Tab 1	**CS/SB 198** by **BI, Rouson;** Similar to CS/H 00505 Virtual Currency Kiosks

Tab 2	**CS/SB 422** by **TR, Wright;** Similar to H 00387 Automatic Dependent Surveillance-broadcasts

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Tab 3	**SB 1236** by **Massullo;** Similar to H 01387 Employers Receiving Economic Development Incentives from State Agencies

Tab 4	**SB 1356** by **Garcia;** Similar to H 01521 Handling of Animals

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Tab 5	**SB 1456** by **Osgood;** Similar to H 01043 Doula Workforce Development

Tab 6	**SB 1722** by **Calatayud;** Application Stores

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE: Wednesday, February 4, 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 198** Banking and Insurance / Rouson (Similar CS/H 505)	Virtual Currency Kiosks; Revising the definition of the term "money services business"; revising the requirements for certain rules adopted by the Financial Services Commission; prohibiting a virtual currency kiosk business from operating in this state without registering or renewing its registration; specifying that certain money transmitters are exempt from registration as a virtual currency kiosk business but are subject to certain provisions; prohibiting certain entities from performing certain actions without being licensed as a money services business, etc. BI 01/28/2026 Fav/CS CM 02/04/2026 RC	
2	**CS/SB 422** Transportation / Wright (Similar H 387)	Automatic Dependent Surveillance-broadcasts; Prohibiting airports from using information broadcast or collected by automatic dependent surveillance-broadcast systems for specified purposes under certain circumstances, etc. TR 01/27/2026 Fav/CS CM 02/04/2026 RC	
3	**SB 1236** Massullo (Similar H 1387)	Employers Receiving Economic Development Incentives from State Agencies; Requiring an employer to sign an agreement with a state agency that is awarding an economic development incentive before becoming eligible for the economic development incentive; authorizing persons and entities to report a suspected violation to the Attorney General within a specified timeframe; requiring the Attorney General to determine whether a violation has occurred; requiring a state agency to execute a separate written agreement with the recipient of the economic development incentive before the state agency awards the economic development incentive, etc. CM 02/04/2026 GO AP	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 1356** Garcia (Similar H 1521, Compare S 1004)	Handling of Animals; Requiring the Department of Agriculture and Consumer Services to develop and adopt rules, best management practices, and other measures for dog breeding in this state; preempting the regulatory and operational oversight of local animal shelters to the department; deleting a limit on veterinary costs under certain provisions; specifying requirements for retail stores that offer animals for sale; requiring dog breeders to apply to the Department of Business and Professional Regulation for a certificate of registration and to renew the certificate at specified intervals, etc. CM 02/04/2026 AEG RC	
5	**SB 1456** Osgood (Similar H 1043)	Doula Workforce Development; Establishing the Doula Workforce Development Support Program within the Department of Commerce to provide grants and technical assistance to eligible doula training entities for a specified purpose; requiring the department to prioritize support to high-need regions; specifying authorized uses of the grant funds; requiring the department to submit annual reports to the Governor and the Legislature by a specified date, etc. CM 02/04/2026 ATD FP	
6	**SB 1722** Calatayud	Application Stores; Requiring an app store provider to take certain steps to verify the ages of individuals who create or who have existing accounts with the app store provider; providing parental consent requirements for accounts created or held by minors; requiring app store providers to take certain steps to protect specified personal information; authorizing minors, or the parents of minors, to bring civil actions against app store providers or developers for violations of the act, etc. CM 02/04/2026 JU RC	

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.		
	Chair, Reemployment Assistance Appeals Commission		
7	Faircloth, Charles T., Jr. (Tallahassee)	06/30/2029	

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Board of Supervisors of the Central Florida Tourism Oversight District		
8	Ravenscroft, Thomas Matthew (Orlando)	02/26/2027	
	Woods, David (Orlando)	02/26/2029	

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL:	CS/SB 198
INTRODUCER:	Banking and Insurance Committee and Senator Rouson
SUBJECT:	Virtual Currency Kiosks
DATE:	February 3, 2026 REVISED:

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 198 establishes a regulatory framework for virtual currency kiosks and protects users of kiosks by:

- Requiring a virtual currency kiosk business (except licensed money transmitters) to comply with registration requirements.
- Requiring that virtual currency kiosks must:
  - Ask each customer the amount of any of the customer's other virtual currency transactions conducted the same calendar day; and
  - Provide a notice to customers that fraud that begins with contact from strangers lying about their identity.
- Restricting the total dollar amount of all transactions per customer each calendar day to $2,000 for new customers and $10,000 for existing customers.
- Requiring a customer to be provided with an electronic receipt.
- Requiring a full refund in specified circumstances.

The bill has an indeterminate fiscal impact on state government expenditures. *See* Section V. Fiscal Impact Statement.

The bill is effective January 1, 2027.

