered office.—

71 (2) If the registered agent is changed, the written
72 acceptance of the successor registered agent described in s.
73 605.0113(2) must also be included in or attached to the
74 statement of change.

75 Section 6. For the purpose of incorporating the amendment
76 made by this act to section 605.0113, Florida Statutes, in
77 references thereto, paragraphs (b) and (e) of subsection (1) of
78 section 605.0203, Florida Statutes, are reenacted to read:

79 605.0203 Signing of records to be delivered for filing to
80 department.—

81 (1) A record delivered to the department for filing
82 pursuant to this chapter must be signed as follows:

83 (b) A company's initial articles of organization must be
84 signed by at least one person acting as an authorized
85 representative. The articles of organization must also include
86 or have attached a statement signed by the company's initial
87 registered agent in the form described in s. 605.0113(2).

9-01096-26 20261324__

88 (e) A record changing the registered agent must also
89 include or be accompanied by a statement signed by the successor
90 registered agent in the form described in s. 605.0113(2).

91 Section 7. For the purpose of incorporating the amendment
92 made by this act to section 607.0501, Florida Statutes, in a
93 reference thereto, subsection (1) of section 607.0202, Florida
94 Statutes, is reenacted to read:

95 607.0202 Articles of incorporation; content.—

96 (1) The articles of incorporation must set forth:

97 (a) A corporate name for the corporation that satisfies the
98 requirements of s. 607.0401;

99 (b) The street address of the initial principal office and,
100 if different, the mailing address of the corporation;

101 (c) The number of shares the corporation is authorized to
102 issue;

103 (d) The street address of the corporation's initial
104 registered office and the name of its initial registered agent
105 at that office together with a written acceptance as required in
106 s. 607.0501(3); and

107 (e) The name and address of each incorporator.

108 Section 8. For the purpose of incorporating the amendment
109 made by this act to section 607.0501, Florida Statutes, in a
110 reference thereto, subsection (2) of section 607.0502, Florida
111 Statutes, is reenacted to read:

112 607.0502 Change of registered office or registered agent.—

113 (2) If the registered agent is changed, the written
114 acceptance of the successor registered agent described in s.
115 607.0501(3) must also be included in or attached to the
116 statement of change.

9-01096-26

20261324__

117

Section 9. This act shall take effect July 1, 2026.

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 Commerce and Tourism

BILL: SB 1338

INTRODUCER: Senator Burton

SUBJECT: Charitable Giving

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Favorable
2.			JU	
3.			RC	

I. Summary:

SB 1338 creates the “Safeguarding Endowment Gifts Act,” which provides legal recourse to individual charitable donors when their giving restrictions are not followed by a recipient charitable organization according to an endowment agreement.

Additionally, the bill creates the “Charity Protection Act,” which prohibits a state agency or state official from imposing any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by Florida law.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

The Solicitation of Contributions Act (SCA)

In Florida, the solicitation of contributions by charitable organizations and sponsors is regulated by the Solicitation of Contributions Act (the SCA).¹ The SCA contains basic registration, financial disclosure, notification requirements, and recordkeeping requirements for charitable organizations and sponsors, fundraising consultants, and solicitors.²

¹ Chapter 496, F.S. The majority of the provisions in the SCA “do not apply to bona fide religious institutions, educational institutions, and state agencies or other government entities or persons or organizations who solicit or act as professional fundraising consultants solely on their behalf, or to blood establishments as defined in s. 381.06014(1)(a), F.S.” Section 496.403, F.S. Nor do the majority of the provisions in the SCA apply to political contributions solicited in accordance with election laws. *Id.*

² *Id.*

Charitable Organizations and Sponsors

Currently, under s. 495.405, F.S., any charitable organization³ or sponsor⁴ that intends to solicit⁵ donations in Florida must annually register with the Department of Agriculture and Consumer Services (DACS) and pay a registration fee before soliciting donations.⁶

Registration includes a financial report, a statement of the purpose of the charity, how donations will be used, names of individuals in charge of solicitation activities, and proof of federal tax exempt status.⁷ The charity must also identify any professional solicitors and fundraising consultants the charity will use, along with the terms of the arrangements for compensation to be paid to the consultant and solicitor.⁸ Additionally, the registration must include a statement related to the charity's activities in other states, including whether the charity is authorized to operate in another state; whether the charity's registration has been denied, suspended, or revoked in another state; and whether the charity or any person associated with the charity has been subject to any adverse administrative actions or criminal convictions in any state.⁹

Registration Fee

Every charitable organization, sponsor, or parent organization filing on behalf of one or more chapters, branches, or affiliates that is required to register must pay a single registration fee. A

³ Section 496.404(1), F.S., defines "charitable organization" as a person who is or holds herself or himself out to be established for any benevolent, educational, philanthropic, humane, scientific, artistic, patriotic, social welfare or advocacy, public health, environmental conservation, civic, or other eleemosynary purpose, or a person who in any manner employs a charitable appeal as the basis for any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. The term includes a chapter, branch, area office, or similar affiliate soliciting contributions within the state for a charitable organization that has its principal place of business outside of Florida.

⁴ Section 496.404(27), F.S., defines "sponsor" as a group or person who is or holds herself or himself out to be soliciting contributions by the use of a name that implies that the group or person is in any way affiliated with or organized for the benefit of emergency service employees or law enforcement officers and the group or person is not a charitable organization. The term includes a chapter, branch, or affiliate that has its principal place of business outside of Florida if such chapter, branch, or affiliate solicits or holds itself out to be soliciting contributions in Florida.

⁵ Section 496.404(26), F.S., defines "solicitation" as a request, directly or indirectly, for money, property, financial assistance, or any other thing of value on the plea or representation that such money, property, financial assistance, or other thing of value or a portion of it will be used for a charitable or sponsor purpose or will benefit a charitable organization or sponsor. The term includes, but is not limited to, the following methods of requesting or securing the promise, pledge, or grant of money, property, financial assistance, or any other thing of value: (a) making any oral or written request; (b) making any announcement to the press, on radio or television, by telephone or telegraph, or by any other communication device concerning an appeal or campaign by or for any charitable organization or sponsor or for any charitable or sponsor purpose; (c) distributing, circulating, posting, or publishing any handbill, written advertisement, or other publication that directly or by implication seeks to obtain any contribution; or selling or offering or attempting to sell any advertisement, advertising space, book, card, coupon, chance, device, magazine, membership, merchandise, subscription, sponsorship, flower, admission, ticket, food, or other service or tangible good, item, or thing of value, or any right of any description in connection with which any appeal is made for any charitable organization or sponsor or charitable or sponsor purpose, or when the name of any charitable organization or sponsor is used or referred to in any such appeal as an inducement or reason for making the sale or when, in connection with the sale or offer or attempt to sell, any statement is made that all or part of the proceeds from the sale will be used for any charitable or sponsor purpose or will benefit any charitable organization or sponsor.

⁶ Section 496.405(1), F.S. A solicitation is considered as having taken place regardless of whether the person making the solicitation receives any contribution. A solicitation does not occur when a person applies for a grant or an award to the government or to an organization that is exempt from federal income taxation under s. 501(a) of the Internal Revenue Code and described in s. 501(c) of the Internal Revenue Code and is duly registered.

⁷ Section 496.405(2), F.S.

⁸ *Id.*

⁹ *Id.*

parent organization filing on behalf of one or more chapters, branches, or affiliates must total all contributions received by the chapters, branches, or affiliates included in the registration statement to determine registration fees.¹⁰ Fees must be assessed as follows:

- Ten dollars, if the contributions received for the last fiscal or calendar year were less than \$5,000.
- Seventy-five dollars, if the contributions received for the last fiscal year were \$5,000 or more, but less than \$100,000.
- One hundred twenty-five dollars, if the contributions received for the last fiscal year were \$100,000 or more, but less than \$200,000.
- Two hundred dollars, if the contributions received for the last fiscal year were \$200,000 or more, but less than \$500,000.
- Three hundred dollars, if the contributions received for the last fiscal year were \$500,000 or more, but less than \$1 million.
- Three hundred fifty dollars, if the contributions received for the last fiscal year were \$1 million or more, but less than \$10 million.
- Four hundred dollars, if the contributions received for the last fiscal year were \$10 million or more.¹¹

A charitable organization or sponsor that fails to file a registration statement by the due date may be assessed an additional fee for such late filing. The late filing fee is \$25 for each month or part of a month after the date on which the annual renewal statement was due to be filed with the DACS.¹²

All registration fees must be paid to the DACS and deposited into the General Inspection Trust Fund.¹³

Registration Exemptions

The following charitable organizations and sponsors are exempt from the registration requirements:

- A person who is soliciting for a named individual, provided that all the contributions collected without any deductions whatsoever are turned over to the beneficiary for her or his use and provided that the person has complied with the requirements of s. 496.413, F.S.¹⁴
- A charitable organization or sponsor that limits solicitation of contributions to the membership of the charitable organization or sponsor. The term “membership” does not include those persons who are granted a membership upon making a contribution as a result of a solicitation.
- Any division, department, post, or chapter of a veterans’ service organization granted a federal charter under Title 36, United States Code.
- A charitable organization or sponsor that has less than \$50,000 in total contributions during a fiscal year if the fundraising activities of such organization or sponsor are carried on by

¹⁰ Section 496.405(4)(a), F.S.

¹¹ *Id.*

¹² Section 496.405(4)(b), F.S.

¹³ Section 496.405(4)(c), F.S.

¹⁴ Section 496.413, F.S., is the section of law governing contributions solicited for or accepted on behalf of a named individual.

volunteers, members, or officers who are not compensated and no part of the assets or income of such organization or sponsor inures to the benefit of or is paid to any officer or member of such organization or sponsor or to any professional fundraising consultant, professional solicitor, or commercial co-venturer. If a charitable organization or sponsor that has less than \$50,000 in total contributions during a fiscal year actually acquires total contributions equal to or in excess of \$50,000, the charitable organization or sponsor must register with the DACS within 30 days after the date the contributions reach \$50,000.¹⁵

The Florida Uniform Prudent Management of Institutional Funds Act (FUPMIFA)

The FUPMIFA governs how charitable institutions¹⁶ in Florida manage, invest, and spend donor restricted endowment funds.¹⁷

The FUPMIFA provides that subject to the intent of a donor expressed in a gift instrument,¹⁸ an institution, in managing and investing an institutional fund,¹⁹ must consider the charitable purposes²⁰ of the institution and the purposes of the institutional fund.²¹

Further, the FUPMIFA states that in addition to complying with the duty of loyalty imposed by law other than in the FUPMIFA, each person²² responsible for managing and investing an institutional fund is required to manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.²³

In managing and investing an institutional fund, an institution may incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the institution, and the skills available to the institution, and an institution must make a reasonable effort to verify facts relevant to the management and investment of the fund.

An institution is permitted to pool two or more institutional funds for purposes of management and investment.

¹⁵ Section 496.406(1)(d), F.S.

¹⁶ Section 617.2104(1)(d), F.S., defines “institution” as a person organized and operated exclusively for charitable purposes, other than: (a) an individual; or (b) a trust subject to s. 518.11, F.S.; a government or governmental subdivision, agency, or instrumentality to the extent that it holds funds exclusively for a charitable purpose; or a trust that had both charitable and noncharitable interests after all noncharitable interests have been terminated if the trust is not subject to s. 518.11, F.S.

¹⁷ See s. 617.2104, F.S.

¹⁸ Section 617.2104(2)(c), F.S., defines “gift instrument” as a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

¹⁹ Section 617.2104(2)(e), F.S., defines “institutional fund” as a fund held by an institution exclusively for charitable purposes. The term does not include: (1) program-related assets; (2) a fund held for an institution by a trustee that is not an institution; (3) a fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund; or (4) a fund managed or administered by the State Board of Administration pursuant to its constitutional or statutory authority.

²⁰ Section 617.2104(2)(a), F.S., defines “charitable purpose” as the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose, or any other purpose the achievement of which is beneficial to the community.

²¹ Section 617.2104(3)(a), F.S.

²² Section 617.2104(2)(f), F.S., defines “person” as an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

²³ Section 617.2104(3)(b), F.S.

Except as otherwise provided by a gift instrument, the following rules apply:

- In managing and investing an institutional fund, the following factors, if relevant, must be considered:
 - General economic conditions.
 - The possible effect of inflation or deflation.
 - The expected tax consequences, if any, of investment decisions or strategies.
 - The role that each investment or course of action plays within the overall investment portfolio of the fund.
 - The expected total return from income and the appreciation of investments.
 - Other resources of the institution.
 - The needs of the institution and the fund to make distributions and to preserve capital.
 - An asset's special relationship or special value, if any, to the charitable purposes of the institution.
- Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the fund and to the institution.
- Except as otherwise provided by law other than the FUPMIFA, an institution may invest in any kind of property or type of investment consistent with the FUPMIFA.
- An institution must diversify the investments of an institutional fund unless the institution reasonably and prudently determines under the FUPMIFA that the purposes of the fund are better served without diversification.
- Within a reasonable time after receiving property, an institution is required to make and carry out decisions concerning the retention or disposition of the property or to rebalance a portfolio in order to bring the institutional fund into compliance with the purposes, terms, and distribution requirements of the institution as necessary to meet other circumstances of the institution and the requirements of the FUPMIFA.
- A person that has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing institutional funds.

Additionally, the FUPMIFA provides that subject to the intent of a donor expressed in the gift instrument, an institution may appropriate for expenditure or accumulate so much of an endowment fund²⁴ as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution must act in good faith with the care that an ordinarily prudent person in a like position would exercise under similar circumstances and must consider, if relevant, the following factors:

- The duration and preservation of the endowment fund.
- The purposes of the institution and the endowment fund.
- General economic conditions.

²⁴ Section 617.2104(2)(b), F.S., defines "endowment fund" as an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use.

- The possible effect of inflation or deflation.
- The expected total return from income and the appreciation of investments.
- Other resources of the institution.
- The investment policy of the institution.²⁵

To limit the authority to appropriate for expenditure or accumulate, a gift instrument must specifically state the limitation.²⁶

Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only “income,” “interest,” “dividends,” or “rents, issues, or profits,” or “to preserve the principal intact,” or words of similar import:

- Create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund.
- Do not otherwise limit the authority to appropriate for expenditure or accumulate.

The FUPMIFA also provides that if the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund. A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.²⁷

If consent of the donor in a record cannot be obtained by reason of the donor’s death, disability, unavailability, or impossibility of identification, a governing board may modify a restriction contained in a gift instrument regarding the management, investment, or use of an institutional fund if the fund has a total value of \$100,000 or less and the restriction has become impracticable or wasteful; impairs the management, investment, or use of the fund; or if, because of circumstances not anticipated by the donor, a modification of a restriction will further the purposes of the fund.²⁸

If an institution determines that a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, impossible to achieve, or wasteful, the institution, after providing written notice to the Attorney General, may release or modify the restriction, in whole or part, if:

- The institutional fund subject to the restriction has a total value of at least \$100,000 and not more than \$250,000;
- More than 20 years have elapsed since the fund was established; and
- The institution uses the property in a manner consistent with the charitable purposes expressed in the gift instrument.²⁹

The circuit court for the circuit in which an institution is located, upon application of that institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful, if it

²⁵ Section 617.2104(4)(a), F.S.

²⁶ Section 617.2104(4)(b), F.S.

²⁷ Section 617.2104(6)(a), F.S.

²⁸ Section 617.2104(6)(b), F.S.

²⁹ Section 617.2104(6)(c), F.S.

impairs the management or investment of the fund, or if, because of circumstances not anticipated by the donor, a modification of a restriction will further the purposes of the fund. The institution must notify the Attorney General of the application. To the extent practicable, any modification must be made in accordance with the donor's probable intention.³⁰

If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, impossible to achieve, or wasteful, the circuit court for the circuit in which an institution is located, upon application of that institution, may modify the purpose of the fund or the restriction on the use of the fund in a manner consistent with the charitable purposes expressed in the gift instrument. The institution must notify the Attorney General of the application.³¹

III. Effect of Proposed Changes:

The Safeguarding Endowment Gifts Act

SB 1338 creates s. 496.432, F.S., to be entitled the "Safeguarding Endowment Gifts Act (Act)." A legislative finding is provided that the Act is necessary to provide legal recourse to individual charitable donors when their giving restrictions are not followed by a recipient charitable organization according to an endowment agreement.

The bill creates the following definitions:

- "Charitable organization" means an organization organized and operated exclusively for religious, charitable, scientific, literary, educational, testing for public safety or other specified purpose and that is tax exempt from federal income tax as an entity described in s. 501(c)(3) of the Internal Revenue Code.
- "Donor" means an individual or entity that has made a contribution of property or money to an existing endowment fund or a new endowment fund of a charitable organization or of a charitable trust pursuant to the terms of an endowment agreement that may include donor-imposed restrictions or conditions governing the use of the contribution.
- "Donor-imposed restriction" means a written statement within an endowment agreement which specifies requirements for the management or use of endowment funds.
- "Endowment agreement" means a written agreement between a charitable organization and a donor or between a charitable trust and a donor regarding the contribution made by the donor and accepted by the charitable organization or the charitable trust, which agreement may include donor-imposed restrictions or other conditions governing the use of the contribution.
- "Endowment fund" means an institutional fund or part thereof, which under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use.
- "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.
- "Legal representative" means the administrator or executor of a person's estate; a surviving spouse if a court judgement has settled the accounts of the estate; or a person designated in an endowment agreement, whether or not born at the time of such designation, to act in place

³⁰ Section 617.2104(6)(d), F.S.

³¹ Section 617.2104(6)(e), F.S.

of a party to the agreement for all matters expressed in the agreement and all of the actions it contemplates, including, but not limited to, interpreting, performing, and enforcing the agreement and defending its validity.

- “Property” means real property, personal property, or money, cryptocurrency, stocks, bonds, or any other asset or financial instrument.

Except where specifically required or authorized by federal or state law, a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction may not violate the terms of that restriction without potential penalty.

If a charitable organization violates a donor-imposed restriction contained in an endowment agreement, the donor, or the donor’s legal representative, 90 days after notifying the charitable organization of the breach, may file a complaint within 6 years after discovery for breach of such agreement. The complaint may be filed in a court of general jurisdiction in the county where a charitable organization named as a party has its principal office or principal place of carrying out its charitable purpose, or in a court of the United States whose district includes such county. The complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the agreement, and it may not seek a judgement awarding damages to the donor or donor representative.

If a charitable organization is unable to fulfill a term in the endowment agreement, the charitable organization is required to notify the donor, or the donor’s legal representative, within 30 days after discovering it is unable to fulfill the terms and offer an alternative solution that closely matches the initial term in the endowment agreement.

A charitable organization may obtain a judicial declaration of the rights and duties expressed in an endowment agreement containing donor restrictions as to all of the actions the endowment agreement contemplates, including, but not limited to, the interpretation, performance, or enforcement of the agreement, and a determination of its validity. However, the charitable organization must seek a judicial declaration in any suit brought under the Act, or by filing a complaint.

If the court determines that a charitable organization violated a donor-imposed restriction in an endowment agreement, the court may order one or more remedies consistent with the charitable purposes expressed in the endowment agreement. The court is prohibited from ordering the return of the donated funds to the donor or the donor’s legal representative.

The bill clarifies that the Act does not do any of the following:

- Affect the authority of the Attorney General to enforce any restriction in an endowment agreement;
- Limit the application of the judicial power of cy pres;³² or

³² Section 736.0413, F.S., authorizes courts to apply the doctrine of “cy pres” if a particular charitable purpose becomes unlawful, impracticable, impossible to achieve or wasteful. The doctrine may be applied to modify or terminate the trust by directing that the trust property be applied or distributed, in whole or in part, in a manner consistent with the settlor’s charitable purposes. The judicial doctrine of “cy pres” comes from the Old French “cy près comme possible,” meaning “as near as possible.” See Christopher J. Ryan, Jr. (2023), *An Historical and Empirical Analysis of the Cy- près Doctrine*, ACTEC Law Journal, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4176994 (last visited Jan. 27, 2026).

- Alter the right of an institution to modify a restriction on the management, investment, purpose, or use of an endowment fund in a manner permitted by the endowment agreement and by the Florida Uniform Prudent Management of Institutional Funds Act.³³

The bill provides that if any provision of the Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of the Act are declared severable.

The Charity Protection Act

The bill also creates s. 496.433, F.S., which is entitled the “Charity Protection Act (CPA).” A legislative finding is provided that the CPA is necessary to minimize burdens on the charitable sector and to create a grantmaking environment centered on effectiveness and fiscal impact on charitable organizations.

Except where specifically required or authorized by federal law, the CPA prohibits a state agency or state official from imposing any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by Florida law.

The CPA does not apply to state grants or contracts or to fraud investigations, and it does not restrict enforcement actions against specific nonprofit organizations.

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.

³³ Section 617.2104, F.S., is the Florida Uniform Prudent Management of Institutional Funds Act and provides a framework for managing and investing institutional funds. The term “institutional fund” means a fund held by an institution exclusively for charitable purposes, but the term does not include: (1) program related assets; (2) a fund held for an institution by a trustee that is not an institution; (3) a fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund; or (4) a fund managed or administered by the State Board of Administration pursuant to its constitutional statutory authority.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If a charitable organization violates a donor-imposed restriction in an endowment agreement, a donor (or the donor's legal representative) may file a complaint, and the court may order remedies consistent with the charitable purposes expressed in the endowment agreement.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 496.432, 496.433.

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 Burton

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1 A bill to be entitled
 2 An act relating to charitable giving; creating s.
 3 496.432, F.S.; providing legislative findings;
 4 defining terms; prohibiting a charitable organization
 5 that accepts a contribution pursuant to a written
 6 donor-imposed restriction from violating the terms of
 7 that restriction without potential penalty;
 8 authorizing a donor, or a donor's legal
 9 representative, to file a complaint within a specified
 10 timeframe if a charitable organization violates a
 11 donor-imposed restriction contained in an endowment
 12 agreement; specifying the venue where the complaint
 13 may be filed; providing that the complaint may be
 14 filed regardless of whether the endowment agreement
 15 expressly reserves a right to sue or enforce the
 16 agreement; prohibiting a donor or donor representative
 17 from seeking a judgment awarding damages; requiring a
 18 charitable organization to notify a donor, or a
 19 donor's legal representative, if it cannot fulfill a
 20 term in the endowment agreement and offer the donor,
 21 or the donor's legal representative, an alternative
 22 solution that closely matches the initial term in such
 23 endowment agreement; authorizing a charitable
 24 organization to obtain a judicial declaration of the
 25 rights and duties expressed in an endowment agreement;
 26 requiring the charitable organization to seek a
 27 judicial declaration in any suit brought under the act
 28 or by filing a complaint; authorizing a court to order
 29 one or more remedies consistent with the charitable

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30 purposes expressed in the endowment agreement if the
 31 court determines that a charitable organization
 32 violated a donor-imposed restriction in the endowment
 33 agreement; prohibiting the court from ordering the
 34 return of the donated funds to the donor or the
 35 donor's legal representative; providing construction;
 36 providing severability; creating s. 496.433, F.S.;
 37 providing legislative findings; prohibiting a state
 38 agency or a state official from imposing any annual
 39 filing or reporting requirements on certain
 40 organizations regulated or exempted from regulation
 41 under ch. 496, F.S., which are more burdensome than
 42 the requirements authorized by state law; providing
 43 applicability and construction; providing an effective
 44 date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Section 496.432, Florida Statutes, is created to
 49 read:

50 496.432 Safeguarding Endowment Gifts Act.—

51 (1) LEGISLATIVE FINDINGS.—The Legislature finds that it is
 52 necessary to provide legal recourse to individual charitable
 53 donors when their giving restrictions are not followed by a
 54 recipient charitable organization according to an endowment
 55 agreement.