II. Present Situation:

A virtual currency kiosk, also known as a cryptocurrency kiosk or a Bitcoin automatic teller machine (ATM), is a physical machine that enables customers to exchange virtual currencies for fiat currency or other virtual currencies.[1] As of January 2026, there are over 30,000 virtual currency kiosks in the United States.[2] Consumers are typically charged fees between 9 percent and 12 percent of the value of the transaction, but such fees may range from four percent to greater than 20 percent of the value of a transaction.[3]

A virtual currency kiosk may be unidirectional, allowing only the sale of virtual currency, or bidirectional, allowing both the sale and purchase of virtual currency.[4] To purchase virtual currency from a kiosk, a consumer may store the purchased virtual currency in their own wallet or send the currency to a third party's wallet if the purchaser has a quick response (QR) code to that person's wallet.[5] To sell virtual currency from a kiosk, a user deposits it into the machine's wallet, usually via a QR code displayed on the kiosk's screen, and the kiosk dispenses cash when the transaction is completed.[6]

Federal Regulation

The Financial Crimes Enforcement Network ("FinCEN"), a bureau of the United States Department of Treasury,[7] is responsible for safeguarding the financial system from illegal use, combatting money laundering and related crimes, and promoting national security.[8] Unless an exception applies, a money services business[9] (MSB) must register with FinCEN.[10] An MSB registration period is two calendar years.[11] Any person who fails to comply with the registration requirements is liable for a civil penalty of $5,000 for each violation.[12] An MSB must develop, implement, and maintain an anti-money laundering program that includes, among other things, verifying customer identification.[13] An MSB must also comply with anti-money laundering reporting requirements, such as reporting certain payment transactions by, through, or to the MSB that involve a transaction of more than $10,000.[14]

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[1] National Association of Attorneys General, *Your Bitcoin on Every Block: An Introduction to Cryptocurrency Kiosks*, May 4, 2022, available at Your Bitcoin on Every Block: An Introduction to Cryptocurrency Kiosks (naag.org) (last visited Feb. 3, 2026) (hereinafter cited as "Attorneys General Article on Cryptocurrency Kiosks").
[2] Coin ATM Radar, *Bitcoin ATM Installations Growth (United States)*, available at Bitcoin ATM Installation Growth in United States (last visited Feb. 3, 2026).
[3] Attorneys General Article on Cryptocurrency Kiosks.
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] 31 C.F.R. s. 1010.100(s).
[8] The U.S. Treasury Financial Crimes Enforcement Network, *Financial Crimes Enforcement Network: Mission*, available at Mission | FinCEN.gov (last visited Feb. 3, 2026).
[9] "Money services business" is defined as a person wherever located doing business, whether or not on a regular basis or as an organized or licensed business concern, wholly or in substantial part within the United States, in one or more of the capacities specified under federal law. 31 C.F.R. s. 1010.100(ff).
[10] 31 C.F.R. s. 1022.380(a).
[11] 31 C.F.R. s. 1022.380(b).
[12] 31 C.F.R. s. 1022.380(e) (providing that each day a violation continues constitutes a separate violation).
[13] 31 C.F.R. s. 1022.210.
[14] 31 C.F.R. s. 1010.311.

FinCEN has issued guidance that, unless an exception applies, an administrator[15] or exchanger[16] that: (a) accepts or transmits, or (b) buys or sells, virtual currency[17] is a money transmitter that are subject to money services business registration, reporting, and recordkeeping requirements.[18] Therefore, FinCEN treats virtual currency kiosk operators as MSBs, subject to registration regulations.[19] Notwithstanding this requirement, the United States Government Accountability Office ("GAO") reports that only 164 of the estimated 297 kiosk operators in the United States were registered in 2020, which has contributed to federal agencies, such as FinCEN, facing challenges in identifying virtual currency kiosk locations.[20]

Florida Regulation of Money Services Businesses

The Florida Office of Financial Regulation (OFR) is responsible for all activities of the Financial Services Commission (Commission) relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.[21]

Money Services Businesses

As part of the OFR's responsibilities, the OFR oversees MSBs. As of January 2025, there were 663 MSBs licensed by the OFR, with an additional 42,846 authorized locations and branches.[22] An MSB includes any person located or doing business in Florida who acts as, amongst other

[15] "Administrator" is defined as "a person engaged as a business in issuing (putting into circulation) a virtual currency, and who has the authority to redeem (to withdraw from circulation) such virtual currency." The U. S. Treasury FinCEN, *Application of FinCEN's Regulations to Persons Administering, Exchanging, or Using Virtual Currencies*, Mar. 18, 2013, available at Application of FinCEN's Regulations to Persons Administering, Exchanging, or Using Virtual Currencies | FinCEN.gov (last visited Feb. 3, 2026) (hereinafter cited as "FinCEN Guidance on Persons Administering, Exchanging, or Using Virtual Currency").

[16] "Exchanger" is defined as "a person engaged as a business in the exchange of virtual currency for real currency, funds, or other virtual currency." *Id.*

[17] "Virtual Currency" is defined as "a medium of exchange that operates like a currency in some environments, but does not have all of the attributes of real currency." "Convertible" virtual currency has an equivalent value in real currency or acts as a substitute for real currency. *Id.*

[18] FinCEN Guidance on Persons Administering, Exchanging, or Using Virtual Currency. "Money transmitter" is defined as "a person who provides money transmitter services, which means the acceptance of currency, funds, or other value that substitutes for currency from one person and the transmission of currency, funds, or other value that substitutes for currency to another location or person by any means." "Any means" includes, but is not limited to, "a financial agency or institution, a Federal Reserve Bank, an electronic funds transfer network, or an informal value transfer system." 31 C.F.R. s. 1010.100(ff)(5)(A).

[19] *Id.*; *See also* Article on US GAO Urges New Virtual Currency Regulations.

[20] The GAO, *Virtual Currencies Additional Information Could Improve Federal Agency Efforts to Counter Human and Drug Trafficking [Reissued with Revisions Feb. 7, 2022]*, GAO-22-105462, Published: Dec. 8, 2021, Publicly Released: Jan. 10, 2022, available at https://www.gao.gov/products/gao-22-105462 (last visited Feb. 3, 2026).

[21] Section 20.121(3)(a)2., F.S.

[22] Email from Jason Holloway, Director of Fintech Policy, OFR to Jacqueline Moody, Florida Senate Committee on Banking and Insurance, Senior Attorney, *Re: SB 292 – Virtual Currency Kiosk*, (Mar. 18, 2025) (on file with the Senate Committee on Banking and Insurance).

things, a money transmitter.[23,24] Money transmitters reported $591,129,248,691 in transmissions during the Fiscal Year 2024-2025.[25]

Licenses issued to MSBs are valid until April 30 of the second year following the date of issuance and are valid for two years.[26] An MSB that does not renew its license by April 30 of its expiration year is deemed inactive, and if the license is not reactivated within 60 days, it will permanently expire.[27] An MSB must submit any application required by rule and pay the renewal or reactivation fee online via the Regulatory Enforcement and Licensing (REAL) System to renew or reactivate a license.[28]

Once licensed, an MSB is required to report any change in control persons.[29,30] If any person, directly or indirectly, or acting by or through one or more persons, proposes to purchase or acquire a controlling interest in an MSB, such person or group must submit a new application for licensure at least 30 days before such purchase or acquisition.[31] Such a change of control application is not required if the person or group of persons has previously complied with applicable licensing provisions, provided that they are currently affiliated with the MSB, or if the person or group of persons is currently licensed with the OFR as an MSB.[32] A change of control

[23] Section 560.103(24), F.S. defines "money transmitter" as corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in Florida which receives currency, monetary value, a payment instrument, or virtual currency[23] for the purpose of acting as an intermediary to transmit currency, monetary value, a payment instrument, or virtual currency from one person to another location or person by means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country. The term includes only an intermediary that can unilaterally execute or indefinitely prevent a transaction.

[24] Section 560.103(23), F.S.

[25] Email from Jason Holloway, Director of Fintech Policy, OFR to Jacqueline Moody, Florida Senate Committee on Banking and Insurance, Senior Attorney, *Re: SB 198 – Virtual Currency*, (Jan. 15, 2026) (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as "OFR Email Re: SB 198").

[26] Section 560.141(2), F.S.

[27] Section 560.142(4), F.S.

[28] Section 560.142(1), F.S.

[29] Section 560.103(10), F.S., defines "Control person," with respect to a money services business, as any of the following: (a) A person who holds the title of president, treasurer, chief executive officer, chief financial officer, chief operations officer, chief legal officer, or compliance officer for a money services business; (b) A person who holds any of the officer, general partner, manager, or managing member positions named in the money services business's governing documents. As used in this paragraph, the term "governing documents" includes bylaws, articles of incorporation or organization, partnership agreements, shareholder agreements, and management or operating agreements; (c) A director of the money services business's board of directors; (d) A shareholder in whose name shares are registered in the records of a corporation for profit, whether incorporated under the laws of this state or organized under the laws of any other jurisdiction and existing in that legal form, who owns 25 percent or more of a class of the company's equity securities; (e) A general partner or a limited partner, as those terms are defined in s. 620.1102, F.S., who has a 25 percent or more transferable interest, as defined in s. 620.1102, F.S., of a limited partnership, limited liability limited partnership, foreign limited partnership, or foreign limited liability limited partnership, as those terms are defined in s. 620.1102, F.S. (f) A member, who is a person that owns a membership interest in a limited liability company or a foreign limited liability company, as those terms are defined in s. 605.0102(36) and (26), F.S., respectively, that holds a 25 percent or more membership interest in such company. As used in this subsection, the term "membership interest" means a member's right to receive distributions or other rights, such as voting rights or management rights, under the articles of organization; (g) A natural person who indirectly owns 25 percent or more of the shares or stock interest, transferable interest as defined in s. 620.1102, F.S., or membership interest as defined in paragraph (f), of any legal entities referred to in paragraphs (d)-(f).

[30] Section 560.126(3), F.S.

[31] Section 560.126(3)(a), F.S.; r. 69v-560.201(4), F.A.C.

[32] Section 560.126(3)(c), F.S.; r. 69v-560.201(6), F.A.C.

application must be accompanied by the payment of an initial licensing fee[33] and a fee per branch or authorized vendor,[34] up to a maximum of $20,000.[35]

The OFR has enforcement authority against MSBs for violating any state law relating to the detection and prevention of money laundering.[36]

Virtual Currency Kiosk Businesses

The OFR reports that there are currently 39 known operators and 3,178 known kiosks in Florida.[37] Under current Florida law, an operator of a virtual currency kiosk that falls within the definition of a money transmitter is required to be licensed as an MSB. Florida does not have a separate regulatory regime for virtual currency businesses or virtual currency kiosk businesses.