56 (2) DEFINITIONS.—As used in this section, the term:

57 (a) "Charitable organization" means an organization
 58 organized and operated exclusively for religious, charitable,

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scientific, literary, educational, testing for public safety or other specified purpose and that is tax exempt from federal income tax as an entity described in s. 501(c)(3) of the Internal Revenue Code.

(b) "Donor" means an individual or entity that has made a contribution of property or money to an existing endowment fund or a new endowment fund of a charitable organization or of a charitable trust pursuant to the terms of an endowment agreement that may include donor-imposed restrictions or conditions governing the use of the contribution.

(c) "Donor-imposed restriction" means a written statement within an endowment agreement which specifies requirements for the management or use of endowment funds.

(d) "Endowment agreement" means a written agreement between a charitable organization and a donor or between a charitable trust and a donor regarding the contribution made by the donor and accepted by the charitable organization or the charitable trust, which agreement may include donor-imposed restrictions or other conditions governing the use of the contribution.

(e) "Endowment fund" means an institutional fund or part thereof which, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use.

(f) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(g) "Legal representative" means the administrator or

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executor of a person's estate; a surviving spouse if a court judgment has settled the accounts of the estate; or a person designated in an endowment agreement, whether or not born at the time of such designation, to act in place of a party to the agreement for all matters expressed in the agreement and all of the actions it contemplates, including, but not limited to, interpreting, performing, and enforcing the agreement and defending its validity.

(h) "Property" means real property, personal property, or money, cryptocurrency, stocks, bonds, or any other asset or financial instrument.

(3) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal or state law, a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction may not violate the terms of that restriction without potential penalty.

(b) If a charitable organization violates a donor-imposed restriction contained in an endowment agreement, the donor, or the donor's legal representative, 90 days after notifying the charitable organization of the breach, may file a complaint within 6 years after discovery for breach of such agreement. The complaint may be filed in a court of general jurisdiction in the county where a charitable organization named as a party has its principal office or principal place of carrying out its charitable purpose, or in a court of the United States whose district includes such county. The complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the agreement, and it may not seek a

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judgment awarding damages to the donor or donor representative.

(c) If a charitable organization is unable to fulfill a term in the endowment agreement, the charitable organization must notify the donor, or the donor's legal representative, within 30 days after discovering it is unable to fulfill the terms and offer an alternative solution that closely matches the initial term in the endowment agreement.

(d) A charitable organization may obtain a judicial declaration of the rights and duties expressed in an endowment agreement containing donor restrictions as to all of the actions the endowment agreement contemplates, including, but not limited to, the interpretation, performance, or enforcement of the agreement, and a determination of its validity. The charitable organization shall seek a judicial declaration in any suit brought under this section, or by filing a complaint.

(e) If the court determines that a charitable organization violated a donor-imposed restriction in an endowment agreement, the court may order one or more remedies consistent with the charitable purposes expressed in the endowment agreement. The court may not order the return of donated funds to the donor or the donor's legal representative.

(f) This act does not affect the authority of the Attorney General to enforce any restriction in an endowment agreement; limit the application of the judicial power of cy pres; or alter the right of an institution to modify a restriction on the management, investment, purpose, or use of an endowment fund in a manner permitted by the endowment agreement and by the Florida Uniform Prudent Management of Institutional Funds Act created in s. 617.2104.

12-01082A-26 20261338

(4) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

Section 2. Section 496.433, Florida Statutes, is created to read:

496.433 Charity Protection Act.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that it is necessary to minimize burdens on the charitable sector and to create a grantmaking environment centered on effectiveness and fiscal impact on charitable organizations.

(2) PROTECTIONS AFFORDED.—

(a) Except where specifically required or authorized by federal law, a state agency or state official may not impose any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under this chapter which are more burdensome than the requirements authorized by Florida law.

(b) This subsection does not apply to state grants or contracts or to fraud investigations.

(c) This subsection does not restrict enforcement actions against specific nonprofit organizations.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Judiciary, *Vice Chair*
Agriculture
Appropriations Committee on Health and
Human Services
Banking and Insurance
Fiscal Policy
Rules

SENATOR COLLEEN BURTON

12th District

January 19th, 2026

The Honorable Tom Leek
310 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Chair Leek,

I respectfully request SB 1338 Charitable Giving; SB 1344 Companion Artificial Intelligence Chatbots, and SB 1346 Public Records/Department of Legal Affairs/Artificial Intelligence Violations be placed on the Commence and Tourism agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in cursive script that reads "Colleen Burton".

Colleen Burton

CC: Todd McKay, Staff Director
Jennifer Renner, Deputy Staff Director
Renita Hayes, Committee Administrative Assistant

REPLY TO:

- ☐ 1375 Havendale Boulevard, NW, Winter Haven, Florida 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

The Florida Senate

APPEARANCE RECORD

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

1/28/2026

Meeting Date

Commerce & Tourism

Committee

SB1338

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Bill Osmulski**

Phone **608-905-4863**

Address **1120 20th Street NW, Suite 400N**
Street

Email **bosmulski@philanthropyroundtable.org**

Washington
City

D.C.
State

20036
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

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representing:

☒ I am not a lobbyist, but received
something of value for my appearance
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Philanthropy Roundtable

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 Commerce and Tourism

BILL: CS/SB 1582

INTRODUCER: Commerce and Tourism Committee and Senator Yarborough

SUBJECT: Statewide Data Sharing of Secondhand Dealer and Pawnbroker Transactions

DATE: January 28, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Fav/CS
2.			ACJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1582 requires all secondhand dealers, secondary metals recyclers, mail-in secondhand precious metals dealers, and pawnbrokers to provide certain recordkeeping and transaction information to the Florida Department of Law Enforcement (FDLE) for the purpose of statewide data sharing.

Currently, this information is provided only to local law enforcement agencies, in part to assist them in recovering stolen property and solving other theft-related crimes.

The bill may have an indeterminate fiscal impact on the FDLE for creating and storing the statewide data.

The bill takes effect July 1, 2026.

II. Present Situation:

Secondhand Dealers

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. The purpose of such regulations is to assist law enforcement in recovering stolen property and in solving other theft-related crimes.¹

A secondhand dealer is defined as any person, corporation, or other business organization or entity that is not a secondary metals recycler and is engaged in purchasing, consigning, or trading secondhand goods. The term also includes a secondhand dealer engaged in purchasing secondhand goods through an automated kiosk.²

Secondhand goods are previously owned or used personal property purchased, consigned, or traded as used property.³ The term also includes gift certificates and credit memos⁴ that are purchased, consigned, or traded by a secondhand dealer. Secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry; gold, silver, platinum, palladium, or rhodium bullion that has been assayed and is properly marked as to its weight and fineness; cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with a serial number.⁵

A secondhand dealer must annually register their business with the Department of Revenue (DOR).⁶

Secondhand Dealer Transaction Forms and Reporting Requirements

Upon each acquisition of secondhand goods, a secondhand dealer must complete a transaction form that details the goods purchased and the seller's identity. The secondhand dealer must retain this document for at least 3 years and forward a copy to the appropriate law enforcement agency within 24 hours of acquiring the secondhand goods.⁷ In addition to the descriptive statements of the secondhand goods and the seller's identity, the transaction record must also include:

- A statement of the date, time, and place of the transaction;

¹ See ss. 538.04, 538.06, F.S. (identifying recordkeeping requirements and holding periods in connection with secondhand goods); see also Jarret C. Oeltjen, *Florida Pawnbroking: An Industry in Transition*, 23 FLA. ST. U. L. REV. 995, 1013 (Spring 1996) (noting that “[t]he main impetus behind [ch. 538, F.S.] was to confront the problem of property theft and drug-related crimes by facilitating recovery of stolen goods and apprehending those criminals who may turn to secondhand dealers for cash”).

² Section 538.03(1)(h), F.S.

³ Section 538.03(1)(i), F.S.

⁴ Section 501.95, F.S., defines “credit memo” as a certificate, card, stored value card, or similar instrument issued in exchange for returned merchandise when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction.

⁵ Section 538.03(1)(i), F.S.

⁶ See generally s. 538.09, F.S. (providing for registration).

⁷ Section 538.04(1), F.S.

- A summary of the goods acquired, including brand name, model number, serial number, and other unique identifiers;
- Digital photographs of the goods acquired in the report that is submitted to law enforcement; and
- A description of the person from whom the goods were acquired, including his or her right thumbprint, name, and address, and a physical description.⁸

If an appropriate law enforcement official provides a secondhand dealer with appropriate software and the secondhand dealer has the capability to use it, the secondhand dealer must electronically transmit the required transaction records.⁹ Additionally, if a secondhand dealer lacks computer capability, the appropriate law enforcement official may provide a computer and all necessary equipment to electronically transmit transactions.¹⁰

Secondhand dealers must hold all secondhand goods for at least 15 days after acquiring the property. However, secondhand dealers are required to hold a precious metal,¹¹ gemstone, jewelry; antique furnishings, fixtures, or decorative objects; or an item of art as defined in s. 686.501, F.S.,¹² for 30 days after they acquire the property.¹³ Additionally, a secondhand good must be held for 30 days if the secondhand dealer uses an automated kiosk.¹⁴

Penalties

If a law enforcement officer has probable cause to believe that the goods held by a secondhand dealer are stolen, the officer may place a 90-day written hold order on those goods.¹⁵ This prevents the secondhand dealer from selling the goods and preserves them for use as evidence in a criminal trial. Additionally, it allows the goods to be returned to their rightful owner.

Law enforcement agencies with jurisdiction enforce compliance with registration, record-keeping, holding periods, and inspection requirements.¹⁶ A person who knowingly violates the

⁸ *Id.*

⁹ Section 538.04(6), F.S.

¹⁰ *Id.*

¹¹ Section 538.03(1)(f), F.S., defines “precious metals” as any item containing any gold, silver, or platinum, or any combination thereof, excluding any chemical or any automotive, photographic, electrical, medical, or dental materials or electronic parts.

¹² Section 686.501(1), F.S., defines “art” as a painting, sculpture, drawing, work of graphic art, pottery, weaving, batik, macramé, quilt, print, photograph, or craft work executed in materials including, but not limited to, clay, textile, paper, fiber, wood, tile, metal, plastic, or glass. The term includes a rare map which is offered as a limited edition or a map 80 years old or older; or a rare document or rare print which includes, a print, engraving, etching, woodcut, lithograph, or serigraph which is offered as a limited edition, or one 80 years old or older.

¹³ Section 538.06(1), F.S.

¹⁴ *Id.* An “automated kiosk” is an interactive device that is permanently installed within a secure retail space and that has the following technological functions: remotely monitored by a live representative during all business hours; verification of a seller’s identity by government-issued photographic identification card; automated reading and recording of item serial numbers; ability to compare item serial numbers against databases of stolen items; secure storage of goods accepted by the kiosk; and capture and storage of images during the transaction. Section 538.03(1)(c), F.S.

¹⁵ Section 538.06(3), F.S.

¹⁶ Section 538.05, F.S.

requirements governing secondhand dealers in ch. 538, F.S., commits a first degree misdemeanor and is subject to a fine not to exceed \$10,000.¹⁷

Secondary Metals Recyclers and Mail-in Secondhand Precious Metals Dealers

A secondary metals recycler means any person who:

- Is engaged, from a fixed location, in the business of purchase transactions or gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose, or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or
- Has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof.¹⁸

A mail-in secondhand precious metals dealer means any person or entity that:

- Conducts business within Florida and contracts with others to buy precious metals or jewelry through an Internet website, the United States mail, or telemarketing; or
- Conducts business within Florida and regularly engages in the business of purchasing jewelry or precious metals through the mail or Internet-based transactions.¹⁹

Secondary Metals Recyclers and Mail-in Secondhand Precious Metals Dealers Transaction Forms and Reporting Requirements

A secondary metals recycler must maintain both a legible paper and electronic record of all purchase transactions to which such secondary metals recycler is a party.²⁰ The appropriate law enforcement official may provide data specifications regarding the electronic record format, but such format must be approved by the FDLE. The transaction record must include:²¹

- The time, date, and place of the transaction.
- A complete and accurate description of the goods acquired.
- Digital photographs of the goods.
- A description of the person from whom the goods were acquired.
- Any other information required by the FDLE.

An electronic record of the purchase transaction must be transmitted to the appropriate law enforcement official no later than 10 a.m. on the business day following the transaction.²²

¹⁷ Section 538.07(1), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

¹⁸ Section 538.18(11), F.S.

¹⁹ Section 538.31(1), F.S.

²⁰ Section 539.19, F.S.

²¹ Section 538.19(2), F.S.

²² Section 538.19(1), F.S.

Mail-in secondhand precious metals dealers must register with the DOR and keep a record of every transaction that includes the following:²³

- A complete and accurate description of the seller's goods, including:
 - precious metal type, or the type of jewelry.
 - Any other unique identifying marks, numbers, or letters. The description must be in an electronic format agreed upon by the dealer and the appropriate law enforcement agency.
- The date that the seller's goods were received by the mail-in secondhand precious metals dealer.

The mail-in secondhand precious metals dealer must maintain records for 2 years, and all transaction records must be in a form that is easily retrievable upon request by a law enforcement agency.²⁴

Penalties

A secondary metals recycler who knowingly and intentionally engages in a pattern of failing to keep records or violates provisions relating to hold notices or the right to inspect regulated metals commits a third degree felony.²⁵

Any mail-in secondhand precious metals dealer who does not register with the DOR or fails to comply with recordkeeping requirements commits a third degree felony.²⁶ If a corporation is convicted or found guilty of, or pleads nolo contendere to, an offense, the corporation is prohibited from operating for 1 year as a mail-in secondhand precious metals dealer within the state.²⁷

Pawnbrokers

Pawnbrokers²⁸ must apply for and obtain an annual license from the Department of Agriculture and Consumer Services (DACS).²⁹ To be eligible for the license, each pawnshop must maintain a net worth of at least \$50,000 or file security in the form of a surety bond, letter of credit, or certificate of deposit of \$10,000 for each license.³⁰ The DACS is authorized to impose penalties

²³ Section 538.32(3), F.S.

²⁴ Section 538.32(5), F.S.

²⁵ Section 538.23(1), F.S. A third degree felony is punishable by up to 5 years in prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²⁶ Section 538.36(1), F.S. A third degree felony is punishable by up to 5 years in prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²⁷ Section 538.36(1), F.S.

²⁸ A "pawnbroker" is a person who is engaged in the business of making pawns; who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. Pawnbrokers may also engage in purchasing goods which includes consignment and trade. Section 539.001(1)(i), F.S. A "pawn" is any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on certain terms and conditions. Section 539.001(1)(h), F.S.

²⁹ Section 539.001(3), F.S.

³⁰ Section 539.001(4), F.S.

of up to \$5,000 for noncompliance with the law.³¹ As of October 5, 2025, there are 1,138 active pawn shop licensees statewide.³²

Pawnbroker Transaction Forms

At the time a pawnbroker enters into any pawn or purchase transaction, the pawnbroker is required to complete a pawnbroker transaction form.³³ The form must include an indication of whether the transaction is a pawn or a purchase, and the seller must also sign the form.³⁴

A pawnbroker is required to maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction.³⁵ On or before the end of each business day, the pawnbroker must deliver the original printed pawnbroker transaction forms, or printed copies of the digital pawnbroker transaction forms, for each transaction occurring during the previous business day to the appropriate law enforcement official.³⁶ Additionally, an electronic image accepted for a transaction must be maintained electronically to meet the same recordkeeping requirements as the original printed transaction form.³⁷

In lieu of physically delivering the original pawnbroker transaction forms, a local law enforcement agency may supply software to a pawnbroker so the pawnbroker may electronically transfer the transaction forms to the law enforcement agency. If a pawnbroker does not have a computer to use the software, the law enforcement agency may provide one to the pawnbroker. The law enforcement agency retains ownership of the computer unless otherwise agreed upon. The pawnbroker must maintain the computer in good working order, ordinary wear and tear excepted.³⁸

Penalties

A person who willfully makes a false entry on a transaction form or any other record required under chapter 539, F.S., commits a first degree misdemeanor.³⁹ Clerical or recordkeeping errors on a document or required record do not constitute a willful violation.

At the department's request, the FDLE must supply the department with any arrest and conviction records in its possession of an individual applying for or holding a license.⁴⁰

³¹ Fla. Admin. Code R. 5J-13.004 (2016).

³² Florida Department of Law Enforcement, *Statewide Pawn Database Feasibility Study* (Nov. 4, 2025), p.7. On file with the Senate Commerce and Tourism Committee.

³³ Section 539.001(8)(a), F.S.

³⁴ *Id.*

³⁵ Section 539.001(9)(a), F.S.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 539.001(9)(b), F.S.

³⁹ Section 539.001(17), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

⁴⁰ Section 539.001(19), F.S.

Any person who traffics in, or endeavors to traffic in, property that he or she knows or should know was stolen is guilty of a second degree felony.⁴¹

Feasibility Study

In 2025, the FDLE was directed to conduct a feasibility study to evaluate the viability of establishing a statewide pawn database.⁴² The study examined the feasibility of providing a free system to Florida law enforcement agencies that would allow them to access, update, and share pawn data in real time. The study recommended outsourcing pawn data collection through a single vendor, allowing the FDLE to control the system design and maintain a single database of all pawn records.⁴³

III. Effect of Proposed Changes:

Section 1 amends s. 538.04, F.S., requiring secondhand dealers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

Section 2 amends s. 538.19, F.S., requiring secondary metals recyclers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

Section 3 amends s. 538.32, F.S., requiring mail-in secondhand precious metals dealers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

Section 4 amends s. 539.001, F.S., requiring pawnbrokers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

Section 5 provides that the bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁴¹ Section 812.019(1), F.S. A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

⁴² Ch. 2025-43, Laws of Fla.

⁴³ Florida Department of Law Enforcement, *Statewide Pawn Database Feasibility Study* (Nov. 4, 2025), p.43. On file with the Senate Commerce and Tourism Committee.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE may incur costs to establish and operate a statewide system to collect pawn data.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends sections 538.04, 538.19, 538.32, and 539.001 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 Commerce and Tourism Committee on January 28, 2026:

The amendment removes the obligation for the FDLE to create a statewide database for collecting pawn data from secondhand dealers, secondary metals recyclers, and pawnbrokers. Instead, the amendment requires these entities, which are already required to provide specific information to local law enforcement agencies, to also share that data with the FDLE for statewide data sharing.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/28/2026	.	
	.	
	.	

The Committee on Commerce and Tourism (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (6), and (8) of section 538.04, Florida Statutes, are amended to read:

538.04 Recordkeeping requirements; penalties.—

(1) A secondhand dealer shall complete a secondhand dealers transaction form at the time of the actual transaction. A secondhand dealer shall maintain a copy of a completed



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transaction form on the registered premises for at least 1 year after the date of the transaction. However, the secondhand dealer shall maintain a copy of the transaction form for not less than 3 years. Unless other arrangements are agreed upon by the secondhand dealer and the appropriate law enforcement official, the secondhand dealer shall, within 24 hours after acquiring any secondhand goods, deliver to such official and the Department of Law Enforcement a record of the transaction on a form approved by the Department of Law Enforcement for the purpose of statewide data sharing. Such record ~~must~~ shall contain all of the following:

(a) The time, date, and place of the transaction.

(b) A complete and accurate description of the goods acquired, including the following information, if applicable:

1. Brand name.

2. Model number.

3. Manufacturer's serial number.

4. Size.

5. Color, as apparent to the untrained eye.

6. Precious metal type, weight, and content if known.

7. Gemstone description, including the number of stones, if applicable.

8. In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.

9. Any other unique identifying marks, numbers, or letters.

(c) Digital photographs of the goods, clearly showing the items required to be included on the record as provided in paragraph (b).

(d) A description of the person from whom the goods were



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acquired, including:

1. Full name, current residential address, workplace, and home and work phone numbers.

2. Height, weight, date of birth, race, gender, hair color, eye color, and any other identifying marks.

3. The right thumbprint, free of smudges and smears, of the person from whom the goods were acquired.

(e) Any other information required by the form approved by the Department of Law Enforcement.

(6) If the appropriate law enforcement official supplies a secondhand dealer with appropriate software and the secondhand dealer has computer capability, the secondhand dealer must electronically transmit secondhand dealer transactions required by this section to such official and the Department of Law Enforcement for the purpose of statewide data sharing. If a secondhand dealer does not have computer capability, the appropriate law enforcement official may provide the secondhand dealer with a computer and all equipment necessary to electronically transmit secondhand dealer transactions. The appropriate law enforcement official shall retain ownership of the computer, unless otherwise agreed upon, and the secondhand dealer shall maintain the computer in good working order, except for ordinary wear. A secondhand dealer who transmits secondhand dealer transactions electronically is not required to also deliver the original or paper copies of the secondhand transaction forms to the appropriate law enforcement official or the Department of Law Enforcement for the purpose of statewide data sharing. However, such official may, for purposes of a criminal investigation, request the secondhand dealer to deliver



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the original transaction form that was electronically transmitted. The secondhand dealer shall deliver the form to the appropriate law enforcement official and the Department of Law Enforcement within 24 hours after receipt of the request.