The OFR reports that the Federal Bureau of Investigation (FBI) and the Federal Trade Commission (FTC) have received complaints from Florida of alleged victim losses related to virtual currency kiosks totaling about $33 million[38] to approximately 1,739 Florida victims from January 2020 to March 2025.[39] Since January 2024, the OFR has opened approximately 75 investigations regarding approximately $1.8 million in losses related to virtual currency kiosks.[40]

Other States' Laws

More than 10 states have passed laws regulating virtual currency kiosks.[41] All of the states that regulate kiosks have requirements for operators of the kiosks to be licensed or registered,[42]

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[33] Fees are determined by whether the MSB is licensed under Part II or Part III of Chapter 560. Initial licensing fees under Part II licenses require a $375 license application fee per s. 560.143(1)(a), F.S. Part III licenses require a $188 license application fee per s. 560.143(b), F.S.
[34] Section 560.143(1)(c) and (d), F.S., provides that both the per branch fee and the authorized vendor fee are $38.
[35] Section 560.143(1)(g), F.S.
[36] Section 560.123, F.S.
[37] OFR Email Re: SB 198 (citing Coin ATM Radar, *Bitcoin ATMs in Florida*, available at: Bitcoin ATM Florida, FL United States (last visited Feb. 3, 2026)).
[38] OFR Email Re: SB 198.
[39] Email from Jason Holloway, Director of Fintech Policy, OFR, to Jacqueline Moody, Florida Senate Committee on Banking and Insurance, Senior Attorney, *Virtual Currency Kiosk Businesses*, (Mar. 18, 2025) (on file with Senate Committee on Banking and Insurance) (forwarding email from Alex B Toledo, Chief, Bureau of Financial Investigations, OFR to Jason Holloway, Director of Fintech Policy, OFR, *Re: [EXT] HB 319 Virtual Currency Kiosk Businesses*, (Mar. 10, 2025) (on file with the Senate Committee on Banking and Insurance)).
[40] *Id.*
[41] Arizona (A.R.S. s. 6-1236), Arkansas (A.C.A. s. 23-55-1008), California (CA Fin. Code ss. 3901 – 3907), Colorado (SB 25-079), Connecticut (Conn. Gen. Stat. 36a-595 to 36a-612), Illinois (30 ILCS 105/5.1030), Iowa (Iowa Code s. 533C.1004), Louisiana (La. Act No. 369 (HB 483) (2025)), Maryland (Md. Code, Financial Institutions, s. 12-1201 et seq.), Missouri (RSMo s. 361.1100), Nebraska (Neb. Rev. Stat. ss. 8-3032 – 8-3042), North Dakota (HB 1447 (2025)), Oklahoma (Okla. Stat. tit. 6, s. 1520), Rhode Island (R.I. Gen. Law ss. 19-14.3-3.9 to 3.13), Vermont (8 V.S.A. s. 2577), Maine (32 M.R.S. s. 6169).
[42] California does not require a license for operators of kiosks unless, on or after July 1, 2026, the operator engages in digital financial asset business activity via kiosks. Cal. Fin. Code s. 3907.

except Colorado and Iowa.[43] All of them have consisted of all or some[44] of the following provisions that require:

- Specified disclosures before a customer can initiate a transaction;
- An electronic receipt to be provided to the customer upon completion of a transaction;
- A refund to be issued to certain customers in specified circumstances; and
- An owner or operator to limit the daily transaction amount per customer.

Some state laws contain additional protections; for instance, several states provide for anti-fraud regulation[45] and fee caps.[46]

III. Effect of Proposed Changes:

CS/SB 198 establishes the regulatory framework for virtual currency kiosks, including registration and disclosure requirements, daily transaction limits, and requirements to provide an electronic receipt for each transaction and refunds if certain conditions are met.

Section 1 amends s. 560.103, F.S., revising the definition of "money services businesses" to include virtual currency kiosk businesses as a type of money service business. The bill also defines the following terms:

- "Virtual currency kiosk" means an electronic terminal that acts as a mechanical agent of the kiosk business, enabling the kiosk business to facilitate the exchange of virtual currency for fiat currency or other virtual currency for a customer.
- "Virtual currency kiosk business" or "kiosk business" means a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which offers virtual currency kiosk services to a customer in this state.
- "Virtual currency kiosk transaction" means the process in which a customer uses a virtual currency kiosk to exchange virtual currency for fiat currency or other virtual currency. A transaction begins at the point at which the customer is able to initiate a transaction after the customer is given the option to select the type of transaction or account and does not include any of the screens that display the required terms and conditions, disclaimers, or attestations.

Section 2 amends s. 560.105, F.S., authorizing the Financial Services Commission to adopt rules to regulate virtual currency kiosk businesses.

Section 3 creates part V of ch. 560, F.S., entitled "Virtual Currency Kiosk Businesses," in which the provisions regulating virtual currency kiosk businesses are contained.

Section 4 creates s. 560.501, F.S., defining the following terms:

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[43] Colorado SB 25-079 (2025); Iowa Code s. 533C.1004.

[44] California law does not require a refund in specified circumstances. *See* Cal. Fin. Code s. 3901-3907. Louisiana law does not provide for receipt requirements. *See* La. Act No. 369 (HB 483) (2025)). Missouri law does not provide daily transaction limits. *See* Mo. Rev. Stat. s. 361.1100. Vermont law does not provide for specific disclosure requirements or receipt requirements. *See* 8 V.S.A. s. 2577.

[45] Examples include Louisiana, Nebraska, North Dakota, and Vermont.

[46] Examples include California, Illinois, Iowa, Maryland, Oklahoma, Rhode Island, and Maine have fee caps. Connecticut authorizes the Banking Commissioner to establish a schedule of maximum fees for specific kiosk services.