(8) When secondhand goods are purchased by means of an automated kiosk, the serial number reported pursuant to this section may be the International Mobile Station Equipment Identity (IMEI), the mobile equipment identifier (MEID), or another unique identifying number assigned to the device by the manufacturer. If the IMEI, MEID, or other unique identifying number is not available at the time of receipt or purchase, the report filed pursuant to this section must be updated with the IMEI, MEID, or other unique identifying number as soon as possible, but no later than 10 business days after the date of acquisition. If such identifying numbers are not available at the time of the transaction, the business ~~must~~ shall assign another unique identifier to the item which directly associates the item to the transaction that it was purchased in. Upon entering or updating any information on the transaction form, a law enforcement official, as designated by the sheriff or the chief of police of the jurisdiction in which the item was purchased, must be timely notified in writing or by electronic means, as required by the sheriff or chief of police of the jurisdiction. If, upon receiving the device and correcting the missing information, the company finds that the item was misappropriated or stolen, the appropriate law enforcement official and the Department of Law Enforcement must be notified. The holding requirements of ss. 538.06 and 538.09(3) do not begin until all required reports are complete and submitted to



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98 the appropriate law enforcement official and the Department of
99 Law Enforcement for the purpose of statewide data sharing.
100 Section 2. Subsection (1) of section 538.19, Florida
101 Statutes, is amended to read:
102 538.19 Records required; limitation of liability.—
103 (1) A secondary metals recycler shall maintain a legible
104 paper record of all purchase transactions to which such
105 secondary metals recycler is a party. A secondary metals
106 recycler shall also maintain a legible electronic record, in the
107 English language, of all such purchase transactions. The
108 appropriate law enforcement official may provide data
109 specifications regarding the electronic record format, but such
110 format must be approved by the Department of Law Enforcement. An
111 electronic record of a purchase transaction shall be
112 electronically transmitted to the appropriate law enforcement
113 official and the Department of Law Enforcement for the purpose
114 of statewide data sharing no later than 10 a.m. of the business
115 day following the date of the purchase transaction. The record
116 transmitted to the appropriate law enforcement official and the
117 Department of Law Enforcement must not contain the price paid
118 for the items. A secondary metals recycler who transmits such
119 records electronically is not required to also deliver the
120 original or paper copies of the transaction forms to the
121 appropriate law enforcement official or the Department of Law
122 Enforcement for the purpose of statewide data sharing. However,
123 such official may, for purposes of a criminal investigation,
124 request the secondary metals recycler to make available the
125 original transaction form that was electronically transmitted.
126 This original transaction form must include the price paid for

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127 the items. The secondary metals recycler shall make the form
128 available to the appropriate law enforcement official within 24
129 hours after receipt of the request.
130 Section 3. Subsections (3), (4), and (6) and paragraph (d)
131 of subsection (7) of section 538.32, Florida Statutes, are
132 amended to read:
133 538.32 Registration, transaction, and recordkeeping
134 requirements; penalties.—
135 (3) For every transaction, the secondhand dealer shall must
136 keep a record of the following:
137 (a) A complete and accurate description of the seller's
138 goods, including:
139 1. Precious metal type, or, if jewelry, the type of
140 jewelry.
141 2. Any other unique identifying marks, numbers, or letters.
142 The description must be in an electronic format agreed upon by
143 the dealer and the appropriate law enforcement agency.
144 (b) The date that the seller's goods were received by the
145 mail-in secondhand precious metals dealer.
146
147 This information must be provided to the appropriate law
148 enforcement agency and the Department of Law Enforcement for the
149 purpose of statewide data sharing within 24 hours after entering
150 into the contract unless other arrangements are made between the
151 business and the law enforcement agency.
152 (4) For every transaction, pictures of the secondhand goods
153 which are the subject of the transaction must be available
154 online for electronic viewing, via a website accessible by
155 username and password only, by a law enforcement agency and the

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156 Department of Law Enforcement at no charge. In addition, the
157 electronic files must be searchable by a law enforcement agency
158 for queries concerning property descriptions, secondhand dealer
159 transaction information, and the seller's personal
160 identification, including address, state of residence, and zip
161 code.
162 (6) The mail-in secondhand precious metals dealer shall
163 ~~must~~ provide the appropriate law enforcement agency and the
164 Department of Law Enforcement for the purpose of statewide data
165 sharing with an electronic copy of the name, address, phone
166 number, driver license number, or government-issued
167 identification number, and issuing state of the person from whom
168 the dealer purchased or acquired the precious metals or jewelry.
169 (7)
170 (d) Within 24 hours after the expiration of the 30-day hold
171 period for the property, the secondhand dealer shall must notify
172 the appropriate law enforcement agency and the Department of Law
173 Enforcement of the abandonment of the property by electronic
174 transmission or by sending a copy of the completed form
175 authorized by chapter 717 to the Department of Financial
176 Services, Division of Unclaimed Property.
177 Section 4. Paragraphs (a) and (b) of subsection (9) of
178 section 539.001, Florida Statutes, are amended to read:
179 539.001 The Florida Pawnbroking Act.—
180 (9) RECORDKEEPING; REPORTING; HOLD PERIOD.—
181 (a) A pawnbroker shall must maintain a copy of each
182 completed pawnbroker transaction form on the pawnshop premises
183 for at least 1 year after the date of the transaction. On or
184 before the end of each business day, the pawnbroker shall must

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185 deliver to the appropriate law enforcement official and the
186 Department of Law Enforcement for the purpose of statewide data
187 sharing the original printed pawnbroker transaction forms or
188 printed copies of the digital pawnbroker transaction forms for
189 each of the transactions occurring during the previous business
190 day, unless other arrangements have been agreed upon between the
191 pawnbroker and the appropriate law enforcement official. If an
192 original printed transaction form is lost or destroyed by the
193 appropriate law enforcement official, a copy may be used by the
194 pawnbroker as evidence in court. When an electronic image of a
195 pledgor or seller identification is accepted for a transaction,
196 the pawnbroker must maintain the electronic image in order to
197 meet the same recordkeeping requirements as for the original
198 printed transaction form. If a criminal investigation occurs,
199 the pawnbroker must shall, upon request, provide a clear and
200 legible copy of the image to the appropriate law enforcement
201 official.
202 (b) If the appropriate law enforcement agency supplies the
203 appropriate software and the pawnbroker presently has the
204 computer ability, pawn transactions must shall be electronically
205 transferred to the appropriate law enforcement official and the
206 Department of Law Enforcement for the purpose of statewide data
207 sharing. If a pawnbroker does not presently have the computer
208 ability, the appropriate law enforcement agency may provide the
209 pawnbroker with a computer and all necessary equipment for the
210 purpose of electronically transferring pawn transactions. The
211 appropriate law enforcement agency retains shall retain
212 ownership of the computer, unless otherwise agreed upon. The
213 pawnbroker shall maintain the computer in good working order,

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214 ordinary wear and tear excepted. In the event the pawnbroker
215 transfers pawn transactions electronically, the pawnbroker is
216 not required to also deliver to the appropriate law enforcement
217 official or the Department of Law Enforcement the original or
218 copies of the pawnbroker transaction forms. The appropriate law
219 enforcement official may, for the purposes of a criminal
220 investigation, request that the pawnbroker produce an original
221 of a printed transaction form that has been electronically
222 transferred. The pawnbroker shall deliver this form to the
223 appropriate law enforcement official within 24 hours of the
224 request.

225 Section 5. This act shall take effect July 1, 2026.

226

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

228 And the title is amended as follows:

229 Delete everything before the enacting clause
230 and insert:

231 A bill to be entitled

232 An act relating to statewide data sharing of
233 secondhand dealer and pawnbroker transactions;
234 amending ss. 538.04, 538.19, 538.32, and 539.001,
235 F.S.; revising the recordkeeping, transaction, and
236 reporting requirements of certain secondhand dealers
237 and pawnbrokers to be shared with the Department of
238 Law Enforcement for the purpose of statewide data
239 sharing of such records, transactions, and reports;
240 providing an effective date.

By Senator Yarborough

4-00771B-26

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1 A bill to be entitled
 2 An act relating to the pawn data statewide system;
 3 creating s. 539.004, F.S.; providing legislative
 4 intent; defining terms; requiring the Department of
 5 Law Enforcement to establish, operate, and maintain a
 6 statewide system for the collection of pawn data;
 7 providing system requirements; providing procurement
 8 authority to the department to contract with a single
 9 vendor to provide pawn data collection as a service;
 10 providing contract terms; prohibiting the department
 11 from making a specified delegation; requiring
 12 mandatory participation in the statewide system by
 13 specified dealers and recyclers; prohibiting certain
 14 agencies from requiring or maintaining separate
 15 contracts for pawn data collection services;
 16 prohibiting law enforcement agencies from being
 17 charged a fee for accessing pawn data through the
 18 system; establishing contract provisions for vendors;
 19 providing that all pawn data collected is the
 20 exclusive property of the state; providing that
 21 vendors do not acquire certain interests in the pawn
 22 data; providing that the pawn data may only be used
 23 for specified purposes; prohibiting specified acts;
 24 providing enforcement and penalties for violations;
 25 authorizing the department to adopt rules; providing
 26 an effective date.

28 Be It Enacted by the Legislature of the State of Florida:
 29

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

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30 Section 1. Section 539.004, Florida Statutes, is created to
 31 read:
 32 539.004 Pawn data statewide system.—
 33 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
 34 to establish a single, secure, statewide pawn data collection
 35 system under the control of the Department of Law Enforcement
 36 to:
 37 (a) Support criminal investigations and public safety
 38 statewide.
 39 (b) Eliminate fragmented data collection and duplicative
 40 costs to law enforcement agencies;
 41 (c) Ensure statewide data ownership, continuity, and
 42 interoperability.
 43 (d) Protect sensitive transaction information from
 44 unauthorized use or commercialization.
 45 (2) DEFINITIONS.—As used in this section, the term:
 46 (a) "Department" means the Department of Law Enforcement.
 47 (b) "Pawn data" means information related to the
 48 transactions of secondhand dealers and secondary metals
 49 recyclers, including pawn shops, which is required by chapter
 50 538 and this chapter to be reported electronically to law
 51 enforcement officials. This data includes, but is not limited
 52 to, descriptions of property, seller information, transaction
 53 dates, and any other data related to the exchange of goods.
 54 (c) "Statewide system" means the centralized pawn data
 55 collection and access system established and operated by the
 56 department under this section.
 57 (d) "Vendor" means a single private entity procured by the
 58 department to provide pawn data collection as a service.

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

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(3) ESTABLISHMENT OF STATEWIDE SYSTEM.—

(a) The department shall establish, operate, and maintain a statewide system for the collection of pawn data.

(b) The department shall ensure that the statewide system:

1. Accepts electronic reports from all required reporting entities statewide.

2. Provides access to pawn data for law enforcement agencies in real time or near real time.

3. Supports multijurisdictional investigations.

4. Meets state and federal security, privacy, and records management requirements.

(4) PROCUREMENT AUTHORITY.—

(a) Pursuant to chapter 287, the department shall competitively procure and contract with a single vendor to provide pawn data collection as a service on a statewide basis.

(b) The department may enter into a multiyear contract, which may include renewal options, performance benchmarks, transition periods, and termination provisions consistent with state procurement law.

(c) The department may not delegate data ownership, governance authority, or law enforcement access control to a vendor.

(5) MANDATORY PARTICIPATION.—

(a) All secondhand dealers and secondary metals recyclers required to report under chapter 538 and this chapter shall submit required data through the statewide system.

(b) A local or regional law enforcement agency may not require or maintain a separate contract for pawn data collection services that duplicate the statewide system.

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(c) A law enforcement agency may not be charged a fee for accessing pawn data through the statewide system.

(6) CONTRACTUAL REQUIREMENTS.—A contract executed under this section must require the vendor to:

(a) Maintain and support integrations with commonly used point-of-sale systems and web-based reporting tools.

(b) Provide compliance monitoring and technical assistance to reporting businesses.

(c) Transmit all pawn data to the department in real time or near real time.

(d) Provide full and continuous access to current and historical pawn data to the department.

(e) Transfer all pawn data, including metadata and historical records, to the department immediately upon request or upon contract expiration or termination, without any additional cost.

(f) Provide a department-approved transition plan to prevent disruption of law enforcement operations.

(g) Comply with all state cybersecurity, public records, and data retention requirements.

(7) OWNERSHIP AND USE OF DATA.—

(a) All pawn data collected under this section is the exclusive property of this state.

(b) A vendor acts solely as a service provider and data processor and does not acquire any ownership or proprietary interest in the pawn data.

(c) Pawn data may be used only for official law enforcement, regulatory, or public safety purposes authorized by general law.

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(8) PROHIBITED ACTS.—

(a) A vendor may not sell, license, lease, sublicense, monetize, or otherwise commercially exploit pawn data.

(b) A person may not knowingly misuse, disclose, or access pawn data for any purpose not authorized by general law.

(9) ENFORCEMENT AND PENALTIES.—

(a) A vendor that violates this section, or the terms of a contract entered into pursuant to subsection (4), is subject to:

1. Civil penalties of up to \$500,000 for each violation.

2. Contract termination.

3. Disqualification from future state contracts.

(b) A person who knowingly and willfully violates subsection (8) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(10) RULEMAKING.—The department may adopt rules to implement this section, including, but not limited to, for procurement administration, system standards, access controls, data security, audits, and compliance enforcement.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/28/2026	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1), (6), and (8) of section 538.04, Florida Statutes, are amended to read:

538.04 Recordkeeping requirements; penalties.—

(1) A secondhand dealer shall complete a secondhand dealers transaction form at the time of the actual transaction. A secondhand dealer shall maintain a copy of a completed



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transaction form on the registered premises for at least 1 year after the date of the transaction. However, the secondhand dealer shall maintain a copy of the transaction form for not less than 3 years. Unless other arrangements are agreed upon by the secondhand dealer and the appropriate law enforcement official, the secondhand dealer shall, within 24 hours after acquiring any secondhand goods, deliver to such official and the Department of Law Enforcement a record of the transaction on a form approved by the Department of Law Enforcement for the purpose of statewide data sharing. Such record must ~~shall~~ contain all of the following:

(a) The time, date, and place of the transaction.

(b) A complete and accurate description of the goods acquired, including the following information, if applicable:

1. Brand name.

2. Model number.

3. Manufacturer's serial number.

4. Size.

5. Color, as apparent to the untrained eye.

6. Precious metal type, weight, and content if known.

7. Gemstone description, including the number of stones, if applicable.

8. In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.

9. Any other unique identifying marks, numbers, or letters.

(c) Digital photographs of the goods, clearly showing the items required to be included on the record as provided in paragraph (b).

(d) A description of the person from whom the goods were



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acquired, including:

1. Full name, current residential address, workplace, and home and work phone numbers.

2. Height, weight, date of birth, race, gender, hair color, eye color, and any other identifying marks.

3. The right thumbprint, free of smudges and smears, of the person from whom the goods were acquired.

(e) Any other information required by the form approved by the Department of Law Enforcement.

(6) If the appropriate law enforcement official supplies a secondhand dealer with appropriate software and the secondhand dealer has computer capability, the secondhand dealer must electronically transmit secondhand dealer transactions required by this section to such official and the Department of Law Enforcement for the purpose of statewide data sharing. If a secondhand dealer does not have computer capability, the appropriate law enforcement official may provide the secondhand dealer with a computer and all equipment necessary to electronically transmit secondhand dealer transactions. The appropriate law enforcement official shall retain ownership of the computer, unless otherwise agreed upon, and the secondhand dealer shall maintain the computer in good working order, except for ordinary wear. A secondhand dealer who transmits secondhand dealer transactions electronically is not required to also deliver the original or paper copies of the secondhand transaction forms to the appropriate law enforcement official or the Department of Law Enforcement for the purpose of statewide data sharing. However, such official may, for purposes of a criminal investigation, request the secondhand dealer to deliver



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the original transaction form that was electronically transmitted. The secondhand dealer shall deliver the form to the appropriate law enforcement official and the Department of Law Enforcement within 24 hours after receipt of the request.

(8) When secondhand goods are purchased by means of an automated kiosk, the serial number reported pursuant to this section may be the International Mobile Station Equipment Identity (IMEI), the mobile equipment identifier (MEID), or another unique identifying number assigned to the device by the manufacturer. If the IMEI, MEID, or other unique identifying number is not available at the time of receipt or purchase, the report filed pursuant to this section must be updated with the IMEI, MEID, or other unique identifying number as soon as possible, but no later than 10 business days after the date of acquisition. If such identifying numbers are not available at the time of the transaction, the business must ~~shall~~ assign another unique identifier to the item which directly associates the item to the transaction that it was purchased in. Upon entering or updating any information on the transaction form, a law enforcement official, as designated by the sheriff or the chief of police of the jurisdiction in which the item was purchased, must be timely notified in writing or by electronic means, as required by the sheriff or chief of police of the jurisdiction. If, upon receiving the device and correcting the missing information, the company finds that the item was misappropriated or stolen, the appropriate law enforcement official and the Department of Law Enforcement must be notified. The holding requirements of ss. 538.06 and 538.09(3) do not begin until all required reports are complete and submitted to



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the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing.

Section 2. Subsection (1) of section 538.19, Florida Statutes, is amended to read:

538.19 Records required; limitation of liability.—

(1) A secondary metals recycler shall maintain a legible paper record of all purchase transactions to which such secondary metals recycler is a party. A secondary metals recycler shall also maintain a legible electronic record, in the English language, of all such purchase transactions. The appropriate law enforcement official may provide data specifications regarding the electronic record format, but such format must be approved by the Department of Law Enforcement. An electronic record of a purchase transaction shall be electronically transmitted to the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing no later than 10 a.m. of the business day following the date of the purchase transaction. The record transmitted to the appropriate law enforcement official and the Department of Law Enforcement must not contain the price paid for the items. A secondary metals recycler who transmits such records electronically is not required to also deliver the original or paper copies of the transaction forms to the appropriate law enforcement official or the Department of Law Enforcement for the purpose of statewide data sharing. However, such official may, for purposes of a criminal investigation, request the secondary metals recycler to make available the original transaction form that was electronically transmitted. This original transaction form must include the price paid for



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the items. The secondary metals recycler shall make the form available to the appropriate law enforcement official within 24 hours after receipt of the request.

Section 3. Subsections (3), (4), and (6) and paragraph (d) of subsection (7) of section 538.32, Florida Statutes, are amended to read:

538.32 Registration, transaction, and recordkeeping requirements; penalties.—

(3) For every transaction, the secondhand dealer shall ~~must~~ keep a record of the following:

(a) A complete and accurate description of the seller's goods, including:

1. Precious metal type, or, if jewelry, the type of jewelry.

2. Any other unique identifying marks, numbers, or letters. The description must be in an electronic format agreed upon by the dealer and the appropriate law enforcement agency.

(b) The date that the seller's goods were received by the mail-in secondhand precious metals dealer.

This information must be provided to the appropriate law enforcement agency and the Department of Law Enforcement for the purpose of statewide data sharing within 24 hours after entering into the contract unless other arrangements are made between the business and the law enforcement agency.

(4) For every transaction, pictures of the secondhand goods which are the subject of the transaction must be available online for electronic viewing, via a website accessible by username and password only, by a law enforcement agency and the



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Department of Law Enforcement at no charge. In addition, the electronic files must be searchable by a law enforcement agency for queries concerning property descriptions, secondhand dealer transaction information, and the seller's personal identification, including address, state of residence, and zip code.

(6) The mail-in secondhand precious metals dealer shall ~~must~~ provide the appropriate law enforcement agency and the Department of Law Enforcement for the purpose of statewide data sharing with an electronic copy of the name, address, phone number, driver license number, or government-issued identification number, and issuing state of the person from whom the dealer purchased or acquired the precious metals or jewelry.

(7)

(d) Within 24 hours after the expiration of the 30-day hold period for the property, the secondhand dealer shall ~~must~~ notify the appropriate law enforcement agency and the Department of Law Enforcement of the abandonment of the property by electronic transmission or by sending a copy of the completed form authorized by chapter 717 to the Department of Financial Services, Division of Unclaimed Property.

Section 4. Paragraphs (a) and (b) of subsection (9) of section 539.001, Florida Statutes, are amended to read:

539.001 The Florida Pawnbroking Act.—

(9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

(a) A pawnbroker shall ~~must~~ maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction. On or before the end of each business day, the pawnbroker shall ~~must~~



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185 deliver to the appropriate law enforcement official and the
186 Department of Law Enforcement for the purpose of statewide data
187 sharing the original printed pawnbroker transaction forms or
188 printed copies of the digital pawnbroker transaction forms for
189 each of the transactions occurring during the previous business
190 day, unless other arrangements have been agreed upon between the
191 pawnbroker and the appropriate law enforcement official. If an
192 original printed transaction form is lost or destroyed by the
193 appropriate law enforcement official, a copy may be used by the
194 pawnbroker as evidence in court. When an electronic image of a
195 pledgor or seller identification is accepted for a transaction,
196 the pawnbroker must maintain the electronic image in order to
197 meet the same recordkeeping requirements as for the original
198 printed transaction form. If a criminal investigation occurs,
199 the pawnbroker must ~~shall~~, upon request, provide a clear and
200 legible copy of the image to the appropriate law enforcement
201 official.

202 (b) If the appropriate law enforcement agency supplies the
203 appropriate software and the pawnbroker presently has the
204 computer ability, pawn transactions must ~~shall~~ be electronically
205 transferred to the appropriate law enforcement official and the
206 Department of Law Enforcement for the purpose of statewide data
207 sharing. If a pawnbroker does not presently have the computer
208 ability, the appropriate law enforcement agency may provide the
209 pawnbroker with a computer and all necessary equipment for the
210 purpose of electronically transferring pawn transactions. The
211 appropriate law enforcement agency retains ~~shall retain~~
212 ownership of the computer, unless otherwise agreed upon. The
213 pawnbroker shall maintain the computer in good working order,



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ordinary wear and tear excepted. In the event the pawnbroker transfers pawn transactions electronically, the pawnbroker is not required to also deliver to the appropriate law enforcement official or the Department of Law Enforcement the original or copies of the pawnbroker transaction forms. The appropriate law enforcement official may, for the purposes of a criminal investigation, request that the pawnbroker produce an original of a printed transaction form that has been electronically transferred. The pawnbroker shall deliver this form to the appropriate law enforcement official within 24 hours of the request.

Section 5. This act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to statewide data sharing of
secondhand dealer and pawnbroker transactions;
amending ss. 538.04, 538.19, 538.32, and 539.001,
F.S.; revising the recordkeeping, transaction, and
reporting requirements of certain secondhand dealers
and pawnbrokers to be shared with the Department of
Law Enforcement for the purpose of statewide data
sharing of such records, transactions, and reports;
providing an effective date.

Statewide Pawn Database Feasibility Study



November 4, 2025

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Executive Summary

Overview of Study

As directed by the CS/CS/HB 1359 (2025), the Florida Department of Law Enforcement (FDLE) has conducted a feasibility study to evaluate the viability of establishing a statewide pawn database. The study examines the viability of providing a system that would be free of charge to all Florida law enforcement agencies (LEAs), allowing them to access, update, and share pawn data in real-time. It explores the ability to be interoperable with different law enforcement databases, software solutions, and jurisdictions using established data standards. Finally, it reviews necessary compliance with applicable privacy and security laws in addition to existing laws regulating reporting of transaction data. In the context of this study, “pawn” refers to any, or all, of the following: Pawnbrokers, Secondhand Dealers, Secondary Metals Recyclers, and Mail-In Secondhand Precious Metals Dealers as defined in Chapters 538 & 539, Florida Statutes (F.S.).

Per these statutes, pawn transactions must be reported to law enforcement, resulting in the collection of this data by Sheriff’s Offices and a handful of Police Departments. In the past, this was accomplished by collecting paper tickets or accepting electronic submissions, but currently, it is all electronic with very few exceptions. In the 2010s and early 2020s, data was collected by several vendors and a few regional systems. In recent years, however, the market has contracted, and only two vendors remain to collect pawn data. This has resulted in two separate databases that do not share data with each other, using restrictive multi-year contracts. Until a few months ago, LEAs had to pay both vendors if they wanted access to both sets of data. One vendor now offers access to the data for free, but the other, larger vendor, continues to charge for access. Many LEAs were unable to afford access to both systems and even with this recent change, they may not be able to afford the system that charges to access the data. Without access to the full set of pawn data from both databases, investigators are unable to search for and recover stolen property or investigate related crimes, even in their own County, if those transactions are being reported to the other database. Criminals have exploited this blind spot, intentionally or otherwise, by traveling to other jurisdictions to sell stolen property.

This study examines the viability of creating a single statewide pawn database, allowing all law enforcement to access all pawn data at no cost to their agency. The study assesses legal, technical, financial, and operational aspects, utilizing a comprehensive methodology that included interviewing over 20 stakeholder organizations, conducting legal and compliance reviews, and performing an objective analysis of options.

Findings

1. **Feasible:** Pawn shops are required to report pawn data to law enforcement per Chapters 538 and 539, F.S. While they are using vendors to collect and store this data today, the data could be collected using the same, or alternative means, and stored in a statewide database operated by FDLE.
2. **Fragmented Data Landscape:** Florida law enforcement currently relies primarily on two commercial pawn data vendors, FINDER and LeadsOnline, resulting in two separate repositories for pawn data.
3. **Legal Constraints (Firearms):** Florida Statute 790.335 presents significant barriers to including firearms transaction data within a database. This limits the ability to recover stolen firearms and investigate violent crimes.
4. **Contractual & Financial Issues:** Existing contracts often contain restrictive clauses concerning data ownership and data sharing, complicating inter-agency sharing and potentially resulting in the loss of historical data when agencies switch vendors. It also causes local agencies to purchase system licenses independently, putting them at a disadvantage compared to a central procurement that leverages greater collective purchasing power. While existing statutes requires pawn shops to report data to law enforcement, these contracts restrict access to the data such that law enforcement is not able to fully utilize it for investigative purposes across jurisdictions.
5. **Data Ownership:** To eliminate vendor dependency and secure permanent ownership of pawn data, the state must build and operate the Core Components of the system, including the database, query interface, and tools to administer access to the system.

Recommendation

Based on the analysis, **the most feasible solution is Option 2:** Outsourcing Pawn Data Collection as a Service (DCaaS) through a single vendor.

This approach offers the greatest value and feasibility for the state by:

- **Retaining State Ownership:** The state builds and owns the Core Components, ensuring FDLE controls data governance and privacy.
- **Reducing Financial Burden:** The financial responsibility for data collection shifts from local agencies to the state, eliminating these costs for local law enforcement.
- **Leveraging Expertise:** It leverages the established data collection and POS integration capabilities of specialized vendors through a competitive procurement process.
- **Firearms Data Access:** This option allows for querying firearms transaction data, through the use of a private third-party provider, as allowed by the exception in 790.335(3)(2), F.S.

Project Purpose and Scope

Purpose and Scope

Note: In the context of this study, “pawn” refers to any, or all, of the following: Pawnbrokers, Secondhand Dealers, Secondary Metals Recyclers, and Mail-In Secondhand Precious Metals Dealers as defined in Chapters 538 & 539, Florida Statutes (F.S.).

Florida Law Enforcement Agencies (LEAs) are facing significant investigative challenges due to the absence of a centralized, statewide pawn data system. Over the past two decades, law enforcement agencies across Florida have relied on regional pawn transaction databases to access records that are critical for recovering stolen property and generating investigative leads. These databases rely on pawn data vendors contracted by Sheriff’s Offices and Police Departments who pay for the collection, storage, and access of pawn transaction data. However, LEA access to pawn data is limited in two primary ways. First, data is not consistently accessible from one jurisdiction to another due to contractual data sharing restrictions with pawn data sharing vendors. Second, not all LEAs pay for access to pawn data, and therefore cannot access transaction records, even within their own jurisdictions. These limitations have hindered investigations, especially those involving criminal activity across jurisdictions.

To address these challenges, the Florida Department of Law Enforcement (FDLE) has conducted a feasibility study to evaluate the potential for implementing a statewide pawn database. This study assesses the technical, legal, financial, and operational aspects of the system and includes risks and constraints. The goal is to determine if a Statewide Pawn Database is feasible, and if so, the most effective and sustainable approach to provide law enforcement with access to all pawn data within Florida. The findings will inform the development of the Schedule IV-B Legislative Budget Request, which FDLE may submit to secure funding for the proposed system. Ultimately, the initiative aims to enhance law enforcement’s ability to recover stolen property, generate leads for other criminal investigations and improve public safety through more unified and efficient pawn data sharing.

The recommendations that are provided are based on actions FDLE can take now under existing law. However, during interviews and analysis, additional topics were noted that are beyond the direct and sole control of FDLE, and therefore outside the scope of this study. These topics are documented in the “Additional Considerations” section of the Feasibility Study.

Methodology

To evaluate viable options for a statewide pawn database, this study engaged in a comprehensive, multi-faceted approach to assess Florida’s current pawn landscape. The following activities were conducted:

Figure 1: Feasibility Study Elements

- Interviewed 20+ stakeholder organizations including other states, law enforcement, professional associations, and system vendors. A full list is included in Appendix A: Interviewed Stakeholders.
- Analyzed 80+ artifacts including contracts, legal documentation, client-provided deliverables, vendor specifications, etc.
- Conducted a Legal and Compliance Review and incorporated findings into the analysis.
- Conducted an Interoperability Assessment and incorporated findings into the analysis.
- Assessed marketplace vendors on technical and investigative capabilities, costs, contracting, and other factors.
- Documented the Current State of Pawn Data Collection and Sharing in Florida
- Completed an Options Analysis to describe, compare, and rate multiple methods to implement a Statewide Pawn Database
- Developed a Cost Benefit Analysis to determine costs to implement and a 10-year Total Cost of Ownership (TCO)
- Gathered expert input from subject matter experts in law enforcement, pawn operations, data sharing, and related domains.
- Conducted additional research on database architecture, data sharing models, and state program administration.



These inputs were used to independently document, analyze, and develop the feasibility study.

Background

After the tragic events of 9/11, information sharing between government agencies was identified as a critical failure by the 9/11 Commission. To address these issues, Florida law enforcement began a concerted effort to share information with each other that would take over 15 years to complete. Beginning with regional systems and culminating in the Statewide Data Sharing System, Florida connected the Records Management Systems (RMS), Computer-Aided Dispatch (CAD), and Jail Management Systems (JMS) from over 300 state and local law enforcement agencies (LEAs) together. Pawn data was collected from many of the local agencies and a small number of regional pawn systems, but that was not the primary focus. As investigators began using the Statewide Data Sharing System as one of the primary tools, however, the value of pawn data became increasingly clear. While primarily used for recovery of stolen property, pawn data was being used to solve many other crimes where items stolen from a crime scene, or even the murder weapon itself, were ending up in pawnshops. This led to a renewed focus to collect pawn data from all jurisdictions in Florida. By 2019, 64 of 67 counties and several cities were sharing pawn data in the Statewide Data Sharing System. The ability to search nearly all of Florida's law enforcement records, find associations, and generate leads in one system created an extremely valuable tool that allowed law enforcement to solve numerous crimes and prevent violence, including mass shootings.

While CAD, RMS, and JMS data remain in the Statewide Data Sharing System, changes in the pawn vendor marketplace, restrictive contracts, and other factors have caused updates to this pawn data to cease entirely. LEAs are left with two commercial systems that store the state's pawn records. Approximately half of the jurisdictions are in each system, and neighboring cities and counties frequently use different systems, making access to both systems a necessity. This required costly subscriptions to both systems until one vendor recently decided not to charge for law enforcement access. However, the other, larger vendor still requires a subscription.

There appears to be a lack of awareness among some members of law enforcement, with a general belief that whichever product they are using covers the whole state. Unfortunately, criminals appear to be aware of the limitation in access to pawn records and will travel to other jurisdictions to sell stolen property.

While Florida law enforcement find themselves in the circumstances that have led to the creation of this Study, this is not the first time that a statewide pawn database has been attempted. Around 2001, FDLE made efforts to establish a statewide pawn system which raised privacy concerns around lawfully owned firearms and firearms owners. While the system was built with support from all stakeholders, it was not funded and never became operational. It did, however, lead to concerns from gun rights groups and the eventual passage of 790.335, F.S., in

2004, which prohibits the creation or maintenance of lists, records, or registries of privately-owned firearms or their owners.

While a nearly complete statewide database of pawn data existed for a time in the Statewide Data Sharing System, Florida currently lacks a centralized repository for pawn data, despite its recognized value for investigations. Access is constrained by vendor control, restrictive contracts around data ownership and inter-agency sharing, and financial burdens placed on local agencies. This study aims to explore options for a statewide pawn database that ensure consistent access for all Florida law enforcement, comply with 790.335 F.S., and are freely available to law enforcement statewide.

Current State Assessment

Florida's Pawn Landscape

Florida maintains a diverse and active pawn dealer landscape. This includes a considerable number of licensed pawn shops, secondary metals recyclers, secondhand dealers, and mail-in secondhand precious metals dealers operating across the state.

Key Market Statistics:

- As of October 5, 2025, there are 1,138 active pawn shop licensees statewide according to the Florida Department of Agriculture and Consumer Service (FDACS).
- The Florida Department of Revenue (FDOR) does not publish the number of the licensees they regulate (secondary metals recyclers, secondhand dealers, and mail-in secondhand precious metals dealers), however, there are:
 - As of 2012, the most recent publicly available data, FDOR stated that there were 5,384 active secondhand dealers.
 - 109 members of the Florida Recyclers Association.
 - ecoATM, a kiosk-based secondhand dealer/recycler of cell phones, MP3 players and tablets, has 226 kiosks in Florida.

Market Characteristics:

- Pawn shops range from sole proprietors to large corporate chains; most are small independent businesses.
- Larger shops typically use Point-of-Sale (POS) systems to manage and record transactions.
 - POS systems often support external data exports or interfaces for reporting requirements.
- Technical capabilities vary:
 - Larger businesses' POS systems often include application programming interfaces (APIs) for automated data exchange.
 - Smaller shops often rely on manual entry via a web-based data entry form.

Summary:

Florida's pawn landscape reflects a wide range of business models and technical maturity. While some consolidation is occurring, the market largely consists of independent operators. POS system integration and manual data entry are an accepted part of doing business. While transaction reporting is often seen as burdensome, it does not represent a barrier to creating a statewide pawn database.

Stakeholders

Florida's pawn landscape is made up of regulatory, reporting, and investigative stakeholders.

Regulatory

Florida's pawn landscape operates within a complex federal, state, and local regulatory framework. Local agencies oversee transaction data to their law enforcement agency and enforce these requirements. State agencies oversee licensing and reporting formats. Federal agencies regulate other areas such as financial services and firearms sales for dealers that engage in those activities, but for the purposes of this study, they are considered out of scope. The following state and local stakeholders oversee and regulate the pawn landscape in Florida:

- **Florida Department of Agriculture & Consumer Services** - Regulates and licenses pawnbrokers under Chapter 539, F.S.
- **Florida Department of Revenue** - Oversees licensing for secondary metals recyclers, secondhand dealers, and mail-in secondhand precious metals dealers under Chapter 538, F.S.
- **Florida Department of Law Enforcement** - Approves standardized pawn forms per Chapters 538 and 539, F.S., manages the Statewide Data Sharing System, and operates the Florida Crime Information Center (FCIC) and access to the National Crime Information Center (NCIC). Maintains and provides access to "hot files" from FCIC/NCIC that contain detailed information on stolen property, including stolen firearms.
- **"Appropriate Law Enforcement Officials"** - The Sheriff of the County, Police Chief of the municipality, or their designee that currently collects pawn data that is required to be reported to them under Chapters 538 and 539, F.S. They also enforce reporting requirements from these businesses.
- **Local Law Enforcement Agencies** - Primary consumers of pawn data via queries on pawn systems. Investigate property and other crimes using pawn and other types of law enforcement data.

Reporting

These stakeholders are private businesses that report transactions to Appropriate Law Enforcement Officials, the Point-of-Sale vendors, and the pawn data vendors that collect data on the LEA's behalf.

Reporting Entities

- **Pawnbroker:** A person or business that provides a pawn, a short-term loan, by holding pledged property as collateral. The property will be returned if the terms of loan are satisfied, otherwise the item becomes the property of the shop. The businesses may also engage in the purchasing of goods which includes consignment and trade.

- **Secondary Metals Recycler:** A business operating from a fixed location that collects and processes ferrous and non-ferrous metals to sell to businesses that recycle the metals, or the businesses that process and recycle the metals.
- **Secondhand Dealer:** A person or business engaged in the business of purchasing, consigning, or trading secondhand goods. This includes businesses that purchase secondhand goods through an automated kiosk.
- **Mail-in Secondhand Precious Metals Dealer:** A Florida-based person or business that contracts with others to buy, or regularly buys, precious metals or jewelry online, by mail, or through telemarketing.

Point-of-Sale Vendors

These vendors offer solutions to support various aspects of pawn shop operations, including inventory management, compliance automation, and customer engagement. These systems typically offer the ability to export daily transaction data for the purpose of reporting to law enforcement. More sophisticated vendors also offer APIs that allow direct uploads to Pawn Data Vendors such as FINDER and LeadsOnline. While each of the industries have offerings specific to their business functions (pawnbroking, scrap metal recycling, etc.) there has been a fair amount of consolidation in recent years through mergers and acquisitions.

Pawn Data Vendors

- **FINDER:** A system that was originally developed in conjunction with the University of Central Florida, FINDER has been active in the data sharing space. It began regionally at first, then as a component of the Statewide Data Sharing System. They have also had a focus on pawn and offer a pawn system, collecting pawn data and query tools. FINDER is used by approximately half of the Appropriate Law Enforcement Officials to collect pawn data and has expanded outside of Florida, but does not have a substantial footprint in any other states. FINDER does not share data with LeadsOnline, but in recent months has offered query access to their pawn data at no charge to Florida law enforcement.
- **LeadsOnline:** A commercial vendor that is used by approximately half of the Appropriate Law Enforcement Officials to collect pawn data, including the largest jurisdictions (Tampa Bay area, Broward, Miami-Dade, and Palm Beach Counties). LeadsOnline has a national presence and has expanded into ballistic databases for the Bureau of Alcohol, Tobacco, and Firearms, and other areas. LeadsOnline's business model is based on selling access to the data they collect and store; they do not share any data for free.

Investigative

These stakeholders are the primary users of pawn data for investigative purposes.

- **Property Recovery Units:** Most LEAs have a group or detective focused on investigating stolen personal and commercial property. These investigators frequently interact with pawn dealers and generate the most queries of pawn data as they attempt to locate and recover the property while arresting the responsible parties. These units typically investigate Organized Retail Crime, as well, where groups of people coordinate large-scale thefts.
- **Criminal Investigative Division (CID):** The general investigations group within LEAs that investigates many types of criminal activity. They typically search for items stolen from a crime scene or associated with the crime. Queries of suspect names and other clues often lead to associations with items sold to pawn dealers, such as a firearm used in the crime or stolen property, helping generate further leads to solve the case.
- **Homicide Unit:** The investigators responsible for solving murders often search for suspects and missing items that may have been stolen by the suspect. While not a frequent occurrence, murder weapons have been sold to pawn shops, leading to arrests.

Florida Law Enforcement Databases

Florida law enforcement agencies rely on a combination of systems and vendors to collect and query pawn and secondhand dealer data. While a statewide data-sharing infrastructure exists, its functionality is currently fragmented and incomplete, with several critical limitations.

Statewide Data Sharing System

FDLE manages a statewide database of information from nearly all state and local law enforcement agencies. It is used to query names, vehicles, addresses, and other data to find associations and generate investigative leads. At one time, 64 of 67 counties were contributing pawn data to this system, but as of this writing, no pawn records are being added or updated to the system.

The system consists of a combination of two solutions; FINDER and LInX (Law Enforcement Information eXchange). The Regional Domestic Security Task Force (RDSTF) has seven geographic regions. In 2017, the Central Florida Region voted to remain with FINDER, while the other six regions opted to partner with the Naval Criminal Investigative Service (NCIS) and their LInX system. FINDER, one of the two pawn data sharing vendors, also operates a data sharing system that includes RMS, JMS, and CAD data. LInX is a national data sharing system that connects to many other regions of the United States and also provides access to military law enforcement records. In 2016, FINDER and NCIS created interfaces to allow each system to access and query data from the other system. The current arrangement provides that LInX is the

Statewide Data Sharing System with FINDER providing data collection and user interface for Region 5. In the past, FINDER also provided pawn data to the Statewide Data Sharing System (LInX). As of this writing, however, the interface between FINDER and LInX is no longer functional, thus FINDER's pawn data is no longer accessible in the Statewide Data Sharing system.

National Crime Information Center (NCIC) / Florida Crime Information Center (FCIC)

Operated by the Federal Bureau of Investigation (FBI) and FDLE, respectively, these criminal justice databases support state-level and nationwide investigative queries. NCIC includes 22 searchable files, while FCIC mirrors NCIC for Florida-specific data.

- **NCIC** is a nationwide database managed by the FBI that enables law enforcement to share and access criminal justice data. NCIC feeds into “hot files” used to identify stolen property, fugitives, and other investigative targets.
- **FCIC** is Florida's state-level counterpart to NCIC, managed by FDLE. FCIC compiles and manages criminal justice data and contributes to hot file records accessible to law enforcement statewide.

Current Pawn Data Information Flow

The Pawn Data Information Flow Process Chart visually outlines the multi-step journey of pawn data collection and querying in Florida. Using standard flowchart symbols, it depicts how data moves through the system, highlighting actions by pawnbrokers, secondhand dealers, and law enforcement. It includes decision points and directional flows that define how pawn data is collected and queried in the current state.

Figure 2: Florida Pawn Data Collection Flow

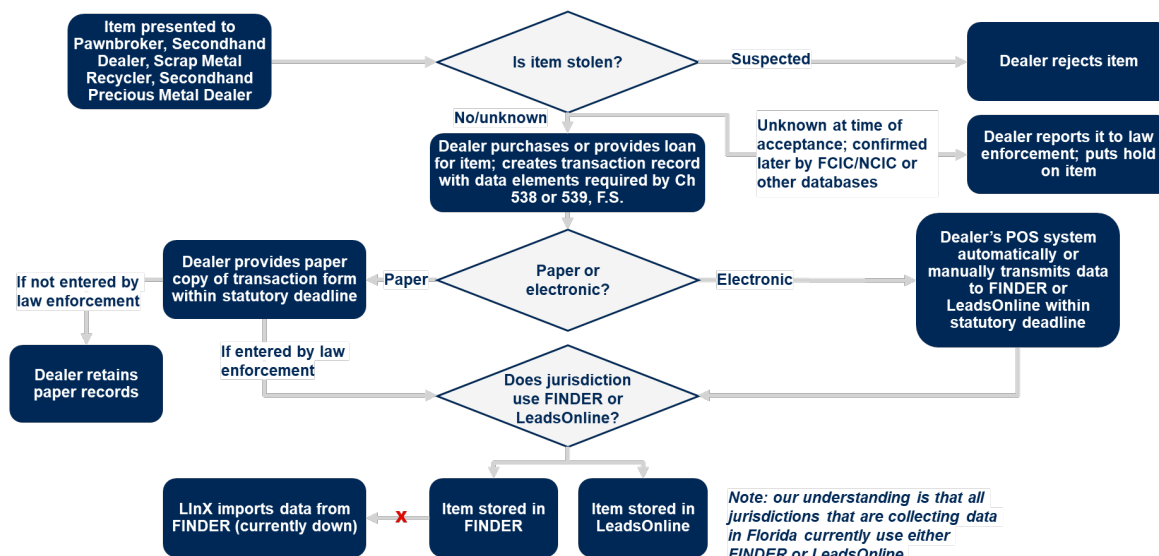
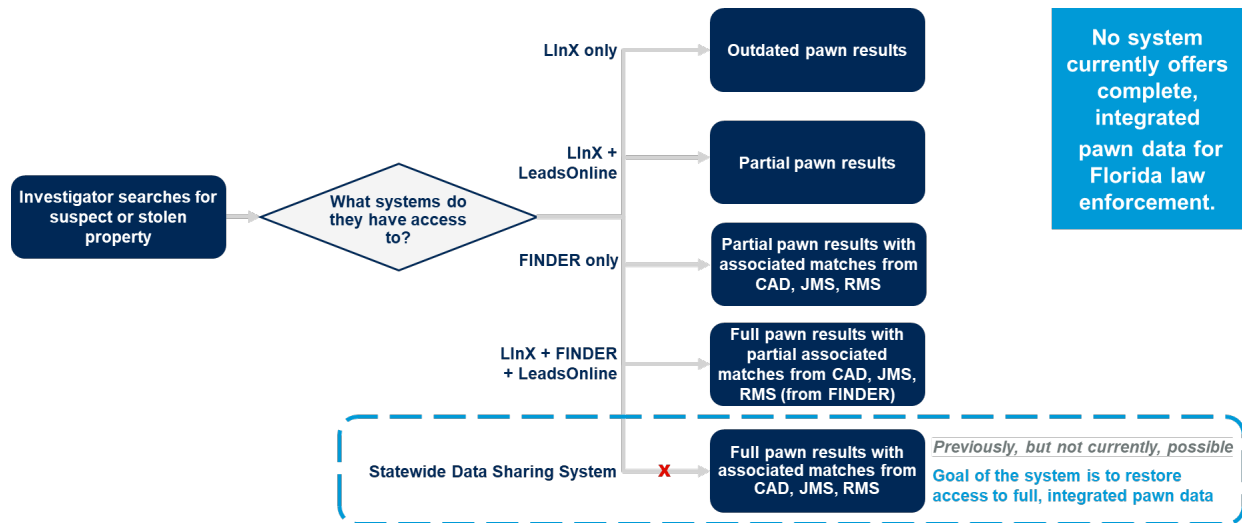


Figure 3: Florida Pawn Data Queries



This mapping reveals a fragmented system that limits investigative reach across Florida. Law enforcement agencies depend on two separate, proprietary databases which do not share data; LeadsOnline and FINDER. As a result, many agencies lack full access to statewide pawn records, creating blind spots that criminals exploit by crossing jurisdictions. The proposed solution aims to unify these data sources and integrate them with broader investigative tools like CAD, JMS, and RMS, closing critical gaps and enhancing statewide investigative capabilities.

Current Legal, Privacy, Technical, Contractual, and Operational Barriers

When evaluating the feasibility of implementing a statewide pawn database system, it is essential to consider key barriers that may impact the viability of potential solutions. These barriers fall into three primary categories: Legal, Technical and Operational. Each category introduces distinct challenges that, individually and collectively, contribute to the complexity of solution options and implementation approach.

Legal and Privacy: This category encompasses laws, regulations and policies that may govern or restrict the development, implementation, and operation of a statewide pawn database.

Note: this overview is not exhaustive and does not constitute legal advice. Prior to moving forward, FDLE is encouraged to conduct a full legal review with qualified counsel and consider preparing a privacy impact assessment to ensure responsible data handling and public trust.

Technical: Technical considerations include the infrastructure; system requirements and limitations associated with building and maintaining the database. These may involve data integration, cybersecurity, interoperability with existing systems, and scalability across jurisdictions.

Contractual Considerations: Contractual considerations include items identified from existing terms and conditions that may contractually limit agency participation in a statewide system.