- "Blockchain" means a mathematically secured, chronological, decentralized, distributed, and digital ledger or database that consists of records of transactions that cannot be altered retroactively.
- "Blockchain analytics" means the process of examining, monitoring, and gathering insights from the data and transaction patterns on a blockchain network. The primary aims of blockchain analytics are to understand and monitor the network's health, track transaction flows, and identify potential security threats, including illicit activity, in order to extract actionable insights.
- "Daily transaction limit" means a new customer transaction of no more than $2,000 per calendar day, or an existing customer transaction of no more than $10,000 per calendar day, whether through a single transaction or multiple transactions or whether through one or more virtual currency kiosks.
- "Existing customer" means a customer who has transacted with the owner or operator of a virtual currency kiosk for 7 or more days.
- "New customer" means a customer who has transacted with the owner or operator of a virtual currency kiosk for fewer than 7 days.
- "Registrant" means a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which offers virtual currency kiosk services and receives notice from the OFR that the agency has granted an application for registration.
- "Transaction hash" means a unique identifier consisting of a string of characters which provides a verifiable record that a transaction has been confirmed and added to the blockchain.
- "Wallet" means hardware or software that enables a customer to store, use, send, receive, and spend virtual currency or store virtual currency private keys or passcodes enabling the same.

Section 5 creates s. 560.502, F.S., prohibiting a virtual currency kiosk business from operating in the state without first registering, or renewing its registration. The OFR must give written notice to each applicant that the OFR has granted or denied the application for registration. A money transmitter that is licensed as a money services business is exempt from registration as a virtual currency kiosk business but is subject to ss. 560.504 through 560.507, F.S. An entity may not operate as an intermediary with the ability to unilaterally execute or indefinitely prevent a virtual currency kiosk transaction, or otherwise act as a money transmitter, without being licensed as a money services business. A virtual currency kiosk business registration is not transferable or assignable.

Section 6 creates s. 560.503, F.S., providing the information an applicant must submit to apply to register as a virtual currency kiosk business. Such information must include:

- A completed registration application on the form with the following information:
    - The legal name and the physical and mailing addresses of the applicant.
    - The date of the applicant's formation and any state in which the applicant was formed.
    - The name, social security number, alien identification or taxpayer identification number, business and residence addresses, and employment history for the past 5 years for each control person.

  - A description of the organizational structure of the applicant and the disclosure of whether any parent or subsidiary is publicly traded.
  - The name and mailing address of the registered agent.
  - The physical address of each virtual currency kiosk through which the applicant proposes to conduct or is conducting business in this state.
  - An attestation that the applicant has developed clearly documented policies, processes, and procedures regarding the use of blockchain analytics to prevent transfers to wallet addresses linked to known criminal activity, including specified information.
  - Any other information required ch. 560, F.S., or commission rule.
- Any information needed to resolve any deficiencies found in the application within a time period prescribed by rule.

A virtual currency kiosk business operating in this state on or before January 1, 2027, must submit a registration application to the OFR within 30 days after that date. A registrant must report, on a form prescribed by rule of the commission, any change to the information contained in an application form within 30 days after the change is effective.

A registrant must renew its registration annually on or before December 31 of the year preceding the expiration date of the registration. To renew such registration, the registrant must submit a renewal application that provides:

- Any changes in the required information contained in an initial registration application, or an affidavit signed by the registrant that the information remains the same as the prior year's information.
- Upon request by the OFR, evidence that the registrant has been operating in compliance with ss. 560.504 through 560.507, F.S., which may be prescribed by rule and may include:
  - Current disclosures presented to customers during the transaction process.
  - Current use of blockchain analytics to prevent transfers to wallet addresses linked to known criminal activity.

A registration that is not renewed by December 31 of the year preceding expiration will be made inactive for 60 days. A registrant is not allowed to conduct business while its registration is inactive. To renew an inactive registration, a registrant must submit, within 60 days after the registration becomes inactive, all of the following:

- Any changes in the required information contained in an initial registration application, or an affidavit signed by the registrant that the information remains the same as the prior year's information.
- Evidence that the registrant has been operating in compliance with ss. 560.504 through 560.507, F.S., as prescribed by commission rule, may include:
  - Current disclosures presented to customers during the transaction process.
  - Reports that confirm compliance with daily transaction limits.
  - Copies of receipts provided to customers.
  - Records showing refunds provided to customers in required circumstances.
  - Current use of blockchain analytics to prevent transfers to wallet addresses linked to known criminal activity.

Any renewal registration made under this provision becomes effective on the date the OFR approves the application for registration. The OFR must approve the application for renewal registration within a timeframe prescribed by rule. Unless an exception applies for a licensed money transmitter, a registration will expire if a virtual currency kiosk fails to submit an application to renew a registration within 60 days after the registration becomes inactive. If the registration expires, a new application to register the virtual currency kiosk business must be submitted to the OFR, and the OFR must issue a registration certificate before the virtual currency kiosk business may operate.

The OFR may deny a prospective registrant's initial registration application or the registrant's renewal application if a control person of a registrant or prospective registrant has engaged in any unlawful business practice, or been convicted or found guilty of, or pled guilty or nolo contendere to, regardless of adjudication, a crime involving dishonest dealing, fraud, acts of moral turpitude, or other acts that reflect an inability to engage lawfully in the business of a registered virtual currency kiosk business. The OFR must deny an application to renew a virtual currency kiosk business registration that fails to provide any requested or required evidence of compliance. Any false statement made by a virtual currency kiosk business in an application for registration renders the registration void. A void registration may not be construed as creating a defense to any prosecution for violation of chapter 560, F.S.