Operational: Operational challenges refer to the practical implications of implementation on stakeholders such as LEAs, pawn dealers, point-of-sale (POS) vendors, and pawn software providers. Additionally, existing contractual obligations may restrict or delay the adoption of certain solutions, either partially or fully, during the implementation phase.

Each of these categories must be evaluated not only in isolation but also in relation to one another, as their interdependencies can influence the feasibility and design of the final solution.

The recommendations in this section are based on the following criteria:

- Compliance with existing Florida statutes
- Highest feasibility from a legal/political, technical, or operational standpoint.
- Greatest benefit to law enforcement agencies/users.
- Data sharing best practices.

This section of the study outlines the primary factors that shaped the decision-making process and highlights future considerations the State may need to address to ensure program longevity.

Legal and Privacy Barriers

There are several laws, regulations and statutes that govern pawn data within the State of Florida. A detailed Legal and Privacy Compliance Review was conducted and the relevant findings are documented in this report. The review assessed federal and state laws, regulations, and policies that may have an impact on the establishment and operation of a Statewide Pawn Database. During the review, no federal laws or case laws were found to impact the creation or operation of a statewide pawn database.

However, there are several state laws that could pose potential challenges. For this study, Florida Statutes, Florida Administrative Code, Attorney General Opinions, and Florida policies were reviewed and analyzed for their applicability to a Statewide Pawn Database. Most items are straightforward and do not represent challenges to a Statewide Pawn Database but collecting firearms transaction records and a lack of public record exemptions for Secondhand Dealers, Secondary Metals Recyclers, and Secondhand Precious Metals Dealers may complicate efforts.

In evaluating the various state laws, there are four key considerations:

- The requirement for “Real-Time Reporting”
- Current public disclosure laws
- Cost of the Statewide Pawn Database
- Handling of Firearm Transactions

This section will address each of the following in more detail.

Timing of Transaction Uploads

CS/CS/HB 1359 (2025) states that a statewide pawn database shall, “Allow law enforcement agencies in all counties in the state to access, update, and share pawn data in real-time.”

This requirement poses a challenge as it conflicts with current laws and operations.

Chapters 538 and 539, F.S., require transactions to be reported within the following timeframes:

- Secondhand Dealers: within 24 hours of acquisition.
- Secondary Metals Recyclers: by 10 a.m. of the business day following the date of the purchase transaction.
- Mail-in Secondhand Precious Metals Dealers: within 24 hours after entering into the contract.
- Pawnbrokers: by the end of the following business day.

To have “real-time” reporting, existing statutes would need to be amended to update the reporting requirement for all stakeholders. In practice, however, many dealers feel that current reporting requirements are burdensome and most POS systems, if shops have them, are not

capable of real-time data uploads. For these dealers and their POS systems, it would be technically feasible, assuming the statute is updated, or dealers voluntarily comply.

Current Public Disclosure Laws

Unlike Chapter 539, F.S., that explicitly provides confidentiality and exemption from Chapter 119 public records requests, Chapter 538 does not include language stating that transaction records from Secondhand Dealers, Secondary Metals Recyclers, and Mail-in Secondhand Precious Metals Dealers are confidential and exempt or restricted to official law enforcement purposes. This omission could potentially make FDLE responsible for responding to public records requests for these records.

The Legislature could amend Chapter 538, F.S., to include language similar to those in Section 539.003 to address this concern. This change would also provide greater privacy for customers that conduct transactions with these entities covered by Chapter 538.

Cost of the Statewide Pawn Database

Under current law, Secondhand Dealers, Secondary Metals Recyclers, Secondhand Precious Metals Dealers, and Pawnbrokers are required to transmit transaction records using “appropriate software” provided by the Appropriate Law Enforcement Official in their jurisdiction. If the dealer lacks the necessary equipment, the law enforcement agency may also be responsible for supplying a computer or other hardware. As a result, the financial burden of reporting pawn data typically falls on law enforcement agencies, which currently use systems such as FINDER or LeadsOnline to fulfill this obligation.

If the Statewide Pawn Database relies on data collected or aggregated from these third-party systems, it may not truly be “provided free of charge.” Agencies could still be required to maintain costly annual subscriptions to vendors such as FINDER or LeadsOnline to collect and transmit the data to the statewide system.

One potential approach to address this issue is to consider the mechanism for collecting transaction data directly from dealers as an integral part of the Statewide Pawn Database. If this component were funded by the State, it could be provided at no cost to all law enforcement agencies other than FDLE. Alternatively, funding for the database could be provided through the Department of Agriculture and Consumer Services or the Department of Revenue, as these agencies currently regulate Chapters 539 and 538, respectively. This approach could ensure that the system could be provided at no cost to all law enforcement agencies across the state.

Handling of Firearms Transactions

790.335, F.S., which prohibits the creation or maintenance or lists, records, or registries of privately-owned firearms or their owners. Violations of 790.335 for those who, “knowingly and

willfully keep or cause to be kept any list, record, or registry” carry serious consequences, including fines of up to \$5 million. The “Cause to be kept” wording portion involves risk for FDLE as it is open to interpretation. However, 790.335 allows for a private third-party to collect and store firearms transactions but reporting would be voluntary and the data would be limited compared to the data collected by the Appropriate Law Enforcement Official today.

If a private third-party provider collects firearms transactions, only the manufacturer, model, serial number, and caliber can be reported; the seller or pawnor’s personal identification and details cannot be reported. The limited data is useful for locating stolen firearms when these details are known but would be of no value to investigators searching by suspect name in homicides and other violent crimes. Firearms transactions collected by Florida’s Sheriff’s Offices and Police Departments can be retained for 60 days; if a private third party collects firearms transactions, they can only be retained for 30 days. In many criminal cases, it can take several months for leads and suspects to be identified, making this restriction limiting for investigators.

To collect firearms data, the solution would need to:

- **Use a Private Third-Party Provider:** firearms transaction data would need to be collected and stored by a “[T]hird-party private provider that is exclusively incorporated, exclusively owned, and exclusively operated in the United States and that restricts access to such information to only appropriate law enforcement agencies for legitimate law enforcement purposes.” To retain ownership of this data, it is recommended that FDLE explore the possibility of using a not-for-profit to store and provide lawful access to this data. That could provide the separation and privacy intended by 790.335, F.S., while also providing greater security and ownership of the data. There are not-for-profits in other areas of state and federal government such as healthcare and social services that serve as neutral database owners and administrators, so this could be a viable option for Florida law enforcement.
- **Collect Limited Firearms Data:** The limited data firearms data is valuable to investigators searching for stolen weapons as interviewees said that is the most common search they perform on firearms. Stolen firearms are commonly used in crimes and ballistic testing could tie the weapons to other cases.
- **Purge Firearms Data After Requisite Time Period:** While investigators will have limited time to search, purging firearms data will ensure compliance with Florida statute. This limits the investigative value for violent crime investigations but does not limit stolen firearm recovery as stolen firearms data will remain in FCIC/NCIC. Dealers will continue to check FCIC/NCIC for stolen weapons. Integrating the FCIC/NCIC stolen firearms data with the Statewide Pawn Database, via queries or “hot list” checks upon entering or uploading serial numbers may result in higher numbers of stolen firearms being reported.

Technical Barriers

Through interviews with stakeholders, one of the primary technical challenges identified was the integration and interfacing required for successful reporting from the pawn shops. Florida pawn shops range from large, commercial chains to small independently-owned locations and sole proprietors, each with varying levels of technical capability. Some pawn shops have existing integrations with LeadsOnline and FINDER through their POS systems, while others rely on manual data entry via web-based forms. The technical solution must be flexible enough to accommodate all pawn shops in a manner that ensures effective data capture with minimal disruption to daily operations.

To do so, it is recommended that the solution includes:

- **A Mobile-Friendly Web Interface:** For pawn shops lacking advanced technical infrastructure, the solution should include a user-friendly web interface that allows for easy data uploads. Ensuring mobile compatibility will help increase participation, particularly among smaller, resource-constrained shops, and increase the number and quality of photos provided by dealers.
- **POS Integration Complexity:** To streamline integration across various POS systems, the solution must leverage widely adopted standards and APIs. This approach will support a broad range of technical environments and ensure the system remains adaptable and scalable for future needs.

Contractual Barriers

This study conducted a review of pawn-related contracts and agreements from five Florida municipalities, as well as one regional contract from the Metropolitan Washington Council of Governments (“MWCOG”), which encompasses agencies across Maryland, Washington D.C., and Virginia. The Florida contracts reviewed include:

- The Town of Davie.
- City of Coral Gables “piggyback” contract using Miami-Dade County’s contract.
- The City of Hialeah.
- Fort Myers Police Department.
- North Port Police Department.

Each contract was evaluated to identify existing terms and conditions that may contractually limit agency participation in a statewide system.

The following section presents a summary of key findings and implications, recommended best practices for future contracts, and where applicable, examples of relevant contract language extracted from existing agreements for the following contractual limitations identified:

- Data Ownership
- Data Sharing Restrictions
- Termination without Penalty
- Historical Data Transfer Upon Termination
- Adding Additional Member Agencies

Data Ownership

In the contracts reviewed for the study, pawn vendors clearly delineated ownership of the software and its associated intellectual property. However, there was a significant variance between contracts regarding data ownership with some agreements explicitly outlined ownership while others remained undefined, leaving ownership up to interpretation based on implied language. Most notably, the more explicit contracts extend the scope of data ownership beyond specific “Agency Files” to include all information submitted by reporting agencies.

Potential Considerations

- The State should define "Agency Data" to include all data that is provided by the Agency, data reported by businesses in its jurisdiction, and any data or analyses generated through the Agency's use of the system.
- Explicitly state that the Agency retains full and perpetual ownership and full rights for all Agency Data, with unambiguous language to protect the agency over the lifetime of its data use during and after the contractual term.
- Consider including contract language that allows individual Agencies the ability to download their data at any time in a common machine-readable format.

Restrictions on Data Sharing with other LE Agencies

All contracts include language restricting Agencies from sharing stored and collected data with other law enforcement agencies. Some contracts further restrict search queries on behalf of other agencies and they may disclose information to other law enforcement agencies necessary for the investigation of cases that are solely or partially that agencies responsibility to investigate and prepare for prosecution.

This concern will be addressed by the proposed solution, which would enable the State to manage user access and maintain full control over the collected data.

Potential Considerations

- Replace language restricting data sharing with language that specifically safeguards against license misuse or access by non-participating agencies, while allowing appropriate data sharing for authorized users
- The contract should allow for a reasonable number of queries on behalf of other law enforcement partners to assist with investigations, task forces, etc. A field for this input can be added to the query screen and results from these queries should be allowed to be shared.
- Accounts should be monitored for excessive queries/sharing for another user/agency with provisions to pay extra if the queries are found to be necessary or to restrict the user's access if it is deemed abuse.

Termination Without Penalty

One of the contracts allows cancellation with 30 days' notice and states there are no early termination charges for service/maintenance during the year, contingent upon annual appropriation. The other contracts reviewed allow termination if funding is not appropriated with 60 days' notice.

Potential Considerations

- For future and renewing contracts, include a clause that allows an agreement to be terminated for convenience by the local government, with reasonable notice. Ensure the clause states that early cancellation is not subject to early termination fees, cancellation charges or other penalties.

Historical Data Transfer upon Termination

Some reviewed contracts had robust provisions, requiring the vendor to return all Agency-submitted data, data reported by businesses within the Agency's jurisdiction (including data migrated from prior systems), and transaction data collected by the vendor through separate agreements that pertain to the Agency's jurisdiction. The language also specifies that the data must be transferred in a mutually agreed upon format and requires the vendor to confirm deletion upon retrieval.

Potential Considerations

- Contracts should ensure that the vendor transfers all Agency data to the Agency upon contract termination or expiration, regardless of the reason for termination.
- Transferred data should include all data originally submitted by the Agency, data reported by businesses within the Agency's jurisdiction, data migrated from previous systems and

transaction data collected by the vendor that pertains to the Agency's jurisdiction that is collected via separate agreements.

- Specify that the transferred data must be transmitted in a mutually agreed upon, machine-readable, and widely compatible format such as SQL, CSV, or XML, to allow the Agency to fully utilize the data independently.
- Require the vendor to provide written confirmation of data deletion.
- Explicitly state that the data transfer and deletion clause survives the termination or expiration of the contract.

Adding Additional Member Agencies

Two of the contracts provide a clear framework for a central entity to manage data collection, subscriptions, payments, and compliance and allow for additional member agencies to be added to the pre-existing contract via amendment. MWCOG contract provides a clear framework for a central entity to manage subscriptions, payments, and compliance for multiple listed member agencies, with a process for adding new agencies via written amendment. This mechanism safeguards future agencies from significant price increases in case they wish to adopt the chosen solution after implementation.

Potential Considerations

- This clause is helpful in case Agencies that are bound by contractual terms cannot partake in the initial implementation phase and opt to participate at a later point in time.
- If the Agency intends to act as a primary contracting entity for multiple smaller or partner agencies, include a dedicated clause detailing the process for adding or removing these "member agencies" under the primary contract.

Operational Barriers

Operational Considerations deal with factors that may impact or cause disruption to the pawn dealers, local law enforcement agencies, or other stakeholders who rely on pawn data for their day-to-day operations. These factors need to be considered when determining viable solutions. The operational considerations observed are:

- Loss of Historical Data.
- Inability to Terminate Contracts.
- Stakeholder Unawareness.
- Lack of Marketplace Competition.

Loss of Historical Data

One of the most significant operational challenges agencies may face when transitioning to a new vendor or system is the potential loss of historical pawn data. This data is critical for property recovery efforts and ongoing investigations, and losing access to it could severely impact law enforcement operations.

In many cases, historical data is tied to the terms of existing vendor contracts. Agencies may be required to pay fees to retrieve their data or may be unable to access it altogether if the vendor does not release it. While Florida Statute 119.0701, F.S., mandates that vendors disclose public records, its enforcement is subject to interpretation and may not guarantee access to historical data in all scenarios.

There is no universal solution to this issue. Agencies that can obtain their historical data could import it into the Statewide Pawn Database. However, others may face the risk of permanent data loss unless they:

- Pay for access to historical records,
- Renegotiate contract terms to include data portability provisions, or
- Maintain legacy vendor agreements indefinitely to preserve access.

This barrier must be carefully considered during planning and procurement to ensure continuity of investigations.

Inability to Terminate Existing Contracts

Many agencies are in multi-year contracts with their existing pawn vendors and have encumbered associated funding. These contractual obligations may prevent immediate transition to the Statewide Pawn Database, even if the new system is ready for deployment.

To address this, FDLE should plan for a phased onboarding approach, allowing agencies to join the new system as their existing contracts expire. In the interim, agencies may need to continue funding and using their current systems until their contractual commitments are concluded.

Many Stakeholders are Unaware of the Problem

This study found that while police investigators are acutely aware of the challenges surrounding pawn data access, many Sheriff's Offices were unaware of the issues, largely because they have access to both FINDER and LeadsOnline, which minimizes their exposure to the issue.

This lack of awareness presents a significant operational barrier. Education and outreach are essential to ensure broader understanding of the problem. FDLE has an opportunity to collaborate with organizations such as the Florida Sheriffs Association and the Florida Police

Chiefs Association to inform agency leadership about the limitations and disparities in pawn data access.

Lack of Marketplace Competition

Currently, FINDER and LeadsOnline are the only pawn data vendors with notable market presence in Florida. While both are privately held, LeadsOnline appears to be significantly larger, with approximately 139 employees compared to 36 at FINDER's parent company, Vetted Security Solutions according to publicly available data. LeadsOnline also holds major federal contracts, including a \$390 million award for the ATF's National Integrated Ballistic Information Network (NIBIN), and has completed four major acquisitions in the past three years, most notably, the purchase of competitor Business Watch International. The possibility of LeadsOnline attempting to acquire FINDER is a risk to both the existing marketplace and to some options to implement a Statewide Pawn Database.

Given this landscape, the vendor selected through the State's procurement process will have a substantial influence on the rest of the state. The winning vendor will shape how agencies migrate to the new system and determine the ease or difficulty of accessing historical data. Agencies currently using a different vendor may face challenges in retrieving legacy data, depending on contract terms and vendor cooperation.

To mitigate these risks and promote long-term sustainability, the State should consider a collaborative approach with the private sector. A Statewide Pawn Database that can meet law enforcement needs while preserving the value-added services offered by private vendors. This model would allow CAD, RMS, data sharing, pawn, and other systems to access the data (with FDLE approval), giving agencies flexibility in how they query and analyze information.

This approach not only supports interoperability and innovation but also helps ensure continuity of investigative capabilities across agencies, regardless of their current vendor relationships.

Options Analysis

After documenting the current state, reviewing barriers, and considering the goals of CS/CS/HB 1359 (2025), a target state was developed for the Statewide Pawn Database. For pawn data, the target state is the minimum viable solution that would allow the State to own, capture, and store pawn data. This section details the components required, such as the minimum capabilities necessary for the target state solution, the benefits that need to be achieved, and how success will be measured. These distinct categories will be used to assess each solution option to determine how well it meets the target state objectives. The analysis also considers if any solutions pose risks or challenges that would prevent any of the core objectives of the target state from being feasible.

Target State

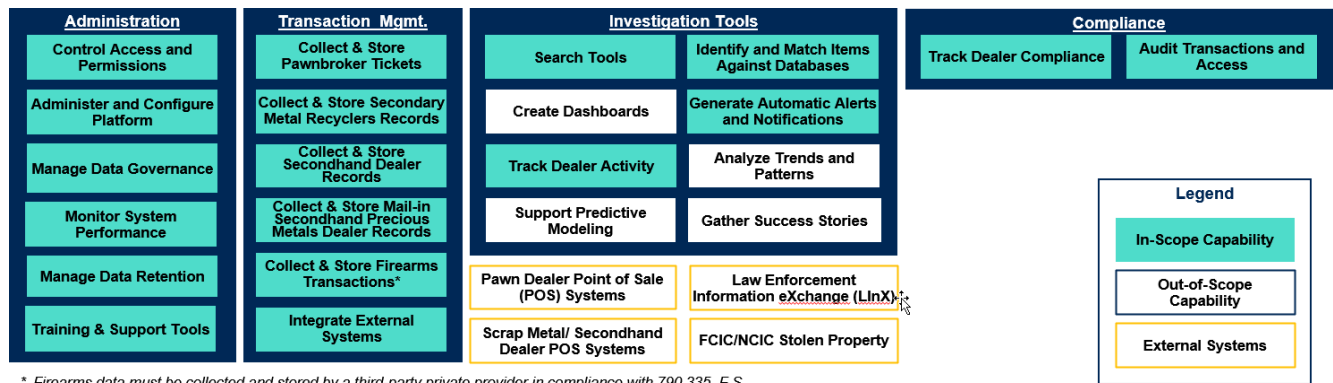
The target state is a statewide pawn database with a database, search tools, and administrative functions built by FDLE and data collected separately. The data collection services could be performed by existing vendors, new entrants, or FDLE itself. To create the target state, the first step was to determine what capabilities are required, at minimum, for the solution to be considered viable.

Minimum Capabilities

As shown in **Figure 4: Minimum Capabilities**, a statewide pawn database must have the following minimum capabilities to support the ownership, collection, storage and sharing of pawn data:

- **Administrative Features:** The State must have the ability to administer the solution (create/manage accounts, audit, etc.) for authorized law enforcement and pawnshop users.
- **Transaction Management:** The State must have ownership and control of all pawn transaction data, excluding firearms transaction data, except as allowed by the provisions of 790.335, F.S.
- **Investigative Tools:** The solution must provide the ability for all authorized law enforcement agencies (LEA) and investigators to query the data.
- **Dealer Compliance:** The solution must support dealer compliance with transaction reporting through reports and alerts that can be used by local LEAs for oversight and enforcement of dealers within their jurisdiction.

Figure 4: Minimum Capabilities



The business capability model in **Figure 4: Minimum Capabilities** above outlines the capabilities considered for a statewide pawn database. The capabilities are further defined in Appendix B: Business Capability Model and Definitions. The core capabilities of the target solution are the ability to collect, store and share pawn data across the State of Florida. This foundational functionality represents the minimum viable product (MVP) necessary to meet the system’s primary objectives.

While additional features such as “Support Predictive Modeling”, “Analyze Trends and Patterns”, “Generate Reports and Dashboards,” and “Gather Success Stories” may offer valuable enhancements to the system’s utility, they are considered advanced rather than essential features and are not required for the system to fulfill its core mission. As such, they are not included in the MVP used for this analysis.

The intended target state solution will be designed with the flexibility to support more advanced capabilities through API integration with external systems. This allows LEAs to implement enhanced reporting capabilities as needed, using third-party solutions to perform integrated query and analytics with the Statewide Pawn Database and other datasets.

Statewide Pawn Database Components

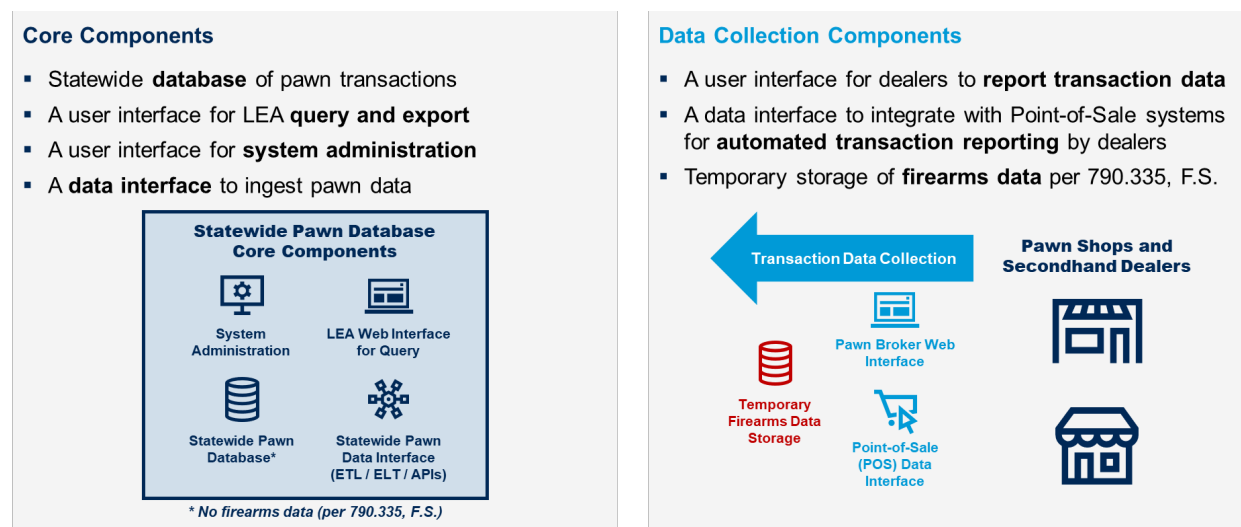
As previously mentioned, the target state solution must collect, store and provide query access to pawn transaction data. The solution must ensure that the State owns the data. The required System Core Components are as follows:

- A data interface to ingest pawn data.
- A database to store pawn transactions.
- A user interface for law enforcement agencies to query pawn data.
- A user interface for system administration.
- An API interface for external systems.

Data Collection Components are the System components necessary to collect pawn and secondhand transaction data from the various dealers and would comprise of the following elements:

- A web-based user interface with a data entry form for dealers to report transaction data.
- A data interface to integrate with Point-of-Sale systems for automated transaction reporting by dealers.
- Temporary storage of firearms data in a private third-party provider database in compliance with 790.335, F.S.

Figure 5: Data Collection Components



Separating the solution into two distinct component categories enables a more targeted analysis of each part, especially when considering existing legal constraints pertaining to the use of firearms data. 790.335, F.S., prohibits government from creating or maintaining a list, record, or registry of legally owned firearms or law-abiding firearm owners. The one exception provided by this law is for a private third-party provider to collect limited firearms information and provide access to law enforcement for legitimate law enforcement purposes. This could allow for a vendor to collect the firearms transactions along with the other pawn transactions as long it is transmitted and stored in a separate database that is not maintained by a government agency. As described in the Handling of Firearms Transactions section, it is recommended that FDLE explore the possibility of using a not-for-profit to store and provide lawful access to this data.

For the purposes of analysis, these two types of pawn transactions have been separated. By isolating the firearms transaction data from the broader system, the benefits, limitations, and legal feasibility of each part can be assessed independently. This allows for a more strategic pairing of viable components, ensuring that the integrated solution is effective and compliant.

Benefits

As part of the feasibility study, a review of CS/CS/HB 1359 (2025) and stakeholder interviews were conducted to identify and define the key benefits the system must deliver. Identifying the benefits is essential as it supports the viability of different solution options and ensures that the selected solution aligns with stakeholder needs, regulatory constraints, and operational goals. The identified benefits informed both the options analysis and the evaluation criteria, serving as a foundation for assessing which components of the system are most valuable and feasible.

The full benefits table can be found in Appendix C: Target State Benefits Table which outlines which stakeholders receive each benefit in addition to how those benefits are realized and measured. These benefits are summarized below:

- **Data Availability & Ownership:** Pawn and other related data collected and managed at the state level will improve oversight and compliance with state laws.
- **Data Accessibility & Sharing:** Allow law enforcement agencies in all counties to access, update, and share statewide pawn data.
- **Interoperability:** The solution is interoperable between different law enforcement databases, software solutions, and jurisdictions. The solution can be integrated with existing tools for advanced analytics and reporting.
- **Reduced costs for Law Enforcement:** Access to pawn data is provided for free or at reduced cost for law enforcement agencies.
- **Security:** The solution complies with FBI CJIS Security Policy and other policies and laws.

Success Criteria

In addition to determining what benefits the Solution must deliver, stakeholders also defined what a successful implementation would look like. Through interviews and research, the following success criteria were developed and integrated into the evaluation framework and options analysis to provide a clear benchmark for assessing potential solutions.

A summary of the success criteria is provided below. A detailed table of the criterion, including the associated measurement tools and benefitting stakeholders is located within Appendix D: Success Criteria.

- **Data Availability and Accessibility:** Pawn data from the entire state is accessible, complete, accurate and timely to support property recovery and other types of investigations.
- **Minimally Disruptive Implementation:** The ease with which the solution can be adopted by LEAs, pawnshops, pawn data vendors, and POS vendors with minimal disruption to private businesses.

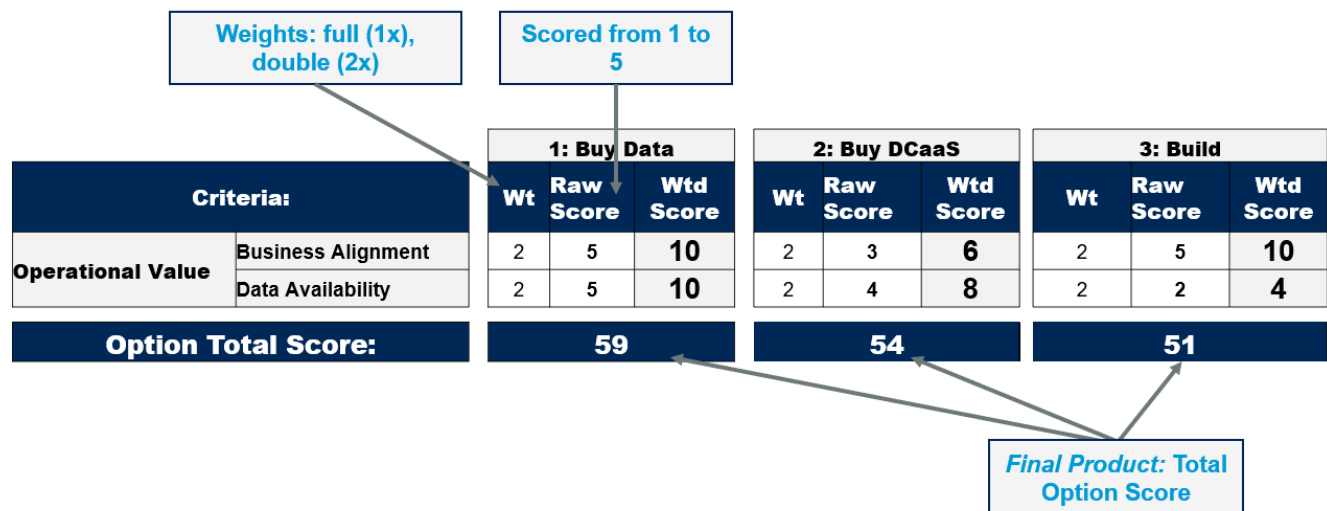
- **Retention of Historical Data:** The solution’s ability to preserve and provide access to legacy data for reporting, compliance, and analysis.
- **Solution Affordability:** The total cost of ownership of the solution that delivers the best value to the state and reduces the burden on local LEAs.
- **Solution Flexibility:** The ability of the solution to adapt to changing crimes and investigative needs, and to scale for other data types, and changes to legislation.

Assessment Framework

After reviewing and understanding the findings of the current pawn landscape, an assessment framework was created to provide an objective comparison of the solution options. The framework evaluates how well each option aligns with the desired future state by scoring them against a defined set of criteria, organized into four key categories: Operational Value, Technical Value, Risk and Cost.

Each solution option was evaluated using a scoring system designed to measure alignment with the target state. A raw score from 1 to 5 was assigned to each assessment criterion, where 1 indicates poor alignment and 5 indicates optimal alignment. To reflect the State’s strategic priorities identified through stakeholder interviews, each criterion was also weighed. Categories were either assigned a standard weight or a double weight, with the latter indicating a higher priority and greater influence on the overall evaluation.

Figure 6: Representative Scoring Diagram (for illustrative purposes only)



- **Scoring formulas:**
 - $Weight * raw\ score = weighted\ score$
 - $Sum\ of\ weighted\ scores = total\ option\ score$

Assessment criteria definitions and weights were agreed upon in working sessions with FDLE, and are reflected in the following table:

Table 1: Assessment Criteria

Category	#	Criteria	Weight	Description
Operational Value	1	Business Alignment	Double	The degree to which the solution aligns with FDLE’s strategic goals, priorities, and mission.
	2	Data Availability	Double	The extent to which pawn transaction data, including firearms data, is accessible, complete, and up-to-date to support the solution.
Technical Value	3	Technical Alignment	Full	How well can the solution leverage existing architecture, tools, and standards; support various business processes within and between agencies; and meet business and functional requirements and capabilities.
	4	Security	Double	The solution includes a robust security layer with standards-based controls, monitoring, and remediation. It complies with the FBI CJIS Security Policy.
	5	Solution Flexibility	Full	The degree to which the solution can adapt to future changes in business and investigative needs, legislative changes, scale, or technology without significant rework. This includes the ability to scale, integrate with other systems, support configuration changes and accommodate future enhancements with minimal disruption.
	6	Technical Complexity	Full	The degree to which the proposed solution requires advanced, specialized, or resource-intensive technical design, configuration,

				customization, integration, or ongoing support.
	7	Maintainability	Full	The degree the solution is capable of ongoing maintenance, including upgrades, patches, and enhancements without significant risk of service disruption. This includes resilience to changes such as vendor transitions or software platform updates, ensuring continuity and stability over time.
Risk	8	Risk	Double	The degree to which the solution minimizes implementation or technical challenges and avoids the need for legislative or regulatory changes to achieve full mission realization. This is an inverse category; lower risk = higher score.
Cost	9	Cost	Full	The solution is affordable and provides the best value for FDLE, law enforcement agencies, or local dealers to implement and operate. This is an inverse category; lower cost = higher score.

Solution Options

Following a review of the current state challenges and the desired target state, solution options were identified for the two distinct components of the statewide pawn database system: Core Components and Data Collection Components.

Core Components

To address key issues such as vendor dependency and limited access to statewide data, it is essential that the Core Components be built and operated by the State. This approach ensures state ownership and control over the system's data, for sharing, analysis, reporting, and monitoring. This proposed solution would only address the foundational elements necessary to meet the statewide pawn data requirements. It would not include advanced features, allowing

agencies to continue leveraging their existing vendor contracts for enhanced tools while providing free access to basic data and functionality through the State-managed system.

Key benefits to this option include:

- Ensuring full control over system design, data governance and privacy.
- Eliminates vendor lock-in and reduces long-term licensing costs.
- Establishes a consistent and secure foundation for statewide data access.

As this is the only viable approach for the Core Components, it will not be scored separately. Instead, it will serve as the foundation for evaluating the Data Collection Component options.

Data Collection Components

Data Collection

After analyzing the current state, target state and related requirements, this study identified four potential implementation paths to consider for the data collection component:

Option 1: Buy Access to the Data

- In this option, the State pays a reasonable fee to the vendors for pawn data they already collect, ensuring agreements allow broad statewide use.

Option 2: Outsource Pawn Data Collection as a Service

- The State hires one vendor to collect pawn data from all pawnshops, replacing current POS and web integrations. The vendor manages integrations, tracks compliance, supports shops, and provides the data and ownership to the State.

Option 3: Build and Operate the Data Collection Solution

- The State builds its own data collection system and requires dealers to report transactions directly.

Option 4: Procure a 3rd Party End-to-End Solution

- The State selects a single vendor for a statewide Pawn Data Collection System, covering licenses for all law enforcement. The solution would exceed minimum requirements with enhanced analytics and replace all existing systems.

The rest of the section addresses each option in detail against the Assessment framework, including their evaluation scores, benefits, challenges, considerations, and cost.

Detailed cost model assumptions are documented in Appendix E: Cost Model Assumptions.

Required for All Options: The State Builds the Core Components

This element is not scored separately. It is a required foundation for all options. While Data Collection Components may be outsourced, state ownership of the Core Components ensures data ownership and access without vendor dependency.

Key Benefits

- FDLE retains full control over system design, data governance, and privacy.
- Avoids vendor lock-in and long-term licensing costs.
- FDLE owns and manages all data (with the exception of firearms data if it is included) within the core system.

Costs

- The estimated 10-year Total Cost of Ownership (TCO) to build the core components is **\$1,958,356.**

Table 2: Core Components Costs

		Flat Fee	Staff Aug	FDLE FTE	Rate	Hours	Line Total	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10
Initial Setup	Database Development		1		\$115	2000	\$230,753	\$230,753									
	Data Interface (e.g., API) Development		1		\$117	2000	\$233,251	\$233,251									
	Law Enforcement Front End Development		1		\$118	2000	\$236,258	\$236,258									
	Project Management		0.5		\$109	2000	\$109,394	\$109,394									
	FDLE Project Management			1	\$58	2000	\$116,000	\$116,000									
Initial Setup:							\$925,655	\$925,655									
Maintenance & Operations	System Maintenance		0.5		\$ 82.60	2000	\$82,602		\$82,602	\$82,602	\$82,602	\$82,602	\$82,602	\$82,602	\$82,602	\$82,602	\$82,602
	Cloud Hosting and Storage	\$1,365					\$1,365		\$7,695	\$13,095	\$18,495	\$23,895	\$29,295	\$38,165	\$45,307	\$52,774	\$60,565
Initial Annual Fee:							\$83,967	\$0	\$90,297	\$95,697	\$101,097	\$106,497	\$111,897	\$120,766	\$127,909	\$135,376	\$143,167
Total Annual Cost:								\$925,655	\$90,297	\$95,697	\$101,097	\$106,497	\$111,897	\$120,766	\$127,909	\$135,376	\$143,167

Option 1

The State pays a reasonable fee to Pawn Data Collection Vendors for the data they are already being paid by Appropriate Law Enforcement Officials to collect. The terms of these agreements must include broad rights for statewide use.

Table 3: Option 1 Scoring

Criteria:		Wt.	Raw Score	Criteria Total	Rationale
Operational Value	Business Alignment	2	5	10	Existing vendors are already providing this service and can provide the fastest implementation timeline. Negligible impact to the vendor market and limited disruption to the marketplace. Local agencies can continue using existing vendors for additional features.
	Data Availability	2	5	10	Pawn data is already available and being collected through integrations or interfaces with pawn POS systems.

Technical Value	Technical Alignment	1	5	5	<i>Vendor platforms can leverage existing infrastructure and integrations for data ingestion, reducing implementation friction.</i>
	Security	2	5	10	<i>Leading vendors meet rigorous security standards including FBI CJIS Security Policy, SOC 2, FIPS 140-2, and TLS 256-bit encryption.</i>
	Flexibility	1	5	5	<i>Existing pawn vendors are leaders within the marketplace, with proven agility in adjusting to law enforcement's technical needs for ingesting pawn data.</i>
	Technical Complexity	1	5	5	<i>Established platform integrations reduce implementation complexity of collecting pawn data; developing integrations to connect to State database is relatively simple.</i>
	Maintainability	1	2	2	<i>Vendors have strong market presence, but future maintainability may be impacted by pricing volatility and vendor willingness to participate. Short-term solution if a vendor chooses to no longer provide data or price out the State, requiring the State to pursue other options.</i>
Risk	Risk	2	4	8	<i>Solution is stable during contractual period as it provides the data with minimal implementation risk or technical challenge.</i>
Cost	Cost	1	4	4	<i>Pricing is unpredictable as vendors must agree to the pricing and terms required by the State. The State must negotiate with vendors for a fair and reasonable price. Caveat that the pricing should not exceed the TCO Cost of Option 2. If so, this option is no longer viable.</i>
Firearms Data Availability		N/A	Yes	N/A	<i>This option includes vendor storage/query access to firearms data in compliance with 790.335, F.S.</i>

Benefits

- **Minimal Operational Disruption:** This option offers the simplest implementation path with minimal disruption to current LEA, dealer, or vendor operations.
- **Established Infrastructure:** Existing integrations between pawn dealer point-of-sale systems and web interfaces are already in place, effectively eliminating the need for new technical development.

- **Continuity for Local Agencies:** Local agencies can continue leveraging their existing contracts to access additional tools and resources without interruption.
- **Data Access for Current Vendors:** Current pawn vendors will retain access to their existing data and would likely gain access to additional data from other vendors.

Challenges/Risks

- **Vendor Data Sharing Dependency:** The feasibility of this approach relies heavily on the willingness of current pawn vendors to share their data. Historically, these vendors have maintained their data within proprietary systems and have been reluctant to make it accessible for a reasonable fee.
- **Uncertain Cost Structure:** There is limited visibility into the pricing models that pawn vendors may adopt for offering data-only services. This introduces the risk that existing pawn vendors may not propose reasonable or cost-effective fees for providing data-only access to the State.
- **Paying for Data Twice:** While this option presumes a fair price is offered by the vendors, it sets the precedent that the State is willing to pay for data that local agencies have already paid to have collected.

Considerations

- **Data Ownership and Usage Rights:** Contractual agreements must include clear and enforceable terms that establish the State's ownership of the data and grant the State the right to use and share pawn data for law enforcement purposes. While these terms are essential, they will require agreement from participating pawn vendors.
- **Historical Data Access:** The State should consider requesting historical data as part of the contractual terms for business continuity and completeness of data if it can be acquired at a reasonable cost.
- **Vendor Incentives:** One potential incentive for existing pawn vendors is access to aggregated pawn data collected from competitors. This could enhance overall data quality and provide value to vendors, dealers, and local agencies.
- **Short-Term Viability:** This option represents a short-term solution and is subject to change if a vendor chooses not to comply with contractual terms, raise prices significantly, or chooses not participate in the future.

Costs

Reliable Data for a Cost Model is not Available

- This option depends on a non-standard deal structure.
- There is no reliable precedent to estimate cost with accuracy.
- Vendor pricing is variable and proprietary, and contract terms (e.g., data rights, scope of use) would heavily influence cost.

Cost Comparison Approach

- Option 1 is only feasible if the fee is less than, or comparable to, other acceptable options. Otherwise, the other acceptable options would be more favorable to the state.
- For comparison purposes, we assign Option 1 a cost range based on our market research and the other options.
 - The minimum cost possible for Option 1 is **\$0**, since one of the two pawn data sharing vendors currently offers LEAs free access to its pawn data. It is conceivable that both vendors would provide free access and continue charging for value-add services such as advanced integration and analytics tools.
 - The maximum cost is **\$17,201,412**, which matches the highest 10-year TCO of the other available options.

Option 2

The State can procure a single vendor to collect pawn data from all pawn and secondhand dealers, replacing the POS integration and web data collection currently performed by existing vendors. The vendor would maintain the integrations and web interface, track data reporting compliance, support pawn shops in their reporting duties, and provide the data and data ownership to the state, with the exception of firearms data, which would be collected and stored by the vendor, or collected by the vendor and provided to a not-for-profit to store and manage.

Table 4: Option 2 Scoring

Criteria:		Wt.	Raw Score	Criteria Total	Rationale
Operational Value	Business Alignment	2	3	6	<i>A sole source option may have a detrimental impact on pawn vendors due to reduced market share. Full implementation may be delayed as local agencies finish out existing contract terms.</i>
	Data Availability	2	4	8	<i>The selected vendor will need additional time to create integrations with new pawn dealers and POS systems. Experienced pawn vendors can leverage experience to</i>

					<i>reduce risk and schedule delay whereas a new entrant will require additional implementation time.</i>
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Technical Value	Technical Alignment	1	5	5	<i>Leading vendors can leverage experience and existing architecture for building data ingestion elements. New entrants will be specialized vendors with the skills to do this work efficiently.</i>
	Security	2	5	10	<i>Leading vendors meet rigorous security standards including FBI CJIS Security Policy, SOC 2, FIPS 140-2, and TLS 256-bit encryption.</i>
	Flexibility	1	4	4	<i>Contractual terms can be structured to support future modifications and enhancements as needs evolve. Existing pawn data vendors and new entrants are well-positioned to adopt and integrate new tools and capabilities.</i>
	Technical Complexity	1	4	4	<i>Beyond initial setup of system integrations, the overall solution is expected to be straightforward and low in complexity.</i>
	Maintainability	1	4	4	<i>Maintainability may be more challenging if the selected vendor is not established in the pawn industry. Additionally, there is a risk of service disruption if there is a transition to a different solution in the future, which could impact continuity and require additional integration efforts.</i>

Risk	Risk	2	3	6	<i>There is a risk of losing access to historical data from some agencies.</i>
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Cost	Cost	1	3	3	<i>Among the most cost-effective options, allowing for a competitive procurement process could encourage new entrants, potentially driving prices even lower. Additionally, unlike Option 1, local law</i>
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					<i>enforcement would not have to continue paying pawn vendors for data collection.</i>
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Firearms Data Availability	N/A	Yes	N/A	<i>This option includes vendor storage/query access to firearms data in compliance with 790.335, F.S.</i>
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Benefits

- **Experience:** Existing pawn vendors have extensive experience in collecting pawn data and new entrants would be vendors that specialize in similar services for other industries.
- **Law Enforcement Agency Cost Benefit:** By positioning data collection as a service, it allows for a competitive procurement potentially reducing costs by allowing for responses by new entrants. It would also eliminate data collection costs currently paid by local LEAs, so data collection would not be paid for in duplicate.

Challenges/Risks

- **Risk of Vendor Displacement:** Implementation of this option may result in existing pawn vendors being pushed out of the Florida market in terms of their role in data collection, potentially destabilizing their operations.
- **Integration Delays:** If the selected vendor is not a current pawn data vendor, additional time may be required to establish POS system integrations with existing pawn dealers and set up shops across the state, resulting in a longer implementation time.
- **Loss of Historical Data Access:** Vendors who are not awarded the contract may choose not to provide access to historical data unless explicitly required by contractual terms. This could negatively affect local agencies that rely on this data for investigations.

Considerations

- **Contract timing:** Full implementation may be delayed until existing contracts between local agencies and current vendors expire.
- **API Access Requirement:** The selected vendor should provide API access to other pawn vendors to enable continued delivery of advanced features for agencies that rely on them.
- **Procurement Implications:** Although multiple vendors could provide data collection services, aa competitive bid procurement is likely to favor dominant pawn industry vendors.

Costs

- Two versions of this cost model were built and included in the assessment, based on ‘low cost’ and ‘high cost’ assumptions
- The ‘low cost’ cost model assumes that data collection services would be performed by an existing pawn-focused data vendor (i.e., FINDER or LeadsOnline). Thus, the data collection solution requires minimal to no initial implementation. Only system maintenance is charged.
- The estimated ‘low cost’ 10-year TCO for Option 2 is **\$11,655,056**.

Table 5: Option 2 – Low Cost Assumption

Low Cost Assumption		Vendor Staff	FDLE FTE	Rate	Hours	Line Total	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10
Initial Setup	Data Ingestion - PoS Integration Development	1		\$225	0	\$0	\$ -									
	Data Ingestion - Data Entry Tool Development	1		\$225	0	\$0	\$ -									
	Firearms Database & Law Enforcement Query Development	0.5		\$225	0	\$0	\$ -									
	Data Interface Rollout	0.25		\$225	0	\$0										
	Project Management	0.5		\$225	0	\$0										
	Initial Setup:					\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Maintenance & Operations	Data Ingestion & Firearms Database System Maintenance	2.5		\$225	2080	\$1,170,000	\$585,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,237,500	\$1,274,625	\$1,312,864	\$1,352,250	\$1,392,817
	Initial Annual Fee:					\$1,170,000	\$585,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,237,500	\$1,274,625	\$1,312,864	\$1,352,250	\$1,392,817
	Total Annual Cost:						\$585,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,237,500	\$1,274,625	\$1,312,864	\$1,352,250	\$1,392,817

- The ‘high cost’ model assumes that data collection services would be performed by a non-specialized data vendor. Therefore, an initial implementation is required in addition to annual system maintenance.
- The estimated ‘high cost’ 10-year TCO for Option 2 is **\$15,805,556**

Table 6: Option 2 - High Cost Assumption

High Cost Assumption		Vendor Staff	FDLE FTE	Rate	Hours	Line Total	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10
Initial Setup	Data Ingestion - PoS Integration Development	1		\$225	2000	\$450,000	\$450,000									
	Data Ingestion - Data Entry Tool Development	1		\$225	2000	\$450,000	\$450,000									
	Firearms Database & Law Enforcement Query Development	0.5		\$225	2000	\$225,000	\$225,000									
	Data Interface Rollout	0.5		\$225	2000	\$225,000	\$225,000	\$225,000								
	Project Management	0.5		\$225	2000	\$225,000	\$225,000	\$225,000	\$225,000							
	OCM	0.5		\$225	2000	\$225,000	\$225,000	\$225,000	\$225,000							
	Systems Architecture	0.25		\$225	2000	\$112,500	\$112,500									
	FDLE Project Management	1		\$58	2000	\$116,000	\$116,000	\$116,000								
	Initial Setup:					\$1,912,500.00	\$2,028,500	\$791,000	\$791,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Maintenance & Operations	Data Ingestion & Firearms Database System Maintenance	2.5		\$225	2000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,237,500	\$1,274,625	\$1,312,864	\$1,352,250	\$1,392,817
	Initial Annual Fee:					\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,237,500	\$1,274,625	\$1,312,864	\$1,352,250	\$1,392,817
	Total Annual Cost:						\$3,153,500	\$1,916,000	\$1,916,000	\$1,125,000	\$1,125,000	\$1,237,500	\$1,274,625	\$1,312,864	\$1,352,250	\$1,392,817

For conservatism, the ‘high cost’ 10 year TCO is used for comparison purposes.