Section 7 creates s. 560.504, F.S., providing that before a customer initiates a virtual currency kiosk transaction, the virtual currency kiosk business must ensure that the virtual currency kiosk:

- Requires a customer to confirm whether the customer has conducted any transactions at another kiosk on the same calendar day and any amount of such transaction to determine how much a customer may transact at the kiosk before reaching the daily transaction limit.
- Clearly and consciously display the following disclosure to the customer:

> WARNING: FRAUD OFTEN STARTS WITH CONTACT FROM A STRANGER. IF YOU HAVE BEEN DIRECTED TO THIS MACHINE BY SOMEONE CLAIMING TO BE A GOVERNMENT AGENT, BILL COLLECTOR, LAW ENFORCEMENT OFFICER, OR ANYONE YOU DO NOT KNOW PERSONALLY, STOP THIS TRANSACTION IMMEDIATELY AND CONTACT YOUR FINANCIAL ADVISOR OR LOCAL LAW ENFORCEMENT.

Section 8 creates s. 560.505, F.S., prohibiting a kiosk business from allowing a new customer or an existing customer to transact more than $2,000 or $10,000 per calendar day, respectively, through a single or multiple transactions.

Section 9 creates s. 560.506, F.S., providing that once the transaction is completed, the kiosk business must provide the customer with an electronic receipt that includes the following information:

- The name and contact information of the kiosk business, including an email address and a toll-free telephone number for such business.
- The date, time, amount of the transaction in United States dollars, and type of transaction.
- The transaction hash and each wallet used.
- The total fee charged for the transaction.

- The exchange rate, if applicable.
- A statement of the kiosk business's liability, if any, for nondelivery or delayed delivery of the currency.
- The refund policy of the kiosk business.

Section 10 creates s. 560.507, F.S., requiring a kiosk business to issue a full refund within 72 hours to a customer for their first virtual currency transaction if:

- The customer transferred virtual currency to a wallet or exchange located outside the United States;
- Within 60 days, the customer notifies both the kiosk business and a law enforcement or governmental agency regarding the fraudulent nature of the transaction; and
- The customer provides proof of the alleged fraud to the kiosk business, such as a police report or a notarized affidavit.

Section 11 provides that, except as otherwise expressly provided in this act, the bill is effective January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The OFR reports the bill has an indeterminate fiscal impact on state government expenditures because "[i]t is unknown whether this bill will apply to licensed money transmitters."[47]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 560.103 and 560.105.

This bill creates the following sections of the Florida Statutes: 560.501, 560.502, 560.503, 560.504, 560.505, 560.506, and 560.507.

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 Banking and Insurance Committee on January 28, 2026:

- Amends the definition of "money services businesses" to include kiosk businesses as a type of money services businesses.
- Creates part V of ch. 560, F.S., relating to Virtual Currency Kiosk Businesses.
- Effective March 1, 2027, provides a kiosk business may not operate in the state without first registering with the OFR, except licensed money transmitters.
- Prohibits an entity from acting as an intermediary without being licensed as a money transmitter.
- Prohibits a kiosk business registration from being transferred or assigned.
- Requires a kiosk business to comply with certain registration requirements.
- Requires the OFR to deny a kiosk business registration application in certain circumstances.
- Voids a kiosk business registration if false information is provided in an application for registration.
- Requires a kiosk to confirm whether the customer has conducted any transactions at another virtual currency kiosk on the same calendar day and any amount of such transaction.

[47] The OFR, *2026 Agency Legislative Bill Analysis, Florida Office of Financial Regulation for SB 198*, p. 3, Dec. 30, 2025 (on file with the Senate Committee on Banking and Insurance).

- Clarifies the maximum amount a customer may transact per virtual currency kiosk each calendar day.
- Clarifies the information a kiosk business must include in an electronic receipt that is provided to a customer who completes a virtual currency kiosk transaction.
- Clarifies that a customer must provide proof of the "alleged" fraud to a kiosk business to receive a refund.
- Defines terms relating to virtual currency kiosks, blockchain technology, and transaction limits.
- Makes conforming changes.

B. Amendments:

None.

By the Committee on Banking and Insurance; and Senator Rouson

A bill to be entitled

An act relating to virtual currency kiosks; amending s. 560.103, F.S.; revising the definition of the term "money services business"; defining terms; amending s. 560.105, F.S.; revising the requirements for certain rules adopted by the Financial Services Commission; creating part V of ch. 560, F.S., entitled "Virtual Currency Kiosk Businesses"; creating s. 560.501, F.S.; defining terms; creating s. 560.502, F.S.; prohibiting a virtual currency kiosk business from operating in this state without registering or renewing its registration; requiring the Office of Financial Regulation to give a specified notice to applicants; specifying that certain money transmitters are exempt from registration as a virtual currency kiosk business but are subject to certain provisions; prohibiting certain entities from performing certain actions without being licensed as a money services business; specifying that virtual currency kiosk business registrations are not transferable or assignable; creating s. 560.503, F.S.; requiring applicants to submit certain information to the office to be registered as a virtual currency kiosk business; requiring certain virtual currency kiosk businesses to submit a registration application to the office by a specified date; requiring registrants to report a change in the information within a specified timeframe; requiring registrants to renew their registration annually; specifying requirements for a

renewal application; requiring registrants to be made inactive for a specified timeframe under certain circumstances; prohibiting registrants from conducting business while registration is inactive; specifying requirements for registrants to renew an inactive registration; providing that a renewal registration becomes effective on a specified date; requiring the office to approve applications for renewal registration within a specified timeframe; providing that a registration expires under certain circumstances; providing requirements if a registration expires; authorizing the office to deny certain applications under certain circumstances; providing that certain false statements made by a virtual currency kiosk business render its registration void; providing construction; creating s. 560.504, F.S.; requiring a virtual currency kiosk business to ensure that the virtual currency kiosk requires certain attestations from the customer and displays a certain disclosure; creating s. 560.505, F.S.; prohibiting a virtual currency kiosk business from permitting new or existing customers from transacting more than specified dollar amounts per calendar day; creating s. 560.506, F.S.; requiring a virtual currency kiosk business to provide a customer with a specified electronic receipt upon completion of a virtual currency transaction; creating s. 560.507, F.S.; requiring a virtual currency kiosk business to issue a full refund under certain circumstances;

providing effective dates.