Option 3

The State would build the data collection components and require that dealers report their transactions directly to the state.

Table 7: Option 3 Scoring

Criteria:		Wt.	Raw Score	Criteria Total	Rationale
Operational Value	Business Alignment	2	5	10	The solution is well aligned with FDLE's operational needs, assuming successful implementation by internal teams or a systems integrator.
	Data Availability	2	2	4	Data collection may be challenging, requiring FDLE to connect with dealer POS systems and build a web platform for manual data entry. This would be a time-intensive effort. FDLE would not be able to collect firearms data, per the prohibitions of 790.335, F.S.
Technical Value	Technical Alignment	1	2	2	FDLE has the technical expertise to build most or all of this system, but lacks the current architecture for data ingestion, which would need to be built.
	Security	2	5	10	The solution would follow FBI CJIS Security Policy security protocols, ensuring strong security controls.
	Flexibility	1	4	4	Once implemented, the solution would be adaptable to changes such as new vendors or POS systems. FDLE would need processes to monitor market changes and maintain technical relevance.
	Technical Complexity	1	3	3	Custom development of a POS interfaces and a web interface will be required to collect data from vendors without POS systems, increasing implementation complexity.
	Maintainability	1	3	3	The solution would be maintainable by FDLE staff post-implementation but would require additional resources.
Risk	Risk	2	2	4	Data collection from POS vendors may be time-consuming and operationally challenging. FDLE will have complete control of data lifecycle, however, historical data loss may still be a risk.
Cost	Cost	1	4	4	If developed internally, the solution could be highly cost-effective. For SI-led efforts, fixed-fee pricing should be negotiated to ensure best value to the state.
Firearms Data Availability		N/A	No	N/A	This option prevents the availability of firearms data, as the State is limited by 790.335, F.S..

Benefits

- Full control over system design, data governance, and privacy.

- Features can be tailored to Florida’s law enforcement needs.
- Avoids vendor lock-in and long-term licensing costs.
- FDLE owns and manages the entire data lifecycle.

Challenges/Risks

- **Point-of-Sale (POS) Integration:** FDLE May struggle with POS integration across diverse dealer systems, leading to a potentially long implementation timeline and potential business disruption for dealers.
- **Increased State Responsibility:** Requires significant technical capacity and ongoing maintenance as the State would be responsible for building the ingestion tool and web interfaces.

Considerations

- **Existing POS Integrations:** The State will need to develop and maintain connections with a wide variety of POS systems currently used by dealers. This introduces technical complexity and long-term maintenance challenges. Existing integrations used by platforms, such as LeadsOnline or FINDER cannot be reused, as each POS system has its own API that the state must individually accommodate.
- **No Firearms Data:** FDLE would be collecting the data directly, so it would be prohibited from collecting firearms transactions, based on the interpretation of 790.335, F.S., that this study is using.

Costs

- The estimated 10-year TCO for Option 3 is **\$12,278,315**

Table 8: Option 3 Costs

		Staff Aug	FDLE FTE	Rate	Hours	Line Total	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10
Initial Setup	PoS Integration Development	1		\$132	2000	\$263,520	\$263,520									
	Data Entry Tool Development	1		\$117	2000	\$233,251	\$233,251									
	Project Management	1		\$114	2000	\$228,843	\$228,843	\$228,843	\$228,843							
	Data Interface Rollout	0.5		\$117	2000	\$116,625	\$116,625	\$116,625	\$116,625							
	OCM	1		\$109	2000	\$218,787	\$218,787	\$218,787	\$218,787							
	Systems Architecture	0.25		\$174	2000	\$87,119	\$87,119									
	FDLE Project Management		1	\$58	2000	\$116,000	\$116,000									
Initial Setup:						\$228,843	\$1,264,144	\$564,255	\$564,255	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Maintenance & Operations	Data Ingestion System Maintenance	5		\$110	2000	\$1,098,407		\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407
	Initial Annual Fee:					\$1,098,407	\$0	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407
	Total Annual Cost:						\$1,264,144	\$1,662,662	\$1,662,662	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407	\$1,098,407

Option 4 – Not Scored

This option would have the State procure a third-party pawn data collection solution (e.g., FINDER or LeadsOnline) for the entirety of the state. After reviewing the options, this option was not considered to be viable for the following reasons:

- **Exceeds Statewide Pawn Database Requirements:** Advanced features & analytics are not core requirements of a statewide pawn database. Existing solutions provide advanced features that, while useful to many LEAs in Florida, exceed the scope of the statewide pawn database issue and add considerable cost. The Statewide Data Sharing System already provides many of these features and many LEAs are already paying for advanced query and analytics tools that could be connected to the Statewide Pawn Database.
- **High Impact on Private Business:** While every option may impact private businesses in some way, this option could potentially create significant marketplace disruptions to existing vendors.
- **High Impact on LEAs:** LEAs that currently use the displaced vendor's software for purposes beyond pawn data may need to pay additional, potentially duplicative, license fees or lose functionality they use today. Additionally, these agencies may need to continue paying their vendor until the end of their contract term, even though the vendor is no longer collecting their jurisdiction's pawn data.
- **High Cost to the State:** This option requires the state to assume responsibility for existing pawn system license fees and buy additional licenses for LEAs that are using other systems. Because the solutions far exceed minimum requirements, these costs are not justified for the purpose of implementing a statewide pawn database. High level cost estimates based on current pricing suggests a cost two times more than the other options.

Costs

The estimated 10-year TCO for Option 4 is **\$27,412,388**

Table 9: Option 4

	Vendor Fee	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10
Initial Setup	\$500,000	\$500,000									
Maintenance & Operations	\$2,482,681	\$2,482,681	\$2,482,681	\$2,482,681	\$2,482,681	\$2,482,681	\$2,482,681	\$2,482,681	\$2,482,681	\$2,482,681	\$2,482,681
Annual Total:	\$2,482,681	\$2,982,681	\$2,482,681	\$2,482,681	\$2,482,681	\$2,482,681	\$2,730,949	\$2,812,878	\$2,897,264	\$2,984,182	\$3,073,708

Solution Options Score Comparison

- **Option 1 scores the highest** due to its simplicity, but pricing and vendor willingness are unknown and this item . If the State pursues this option, it must negotiate with vendors and be prepared to abandon the option if a reasonable agreement cannot be reached with all vendors.
- **Option 2 is the next highest scoring option.** It is possible the existing vendors compete to provide DCaaS, or a new third party.

- **Option 3 scores the lowest** due to the technical complexity and maintainability around data collection, and the lack of firearms data availability.

Note that considerations listed for each option should be thoroughly reviewed by FDLE in addition to these results.

Table 10: Solution Options Score Comparison

Criteria:		1: Buy Data	2: Buy DCaaS	3: Build
		Score	Score	Score
Operational Value	Business Alignment	10	6	10
	Data Availability	10	8	4
Technical Value	Technical Alignment	5	5	2
	Security	10	10	10
	Flexibility	5	4	4
	Technical Complexity	5	4	3
	Maintainability	2	4	3
Risk		8	6	4
Cost		4	4	3
Firearms Data Availability		Yes	Yes	No
Option Total Score:		59	50	44

Solution Options Cost Comparison

The cost for the state to build the core components of the statewide pawn database, which is a required element for all solution options, is \$ 2,035,325 (10-year TCO).

The Build Core 10-year TCO cost must be added to each option's 10-year TCO to obtain a full 10-year TCO. This is the total estimated cost that the state would pay for the statewide pawn database over a ten-year projected term.

Table 11: All Options Cost Summary

Solution Option:	Build Core 10-Yr TCO:	Option 10-Yr TCO:	Total 10-Yr TCO:
Option 1: Buy Access to the Data*	\$1,958,356	~\$0 - \$15,243,056	~\$0 - \$17,201,412
Option 2: Outsource Pawn Data Collection as a Service	\$1,958,356	\$15,243,056	\$17,201,412
Option 3: Build and Operate the Data Collection Solution	\$1,958,356	\$12,278,315	\$14,236,671
Option 4: Buy Complete Solution (not scored)	—	\$27,412,388	\$27,412,388

Recommendation

Option 2: outsourcing pawn data collection through a single vendor offers the greatest value to the state through a combination of core system components built and controlled by the state and data collection performed by specialized vendors. It provides FDLE with control over the system design and a single database of all pawn records, with full government ownership of the data. It leverages the expertise of vendors who have proven capabilities building interfaces for data collection. Costs borne by local Sheriff's Offices and Police Departments to collect and access the data are shifted to the state where greater economies of scale and competitive procurement are likely to reduce the overall costs associated with pawn data. All law enforcement, regardless of agency size or budget will have access to statewide pawn data at no cost. This will result in more property being recovered, additional crimes solved, and greater public safety.

The competitive procurement process for the data collection vendor will foster opportunities for new entrants, encourage market innovation, and provide minimal disruption to the existing marketplace. The core components will provide interfaces, controlled by FDLE, to allow external law enforcement systems, including existing pawn systems, to access the pawn data. Those systems, and many others in use by law enforcement agencies across the state, would allow more sophisticated queries, analysis, and association with other types of data. The Statewide Pawn Database would complement those systems, not compete with them. Additionally, this option allows for query access to firearms data, an advantage not available in Option 3, but one that is essential for criminal investigations.

The investigative value of providing all Florida law enforcement with access to all Florida pawn data at no cost cannot be understated.

State Considerations with Proposed Option:

As mentioned in an earlier section, there are numerous factors to consider when selecting a statewide pawn data solution. The solution must navigate a complex landscape of technical, operational, and stakeholder-related challenges. While this study recommends moving forward with Option 2, several actions should be taken to ensure a successful implementation:

1. Educate Key Stakeholders and Build Awareness

Many stakeholders were unaware of the barriers smaller agencies face in accessing and reporting pawn data. Educating agencies of the initiative and building consensus and support is essential for successful adoption. To do this, the State should:

- Continue partnering with the Florida Sheriffs Association and Florida Police Chiefs Association to reach agency leadership.

- Highlight the operational impact of the fragmented data access and the benefits of a centralized system.
- Inform them of the upcoming changes and potential impacts on their current operations.

2. Develop a Phased Rollout Strategy Aligned with Existing Contracts

A phased deployment may be necessary due to the contractual obligations many agencies have with their current pawn data vendors. Numerous agencies are locked into multi-year agreements and may have already allocated funding towards their services. As a result, immediate statewide adoption may not be feasible. To address this, the State should:

- Coordinate with agencies early to identify contract renewal windows and encourage inclusion of data portability clauses in future agreements.
- Plan for a rolling onboard experience based on individual agency contract expiration dates. This allows agencies to transition to the Statewide Pawn Database without breaching existing agreements or incurring financial penalties.
- Support dual-system operations during the transition period. Agencies may need to continue using their current vendor while also preparing to transition to the new system. Clear guidance and technical support will be necessary to manage this overlap.

3. Assess Contract Risks and Engage Agencies Proactively

Loss of historical data is a major operational risk when switching vendors. To mitigate this:

- Conduct a contract assessment to identify agencies with upcoming renewals or restrictive data ownership clauses.
- Encourage agencies to negotiate data portability provisions in future contracts.
- Assist agencies in retrieving and importing historical data into the Statewide Pawn Database.
- Explore enforcement options under Florida Statute 119.0701, F.S.

4. Manage “Real Time Reporting” Expectation with Operational Feasibility

- As mentioned in the ‘Legal and Privacy Barriers’ section, the statutory reporting requirements vary between pawn shops, secondhand dealers, secondary metals recyclers and secondhand previous metals dealers. While the legislation would need to be amended to standardize reporting deadlines, the State should consider the following options when thinking about system design and implementation:

- Design the technical solution to support real-time capabilities, ensuring the system is future-ready should statutory changes be enacted.
- Educate stakeholders on the difference between technical feasibility and legal compliance, to manage expectations around data availability.
- Develop training and communication materials that clarify reporting timelines, system capabilities, and how data flows into the Statewide Pawn Database.

In conclusion, Option 2 presents a clear path forward and best value for the State to modernize pawn data collection while reducing costs, improving investigative capabilities, and providing ownership of the data.

Additional Considerations

There are two additional topics that warrant further discussion; desired system and political considerations.

Desired Features

During stakeholder interviews, a few reoccurring themes were mentioned:

- **Required Training on the Law for Users:** There was broad agreement that law enforcement agencies are good partners, but dealers reported occasional issues with detectives that are unfamiliar with the law. More specifically, dealers mentioned an occasional misunderstanding on the extent of law enforcement authority vs. dealer responsibility related to item “holds.” Law enforcement shared similar difficulties with some dealers who are unfamiliar with the law. We strongly recommend that all users should go through training on the law prior to receiving access to ensure that dealers and law enforcement are both familiar with the law.
- **Mobile Data Entry:** While we are not aware of any pawn system supporting a mobile application, or even being optimized for mobile, the prospect of using a phone or tablet for data entry was extremely popular. Nearly every dealer has one of these devices and with the ability to take photos on the device, this would be a massive improvement over current data entry practices. Mobile-optimized browser code and apps are now commonly available so it is recommended to incorporate a mobile data entry solution into the Statewide Pawn Database.
- **Stolen Item Lookup:** Dealers would like to have an option to search for stolen property during data entry when they are starting the transaction. The state should consider a manual or automatic search capability (using FCIC/NCIC and possibly other databases). Dealers make considerable efforts to avoid purchasing stolen property and would appreciate any assistance the Statewide Pawn Database could provide.

Additionally, during discussions with the Florida Recyclers Association, we learned about a national system called ScrapTheftAlert, a website that law enforcement can use to report scrap metal thefts and alert all dealers within 100 mile radius. We recommend investigating the possibility of integrating this into in the Statewide Pawn Database.

Political Considerations

During research and stakeholder interviews, some political themes also arose:

- **Changes to Authority:** Currently, “Appropriate Law Enforcement Officials” have the authority to collect pawn data. In order to operate a statewide system, this authority may

need to shift, in whole or in part, to FDLE. This would require either a change in statutes, the establishment of memoranda of understanding (MOU) between FDLE and LEAs, or some other method to grant FDLE the authority to collect, store, and make available statewide pawn data. Sheriffs and Police Chiefs are generally reluctant to give up any constitutional or statutory authority. We recommend that FDLE work closely with the Florida Sheriff's Association (FSA) and Florida Police Chiefs Association (FCPA) to ensure a thorough understanding of what is being proposed and what the corresponding changes to authority would be if it is funded.

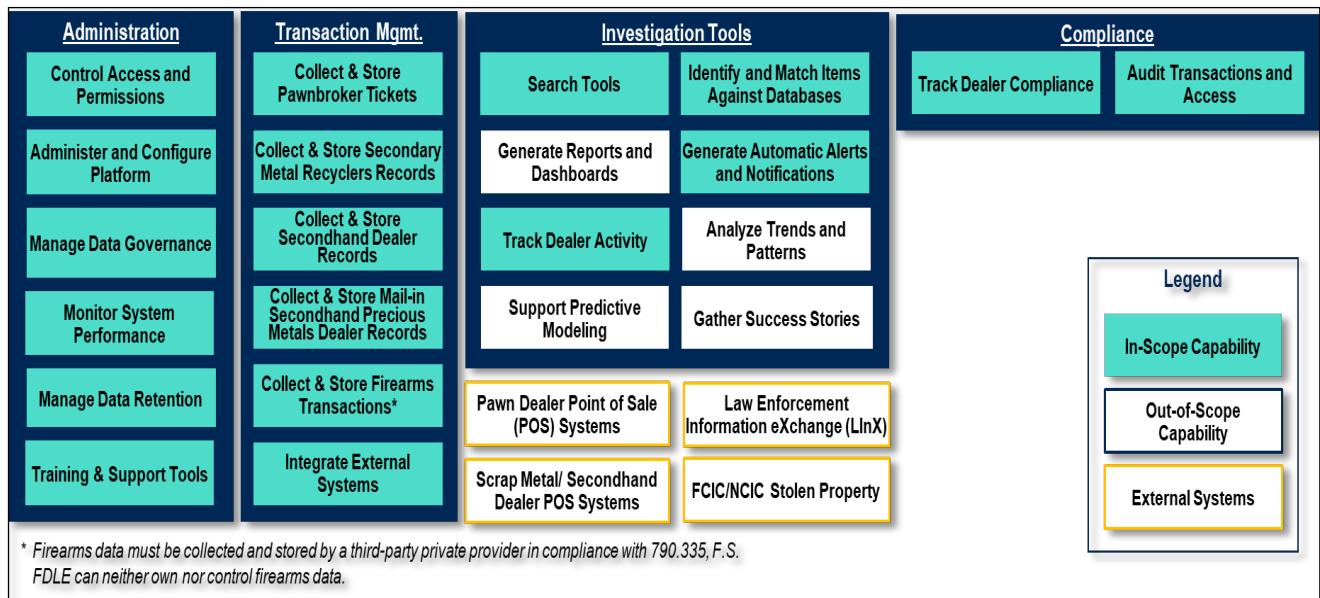
- **Business Disruptions:** The current pawn data vendors have both offered their support for the Statewide Pawn Database through different strategies. If either vendor sees this as a major or possibly existential threat to their business models, we expect significant opposition, including lobbying efforts to prevent the Statewide Pawn Database from being funded by the Legislature. While the intent of this study is not to disrupt private business, and in fact, one of the guiding principles was to minimize disruption to private business (see Appendix D: Success Criteria), impacts may be unavoidable. FDLE should focus on open communications with stakeholders and both major pawn data vendors to ensure that misinformation does not create confusion and opposition to the proposed Statewide Pawn Database.

Appendix A: Interviewed Stakeholders

#	Organization	Date
1	California Pawn & Secondhand Dealer System (CAPSS)	7/17/2025
2	Florida Pawn Association (FPA)	7/24/2025
3	Utah State Pawn Database	7/29/2025
4	FINDER/Vetted Solutions	7/30/2025
5	Neptune Beach Police Department	7/31/2025
6	ecoATM	8/11/2025
7	LeadsOnline	8/12/2025
8	Law Enforcement Information Exchange (LInX)	7/28/2025 8/8/2025
9	Florida Law Enforcement Property Recovery Unit (FLEPRU)	8/12/2025
10	FDLE Data Sharing Team	8/12/2025
11	Florida Police Chiefs Association (FCPA)	8/14/2025
12	Maryland Pawn Data Sharing Program	8/19/2025
13	South Carolina Pawn Data Sharing Program	8/20/2025
14	Florida Association of Secondhand Dealers (FLASH)	8/26/2025
15	Polk County Sheriff's Office	8/27/2025
16	Bay County Sheriff's Office	8/28/2025
17	Florida Sheriff's Association (FSA)	9/4/2025
18	Pinellas County Sheriff's Office	9/19/2025
19	Florida Department of Agriculture & Consumer Services	10/24/25
20	Florida Department of Revenue	10/24/25
21	Florida Recyclers Association	9/4/25

Appendix B: Business Capability Model and Definitions

Pawn Database Business Capability Model



Business Process Requirements:

Administration

- **Access Control:** Manage user roles and permissions across agencies, jurisdictions, and dealers.
- **Platform Configuration:** Enable administrative setup and configuration.
- **Data Governance:** Enforce policies for data ownership, stewardship, and quality.
- **Data Retention Management:** Configure data purges based on retention schedules and archival rules per legal and operational standards.
- **System Monitoring:** Track system health, uptime, and performance metrics
- **Training & Support:** Provide onboarding tools, legal/compliance training, help resources, and user support channels.

Transaction Management

- **Data Collection:** Ingest transaction records from pawnbrokers, secondary metal recyclers, and secondhand & mail-in precious metals dealers directly from point-of-sale (POS) systems or via web-based data entry forms.
- **Centralized Data Storage:** Maintain a secure, unified database to store all collected records.
- **System Integration:** Interface with external law enforcement systems for data sharing and use with advanced tools.

Investigative Analytics

- **Search & Retrieval:** Enable various searches by law enforcement users across all transaction types and metadata.
- **Item Matching:** Identify and match items against internal and external databases (including FCIC/NCIC)
- **Track Dealer Activity:** Monitor dealer activity to look for trends, anomalies, and suspicious patterns that may warrant further investigation.
- **Reporting & Dashboards:** Generate visual summaries and detailed reports for investigative use.
- **Watches & Notifications:** Allow users to create 'watches' for specific items and notify users of matches.

Compliance

- **Compliance Tracking:** Monitor dealer adherence to reporting requirements through reports and alerts.
- **Dealer Activity Tracking:** Monitor for suspicious dealer patterns and behaviors.
- **Audit Logging:** Maintain detailed logs of transactions and user access for accountability and review.

Functional Requirements

- Role-based access and permission management.
- Configurable administrative interface for platform setup.
- Secure ingestion and storage of all transaction types.
- Various search types (item, name, etc.).
- User created watches and alerts.
- Dealer compliance monitoring and reports.
- Audit logs for all transactions and user actions.
- Data retention policy and purging.

Technical Requirements

- Centralized, secure database for all transaction records.
- Cloud-native, modular system architecture.
- Encrypted data transmission and storage.
- Support for JSON, XML, CSV formats.
- High availability and fault tolerance.
- API integration with external systems.
- Basic data cleansing/transformation to ensure data meets quality standards.
- Compliance with FBI CJIS Security Policy and other policies and laws.
- System logging, monitoring, and diagnostics.

Appendix C: Target State Benefits Table

Target State – Benefits Table

Insights gathered from stakeholder discussions highlight the following as essential benefits of the solution.

Benefit	Description of Benefit	Who Receives the Benefit?	How benefit is realized	How realization of benefit is measured	Realization date
Data Availability and Ownership	Pawn and other related data are being collected and managed at the state level to improve oversight and compliance with local, federal, and state laws.	Florida Law Enforcement	All Pawn data is consistently and readily available for all Florida law enforcement agencies	A central repository is created for all pawn data that is owned and maintained by the State	TBD
Data Accessibility & Sharing	Allow law enforcement agencies in all counties to access, update, and share statewide pawn data.	Florida Law Enforcement	Functionality to share raw data or reports to law enforcement agencies	All law enforcement agencies will have query access to the data	TBD
Interoperability	The solution is interoperable between different law enforcement databases, software solutions, and jurisdictions. The solution can be integrated with existing tools for advanced analytics and reporting.	Florida Law Enforcement	System integrates with Law Enforcement Systems (LInX, FINDER, FCIC/NCIC) in addition to vendor POS Systems and 3 rd . party data analysis software (i2, Microsoft Excel, etc.)	Law enforcement agencies have integration and query access between all systems and APIs are available for 3 rd . party integrations. Integration and query access between all systems.	TBD

Reduced costs for Law Enforcement	Access to pawn data is provided for free or at reduced cost for law enforcement agencies.	Local Law Enforcement	Solution will reduce costs for law enforcement agencies who choose to transition from existing vendor	Law enforcement agencies are provided with a no-cost option to access pawn data	TBD
Security	The solution complies with FBI CJIS Security Policy and other policies and laws.	Florida Law Enforcement	System completes audit without any major compliance issues.	FDLE CJIS audits and FBI triennial audits.	TBD

Appendix D: Success Criteria

No.	Success Criteria	Description of Criteria	Measurement/ Assessment Tool	Who Benefits
1.	Data Availability and Accessibility	Pawn data from the entire state is accessible, complete, accurate and timely to support property recovery and other types of investigations.	<ul style="list-style-type: none"> ▪ Database feed metrics ▪ Solve rates 	<ul style="list-style-type: none"> ▪ Florida Law Enforcement
2.	Minimally Disruptive Implementation	The ease with which the solution can be adopted by LEAs, pawnshops, pawn data vendors, and POS vendors with minimal disruption to private business.	<ul style="list-style-type: none"> ▪ Surveys 	<ul style="list-style-type: none"> ▪ Law Enforcement Agencies ▪ Pawnshops
3.	Retention of Historical Data	The solution's ability to preserve and provide access to legacy data for reporting, compliance and analysis.	<ul style="list-style-type: none"> ▪ Audit/comparative analysis of historical data migration 	<ul style="list-style-type: none"> ▪ Florida Law Enforcement
4.	Solution Affordability	The total cost of ownership of the solution is delivers best value to the state and reduces the burden on local LEAs.	<ul style="list-style-type: none"> ▪ Conduct cost-benefit analysis 	<ul style="list-style-type: none"> ▪ Florida Law Enforcement
5.	Solution Flexibility	The ability of the solution to adapt to changing crimes and investigative needs, and to scale for other data types, and changes to legislation.	<ul style="list-style-type: none"> ▪ Evaluate configurability of the solution 	<ul style="list-style-type: none"> ▪ Florida Law Enforcement

Appendix E: Cost Model Assumptions

Build Core Components - applies to all solution options

Model Assumptions:

- 12-month build timeline to implement core components; built with staff augmentation resources
- Core functionality only: database, query interface, APIs, system administration, basic mobile support; no POS integration or data ingestion tools, no advanced analytics
- FDLE handles project management, training, and long-term maintenance with staff augmentation resources
- Additional project management oversight provided by .25 FDLE FTE charged at \$58/hour (FDLE stated: “25% of 1 SES FTE... is between \$30k and \$35k”. $\$30,000 / 520$ [hours in ¼ year] = ~\$58)
- Staff augmentation team composition is intended as the minimum team necessary to successfully deliver the elements of this project, as guided by Gartner subject matter experts and examples of successful state IT program implementations.
- Staff augmentation pay rates are calculated as the mean of stated rates for each relevant role from five representative staff augmentation vendors, as provided by Florida Department of Management Services.
- The five staff augmentation firms (used to calculate pay rates) were chosen based on prior work with FDLE and Gartner subject matter expert guidance. They are: Brandt Information Services, LLC; Kyra Solutions, Inc.; Tal Search Group, Inc., Vitaver and Associates, Inc; and Accenture LLP.

		1440: Database Administrator (C. Advanced)	1250: Applications Development Analyst (C. Advanced)	2630: Web Applications Programmer (C. Advanced)	8220: Project Manager (1. Team Leader)	7440: Systems Administrator (B. Intermediate)
Initial Setup	Database Development	\$ 115.38				
	Data Interface (e.g., API) Development		\$ 116.63			
	Law Enforcement Front End Development			\$ 118.13		
	Project Management				\$ 109.39	

Maintenance & Operations	System Maintenance					\$ 82.60
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Cloud Cost Assumptions:

- Data Volume: 107.1M transactions/year from 6,522 dealers; each with 10 KB text + 3 MB image data
- Architecture: Hyperscaler Relational Database (text) + Object Storage (images)
- Egress Estimate: 15K queries/day × 500 KB = ~8.1 TB/year
- Storage Growth Assumption: Cumulative storage grows linearly by ~6.4 TB annually (107.1M transactions × 3 MB images/year)
- Annual Cost Formula: Fixed costs (\$2,295: compute \$1,545 + egress \$750) + Variable storage (\$1,200/TB × cumulative TB)
- Contracted rate increases: fixed rate for 5 years upon implementation completion, renegotiated for 10% increase, then 3% annually

Year	Cumulative Storage (TB)	Storage Cost (Variable)	Compute + Egress (fixed)	Total Annual Fee
1	6.4	\$7,680	\$2,295	\$9,975
2	12.8	\$15,360	\$2,295	\$17,655
3	19.2	\$23,040	\$2,295	\$25,335
4	25.6	\$30,720	\$2,295	\$33,015
5	32.0	\$38,400	\$2,295	\$40,695
6	38.4	\$46,080	\$2,295	\$48,375
7	44.8	\$53,760	\$2,295	\$56,055
8	51.2	\$61,440	\$2,295	\$63,735
9	57.6	\$69,120	\$2,295	\$71,415

10	64.0	\$76,800	\$2,295	\$79,095
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Option 2 - Buy Pawn Data Collection as a Service (DCaaS)

Model Assumptions:

- Two versions of this cost model were built and included in the assessment – a ‘low cost’ assumption, and ‘high cost’ assumption.
- To be conservative, the ‘high cost assumption’ is treated as the option cost and used in cost comparisons.
- Rolling out the DCaaS solution to all dealers statewide will occur over time as existing contracts expire (or are amended or terminated) and dealers switch to the new solution; Assumption: up to 2 years for complete (or near complete) rollout
- System maintenance is charged annually at an assumed rate of \$225/ hour/staff member
- System Maintenance includes monitoring, security, onboarding, dealer/customer support
- Annual maintenance contract in the form of a 5-year base period plus three 1-year renewal options: fixed rate first five years, renegotiated for 10% increase, then 3% each subsequent year

Low Cost Assumption:

- Selected vendor specialized in pawn data sharing (e.g., LeadsOnline or FINDER). Thus, the ‘DCaaS’ solution requires minimal to no initial implementation. Only system maintenance is charged.

High Cost Assumption:

- Selected vendor has proven IT project success + data expertise. However, they are not currently specialized in pawn data sharing. Therefore, an initial implementation is required in addition annual system maintenance.
- Initial implementation is charged at an assumed blended rate of \$225/hour/staff member
- Vendor team composition is intended as the minimum team necessary to successfully deliver the elements of this project, as guided by Gartner subject matter experts and examples of successful state IT program implementations.
- Additional project management oversight provided by .25 FDLE FTE charged at \$58/hour (FDLE stated: “25% of 1 SES FTE... is between \$30k and \$35k”. $\$30,000 / 520$ [hours in $\frac{1}{4}$ year] = ~\$58)

Option 3 - Build and Operate the Data Collection Solution

Model Assumptions:

- 12-month initial build timeline, plus an additional 2 years for complete (or near-complete) rollout; Rolling out the solution to all dealers statewide will occur over time as existing contracts expire (or are amended or terminated) and dealers switch to the new solution
- FDLE handles Initial build, project management, training, and long-term maintenance with staff augmentation resources
- Additional project management oversight provided by .25 FDLE FTE charged at \$58/hour (FDLE stated: “25% of 1 SES FTE... is between \$30k and \$35k”. \$30,000 / 520 [hours in ¼ year] = ~\$58)
- Staff augmentation team composition is intended as the minimum team necessary to successfully deliver the elements of this project, as guided by Gartner subject matter experts and examples of successful state IT program implementations.
- Staff augmentation pay rates are calculated as the mean of stated rates for each relevant role from five representative staff augmentation vendors, as provided by Florida Department of Management Services.
- The five staff augmentation firms (used to calculate pay rates) were chosen based on prior work with FDLE and Gartner subject matter expert guidance. They are: Brandt Information Services, LLC; Kyra Solutions, Inc.; Tal Search Group, Inc., Vitaver and Associates, Inc; and Accenture LLP.

		1230: Enterprise Application Integration (EA) Engineer	1250: Applications Development Analyst (C. Advanced)	8220: Project Manager (3. Sr. Manager)	8220: Project Manager (1. Team Leader)	7410: Systems Architect (C. Advanced)	2850: Manager, Production Support (2. Manager)	2860: Production Support Analyst (C. Advanced)	3430: Data Warehouse Analyst (C. Advanced)	2210: Customer Support Analyst (C. Advanced)	1440: Database Administrator (B. Intermediate)
Initial Setup	Data Ingestion - PoS Integration Development	\$131.76									
	Data Ingestion - Data Entry Tool Development		\$116.63								
	Project Management			\$114.42							

	OCM				\$109.39						
	Systems Architecture					\$174.24					

Maintenance & Operations	Data Ingestion System Maintenance						\$135.39	\$93.37	\$22.61	\$2.46	\$115.38
							Average Rate: \$109.84				

Option 4 - Buy Full Access (option not scored)

Model Assumptions:

- System is available immediately upon contracted period, without requiring significant vendor customization.
- Total Florida sworn officer count = 62,416
- FINDER cost estimate = \$965k annually, based on vendor provided rates and Florida sworn officer count
- LeadsOnline Cost estimate was provided to Gartner team directly by vendor: up to \$1m for initial implementation, up to \$4m/year annual fee
- Vendor annual maintenance fee is a blended rate: mean of estimated LeadsOnline annual fee and estimated FINDER annual fee
- Vendor initial setup fee is a blended rate: mean of \$1m quoted initial fee for LeadsOnline, and assumption of no initial fee for FINDER
- Annual maintenance contract in the form of a 5-year base period plus three 1-year renewal options: fixed rate first five years, renegotiated for 10% increase, then 3% each subsequent year

The Florida Senate

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

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☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

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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 Commerce and Tourism

BILL: SB 1672

INTRODUCER: Senator McClain

SUBJECT: Tax Credits for Contributions to Assist Homebuyers

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Favorable
2.			FT	
3.			AP	

I. Summary:

SB 1672 creates the Homebuyer Workforce Tax Credit, authorizing certain employers to claim a 100 percent tax credit for specified monetary contributions either paid to eligible employees to help with a first-time Florida home purchase, or paid to a governmental down payment assistance program, including the Florida Hometown Hero Program.

The bill:

- Allows an eligible taxpayer to receive at least \$1,000 for a down payment or closing costs and limits the employee tax credit to \$5,000 per employee.
- Allows the credit to be applied against corporate income taxes under ch. 220, F.S. or the insurance premium tax under s. 624.509, F.S.
- Caps the total authorized credits at \$5 million per fiscal year for FY 2026-2027, 2027-2028, and 2028-2029, awarded on a first-come, first-served basis by the Department of Revenue.
- Allows a 3-year carryforward of unused credits and prohibits the transfer, sale, or assignment to another entity.
- Repeals the program on January 1, 2030, unless reenacted.

The Revenue Estimating Conference has not estimated the bill. The bill may reduce state revenue by creating a new tax credit against corporate income tax or insurance premium tax.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Currently, there is no tax credit program for an employer who makes a monetary contribution to an employee to pay for expenses related to the purchase of a primary residence.

Florida Sales and Use Tax

Florida levies a 6 percent tax on the sale or rental of most items of tangible personal property,¹ admissions,² transient rentals,³ and a limited number of services, as well as a 2 percent tax on commercial leases.⁴ Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.⁵

The governing body of a county and school boards are authorized to levy local discretionary sales surtaxes in addition to the state sales tax.⁶ A surtax applies to “all transactions...subject to the state sales tax...on sales, uses, services, rentals, admissions, and other transactions...”⁷ In counties with discretionary sales surtaxes, the combined county and school board rates vary from 0.5 to 2 percent.⁸ Two counties, Citrus and Collier, have no discretionary sales surtax levies.

Total collections from the sales and use tax in state fiscal year 2024-2025 equaled \$41.1 billion; of which, the General Revenue Fund received \$36.9 billion.⁹

Florida Corporate Income Tax

The state of Florida imposes a 5.5 percent tax on the taxable income of certain corporations and financial institutions conducting business in the state.¹⁰ Corporate income tax is remitted to the DOR and distributed to the General Revenue Fund. Net collections of corporate income tax in state fiscal year 2024-2025 were determined to be \$5.5 billion.¹¹

Credits against corporate income tax or franchise tax are applied in a statutorily prescribed order.¹²

¹ Section 212.05(1)(a)1.a., F.S.

² Section 212.04(1)(b), F.S.

³ Section 212.03(1)(a), F.S.

⁴ Section 212.031, F.S.

⁵ Section 212.07(2), F.S.

⁶ Section 212.055, F.S.

⁷ Section 212.054(2)(a), F.S.

⁸ Florida Department of Revenue, *Discretionary Sales Surtax Information for Calendar Year 2026*, available at https://floridarevenue.com/Pages/forms_index.aspx#discretionary, see DR-15DSS New for 2026 (last visited Jan. 27, 2026).

⁹ Florida Office of Economic & Demographic Research, *Florida Revenue Estimating Conference, Long-Term Revenue Analysis*, p. 85, (Oct. 2025) available at https://edr.state.fl.us/Content/conferences/longtermrevenue/2025longtermrevenueanalysis_revised.pdf (last visited Jan 27, 2026).

¹⁰ Sections 220.11(2), F.S. and 220.63(2), F.S.

¹¹ Florida Office of Economic & Demographic Research, *General Revenue Conesus Estimating Conference, Comparison Report*, Workpapers, p. 20 (Jan. 23, 2026), available at <https://edr.state.fl.us/content/conferences/generalrevenue/grpackage.pdf> (last visited Jan. 27, 2026).

¹² See s. 220.20, F.S.

Florida Insurance Premium Tax

Florida imposes a 1.75 percent tax on most Florida insurance premiums.¹³ Insurance premium taxes are paid by insurance companies under ch. 624, F.S., and are remitted to the DOR. These revenues are distributed to the General Revenue Fund with additional distributions to the Insurance Regulatory Trust Fund, the Police & Firefighters Premium Tax Trust Fund, and the Emergency Management Preparedness & Assistance Trust Fund. Net collections of insurance premium tax in state fiscal year 2024-2025 were \$1.5 billion with distributions to the General Revenue Fund of \$1.1 billion.¹⁴

Credits against insurance premium tax are applied in a statutorily prescribed order.¹⁵

The Florida Department of Revenue

The DOR administers three main programs: the Child Support Program, the General Tax Administration Program, and the Property Tax Oversight Program. The DOR collects more than \$40 billion a year in taxes and fees annually and processes more than 9 million in tax filings annually.¹⁶

Florida Hometown Hero Program

The Florida Hometown Hero Program¹⁷ is a homeownership assistance program administered by the Florida Housing Finance Corporation (FHFC).¹⁸ Under the program, eligible first time homebuyers have access to zero-interest loans to reduce the amount of down payment and closing costs by a minimum of \$10,000 and up to 5 percent of the first mortgage loan, not exceeding \$35,000. Loans must be repaid when the property is sold, refinanced, rented, or transferred unless otherwise approved by the FHFC. Repayments for loans made under this program must be retained within the program to make additional loans.

III. Effect of Proposed Changes:

The bill creates s. 212.1836, F.S., Homebuyer Workforce Tax Credit, which provides a tax credit against corporate income taxes and insurance premium taxes for taxpayers who make contributions to an employee to pay for certain expenses related to a home purchase or make contributions to a government program, including the Florida Hometown Hero program. To be eligible, a taxpayer must have operated in Florida for at least three consecutive years.

¹³ Section 624.509, F.S.

¹⁴ Florida Office of Economic & Demographic Research, *General Revenue Conesus Estimating Conference, Comparison Report*, Workpapers, p. 25 (Jan. 23, 2026), available at <https://edr.state.fl.us/content/conferences/generalrevenue/grpackage.pdf> (last visited Jan. 27, 2026).

¹⁵ See s. 624.509, F.S.

¹⁶ Florida Department of Revenue, *Quick Facts about the Florida Department of Revenue*, available at https://floridarevenue.com/opengovt/Pages/quick_facts.aspx (last visited Jan. 27, 2026).

¹⁷ See s. 420.5096, F.S.

¹⁸ The Florida Housing Finance Corporation (FHFC) is a public-private entity created by the Legislature in 1997 to assist in providing a range of affordable housing opportunities for Floridians. The FHFC administers federal and state resources to finance the development and preservation of affordable rental housing and assist homebuyers with financing and down payment assistance. Section 420.504, F.S.

Eligible taxpayers may receive a credit of 100 percent of a monetary contribution of at least \$1,000 made to an employee for a down payment or closing costs for the purchase of a permanent residence. The employee must have established permanent residency in Florida and not previously owned a home in Florida. The credit cannot exceed \$5,000 of contributions made to a single employee.

Eligible taxpayers may also receive a tax credit for 100 percent of a contribution made to a government program offering down payment assistance to residents of Florida.

The taxpayer may submit an application to the DOR for the tax credits, and the DOR must approve them on a first-come, first-served basis.

The tax cap amount is limited to \$5 million for each state fiscal year 2026-2027, 2027-2028, and 2028-2029. Credits not fully used in the specified taxable year due to insufficient tax liability on the part of the taxpayer may be carried forward for up to 3 taxable years. The taxpayer is prohibited from conveying, transferring, or assigning an approved tax credit or carrying forward a tax credit to another entity.

The DOR is authorized to adopt rules to administer the tax credit, including establishing application forms, procedures governing the approval and carryforward of tax credits, and procedures to be followed by taxpayers when claiming approved tax credits on their returns.

The bill provides that this section will be repealed on January 1, 2030, unless saved from repeal by the Legislature.

The bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs the passage of laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Article VII, s. 18(b) of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates

requirements do not apply to laws having an insignificant impact,¹⁹ which is \$2.4 million or less for Fiscal Year 2026-2027.²⁰

The bill does not require counties or municipalities to take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities. Therefore, the bill may not be subject to Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the Florida Constitution requires legislation pass each chamber by a 2/3 vote and be contained in a separate bill with no other subject if the legislation imposes, authorizes an imposition, increases, or authorizes an increase in a state tax or fee or if it decreases or eliminates a state tax or fee exemption or credit.

The bill does not affect the imposition or increasing of a state tax or fee nor decreases or eliminates a state tax or fee exemption or credit. Thus, the constitutional requirements may not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not estimated the bill. The bill may reduce state revenue by creating a new tax credit against corporate income tax or insurance premium tax.

¹⁹ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 27, 2026).

²⁰ Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, available at <https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf> (last visited Jan. 27, 2026).

B. Private Sector Impact:

Employers who make qualifying contributions may reduce their state tax liability and provide additional resources to employees for home-purchase-related costs.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the DOR, which will have to establish new application forms, procedures governing the approval and carryforward of tax credits, and procedures for taxpayers when claiming approved tax credits on their returns.

VI. Technical Deficiencies:

Line 48 of the bill contains a scrivener's error: the word "assistant" should say "assistance."

VII. Related Issues:

Line 50 of the bill states that "a taxpayer may submit an application to the department" for a tax credit provided in the bill. It is unclear if a taxpayer may obtain or claim a credit without submitting an application to the DOR.

The bill creates s. 212.1836, F.S., within ch. 212, F.S., relating to the sales and use tax. However, the bill creates credits against corporate income tax in ch. 220, F.S., and insurance premium tax in s. 624.509, F.S.

It is unclear whether the employer contribution must be made during the taxpayer's taxable year and whether the employee's qualifying home purchase must be made during the taxable year.

It is unclear if the Florida Hometown Hero program accepts contributions.

The bill does not define what constitutes "permanent residency," which may make it difficult for employers to determine which employees are eligible.

VIII. Statutes Affected:

This bill creates section 212.1836 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 McClain

9-00673-26

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A bill to be entitled

An act relating to tax credits for contributions to assist homebuyers; creating s. 212.1836, F.S.; defining terms; authorizing certain taxpayers to receive a tax credit for contributions made to certain employees for specified expenses related to buying a home; providing a maximum credit authorized in certain circumstances; authorizing a taxpayer to receive a tax credit for contributions made to certain programs; authorizing the taxpayer to submit an application for the tax credit; authorizing the tax credit to be used against certain taxes; requiring the Department of Revenue to approve applications on a first-come, first-served basis; providing the maximum amount of credits authorized for certain fiscal years; authorizing unused credits to carryforward for a specified period of time in certain circumstances; prohibiting the sale or transfer of certain tax credits; authorizing the department to adopt rules; providing for future repeal; providing an effective date.

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

Section 1. Section 212.1836, Florida Statutes, is created to read:

212.1836 Homebuyer Workforce Tax Credit.—

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

(a) "Eligible employee" means a person who has established

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

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permanent residency in the state and who has not previously owned a home in the state.

(b) "Eligible expenses" means a down payment or any closing costs.

(c) "Eligible taxpayer" means an employer who has operated in the state for at least 3 consecutive years.

(d) "Employer contribution" means a monetary contribution of at least \$1,000 from an employer to his or her employee pursuant to this section.

(e) "Qualifying home purchase" means property purchased by an eligible employee as a primary residence.

(2) An eligible taxpayer may receive a tax credit for 100 percent of the employer contribution to an eligible employee to pay for eligible expenses related to a qualifying home purchase. A taxpayer may not receive more than \$5,000 of credit for contributions made to a single employee.

(3) An eligible taxpayer may receive a tax credit for 100 percent of a contribution made to a government program offering down payment assistance to residents of the state, including the Florida Hometown Hero program under s. 420.5096.

(4) A taxpayer may submit an application to the department for a tax credit under subsection (2) or subsection (3).

(5) The credit under this section may be used against any tax due for the taxable year under chapter 220 or under s. 624.509(1).

(6) The department shall approve applications on a first-come, first-served basis. The department may authorize \$5 million in tax credits in each of state fiscal years 2026-2027, 2027-2028, and 2028-2029.

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(7) If a tax credit approved under subsection (6) is not fully used for the specified taxable year because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 3 taxable years.

(8) A taxpayer may not convey, transfer, or assign an approved tax credit or carryforward tax credit to another entity.

(9) The department may adopt rules necessary to administer this section, including rules establishing application forms, procedures governing the approval and carryforward of tax credits, and procedures to be followed by taxpayers when claiming approved tax credits on their returns.

(10) This section is repealed January 1, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

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

The Florida Senate

APPEARANCE RECORD

1/28/26

Meeting Date

1672

Bill Number or Topic

Commerce & Tourism

Committee

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

Amendment Barcode (if applicable)

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Speaking:

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For

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Against

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