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

Section 1. Subsection (23) of section 560.103, Florida Statutes, is amended, and subsections (37) through (39) are added to that section, to read:

560.103 Definitions.—As used in this chapter, the term:

(23) "Money services business" means any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, ~~or~~ money transmitter, or virtual currency kiosk business.

(37) "Virtual currency kiosk" means an electronic terminal that acts as a mechanical agent of the kiosk business, enabling the kiosk business to facilitate the exchange of virtual currency for fiat currency or other virtual currency for a customer.

(38) "Virtual currency kiosk business" or "kiosk business" means a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which offers virtual currency kiosk services to a customer in this state.

(39) "Virtual currency kiosk transaction" means the process in which a customer uses a virtual currency kiosk to exchange virtual currency for fiat currency or other virtual currency. A transaction begins at the point at which the customer is able to initiate a transaction after the customer is given the option to

select the type of transaction or account and does not include any of the screens that display the required terms and conditions, disclaimers, or attestations.

Section 2. Paragraph (b) of subsection (2) of section 560.105, Florida Statutes, is amended to read:

560.105 Supervisory powers; rulemaking.—

(2) The commission may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this chapter.

(b) Rules adopted to regulate money services businesses, including deferred presentment providers and virtual currency kiosk businesses, must be responsive to changes in economic conditions, technology, and industry practices.

Section 3. Part V of chapter 560, Florida Statutes, consisting of ss. 560.501-560.507, Florida Statutes, is created and entitled "Virtual Currency Kiosk Businesses."

Section 4. Section 560.501, Florida Statutes, is created to read:

560.501 Definitions.—For purposes of this part, the term:

(1) "Blockchain" means a mathematically secured, chronological, decentralized, distributed, and digital ledger or database that consists of records of transactions that cannot be altered retroactively.

(2) "Blockchain analytics" means the process of examining, monitoring, and gathering insights from the data and transaction patterns on a blockchain network. The primary aims of blockchain analytics are to understand and monitor the network's health, track transaction flows, and identify potential security threats, including illicit activity, in order to extract actionable insights.

(3) "Daily transaction limit" means a new customer transaction of no more than $2,000 per calendar day, or an existing customer transaction of no more than $10,000 per calendar day, whether through a single transaction or multiple transactions or whether through one or more virtual currency kiosks.

(4) "Existing customer" means a customer who has transacted with a kiosk business on its virtual currency kiosk for 7 or more days.

(5) "New customer" means a customer who has transacted with a kiosk business on its virtual currency kiosk for fewer than 7 days.

(6) "Registrant" means a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which offers virtual currency kiosk services and receives notice from the office that the agency has granted an application for registration pursuant to the provisions of this part.

(7) "Transaction hash" means a unique identifier consisting of a string of characters which provides a verifiable record that a transaction has been confirmed and added to the blockchain.

(8) "Wallet" means hardware or software that enables a customer to store, use, send, receive, and spend virtual currency or store virtual currency private keys or passcodes enabling the same.

Section 5. Effective March 1, 2027, section 560.502, Florida Statutes, is created to read:

560.502 Registration required; exemptions; penalties.—

(1) Except as provided in subsection (2), a virtual currency kiosk business may not operate in this state without first registering, or renewing its registration, in accordance with s. 560.503. The office shall give written notice to each applicant that the office has granted or denied the application for registration.

(2) A money transmitter that is licensed as a money services business pursuant to s. 560.141 and offers virtual currency kiosk services is exempt from registration as a virtual currency kiosk business but is subject to ss. 560.504, 560.505, 560.506, and 560.507.

(3) An entity, in the course of its business, may not act as an intermediary with the ability to unilaterally execute or indefinitely prevent a virtual currency kiosk transaction, or otherwise meet the definition of a money transmitter as defined in s. 560.103, without being licensed as a money services business pursuant to s. 560.141.

(4) A virtual currency kiosk business registration issued under this part is not transferable or assignable.

Section 6. Section 560.503, Florida Statutes, is created to read:

560.503 Registration applications.—

(1) To apply to be registered as a virtual currency kiosk business under this part, the applicant must submit all of the following information to the office:

(a) A completed registration application on forms prescribed by rule of the commission. The application must include the following information:

1. The legal name, including any fictitious or trade names

used by the applicant in the conduct of its business, and the physical and mailing addresses of the applicant.

2. The date of the applicant's formation and the state in which the applicant was formed, if applicable.

3. The name, social security number, alien identification or taxpayer identification number, business and residence addresses, and employment history for the past 5 years for each control person as defined in s. 560.103.

4. A description of the organizational structure of the applicant, including the identity of any parent or subsidiary of the applicant, and the disclosure of whether any parent or subsidiary is publicly traded.

5. The name and mailing address of the registered agent in this state for service of process.

6. The physical address of the location of each virtual currency kiosk through which the applicant proposes to conduct or is conducting business in this state.

7. An attestation that the applicant has developed clearly documented policies, processes, and procedures regarding the use of blockchain analytics to prevent transfers to wallet addresses linked to known criminal activity, including the manner in which such blockchain analytics activity will integrate into its compliance controls, and that the applicant will maintain and comply with such blockchain analytics policies, processes, and procedures.

8. Any other information as required by this chapter or commission rule.

(b) Any information needed to resolve any deficiencies found in the application within a time period prescribed by

rule.

(2) A virtual currency kiosk business operating in this state on or before January 1, 2027, must submit a registration application to the office within 30 days after that date.

(3) A registrant shall report, on a form prescribed by rule of the commission, any change in the information contained in an initial application form or an amendment thereto within 30 days after the change is effective.

(4) A registrant must renew its registration annually on or before December 31 of the year preceding the expiration date of the registration. To renew such registration, the registrant must submit a renewal application that provides:

(a) The information required in paragraph (1)(a) if there are changes in the application information, or an affidavit signed by the registrant that the information remains the same as the prior year's information.

(b) Upon request by the office, evidence that the registrant has been operating in compliance with ss. 560.504, 560.505, 560.506, and 560.507. Such evidence may be prescribed by rule by the commission and may include, but need not be limited to, all of the following:

1. Current disclosures presented to customers during the transaction process.

2. Current use of blockchain analytics to prevent transfers to wallet addresses linked to known criminal activity.

(5) A registrant that does not renew its registration by December 31 of the year preceding expiration shall be made inactive for 60 days. A registrant may not conduct business while its registration is inactive.

(6) To renew an inactive registration, a registrant must, within 60 days after the registration becomes inactive, submit all of the following:

(a) The information required in paragraph (1)(a) if there are changes in the application information, or an affidavit signed by the registrant that the information remains the same as the prior year's information.

(b) Evidence that the registrant was operating in compliance with ss. 560.504, 560.505, 560.506, and 560.507. Such evidence may be prescribed by rule by the commission and may include, but need not be limited to, all of the following:

1. Current disclosures presented to customers during the transaction process.

2. Reports that confirm compliance with daily transaction limits.

3. Copies of receipts provided to customers.

4. Records showing refunds provided to customers in required circumstances.

5. Current use of blockchain analytics to prevent transfers to wallet addresses linked to known criminal activity.

Any renewal registration made pursuant to this subsection becomes effective upon the date the office approves the application for registration. The office shall approve the application for renewal registration within a timeframe prescribed by rule.

(7) Except as provided in s. 560.502(2), failure to submit an application to renew a virtual currency kiosk business's registration within 60 days after the registration becomes

inactive shall result in the registration becoming expired. If the registration is expired, a new application to register the virtual currency kiosk business pursuant to subsection (1) must be submitted to the office and a certification of registration must be issued by the office before the virtual currency kiosk business may conduct business in this state.

(8) If a control person of a registrant or prospective registrant has engaged in any unlawful business practice, or been convicted or found guilty of, or pled guilty or nolo contendere to, regardless of adjudication, a crime involving dishonest dealing, fraud, acts of moral turpitude, or other acts that reflect an inability to engage lawfully in the business of a registered virtual currency kiosk business, the office may deny the prospective registrant's initial registration application or the registrant's renewal application.

(9) The office shall deny the application of a virtual currency kiosk business that submits a renewal application and fails to provide evidence of compliance upon request pursuant to paragraph (4)(b) or as required in paragraph (6)(b).

(10) Any false statement made by a virtual currency kiosk business in an application for registration under this section renders the registration void. A void registration may not be construed as creating a defense to any prosecution for violation of this chapter.

Section 7. Section 560.504, Florida Statutes, is created to read:

560.504 Disclosures.—Before a customer initiates a virtual currency kiosk transaction, the virtual currency kiosk business must ensure that the virtual currency kiosk:

(1) Requires the customer to confirm whether the customer has conducted any transactions at another virtual currency kiosk on the same calendar day and any amount of such transactions to determine how much, if any, the customer may transact at the virtual currency kiosk before reaching the daily transaction limit.

(2) Clearly and conspicuously display the following disclosure to the customer on the screen:

WARNING: FRAUD OFTEN STARTS WITH CONTACT FROM A STRANGER. IF YOU HAVE BEEN DIRECTED TO THIS MACHINE BY SOMEONE CLAIMING TO BE A GOVERNMENT AGENT, BILL COLLECTOR, LAW ENFORCEMENT OFFICER, OR ANYONE YOU DO NOT KNOW PERSONALLY, STOP THIS TRANSACTION IMMEDIATELY AND CONTACT YOUR FINANCIAL ADVISOR OR LOCAL LAW ENFORCEMENT.

Section 8. Section 560.505, Florida Statutes, is created to read:

560.505 Transaction limits.—A virtual currency kiosk business may not permit a new customer to transact more than $2,000 per calendar day, whether through a single transaction or multiple transactions or whether through one or more virtual currency kiosks. A virtual currency kiosk business may not permit an existing customer to transact more than $10,000 per calendar day, whether through a single transaction or multiple transactions or whether through one or more virtual currency kiosks.

Section 9. Section 560.506, Florida Statutes, is created to

read:

560.506 Mandatory receipt.—Upon completion of a virtual currency transaction, the virtual currency kiosk business must provide the customer with an electronic receipt that includes all of the following:

(1) The name and contact information of the virtual currency kiosk business, including an e-mail address and a toll-free telephone number for such business.

(2) The date, time, amount of the transaction in United States dollars, and type of the transaction.

(3) The transaction hash and each wallet used.

(4) The total fee charged for the transaction.

(5) The exchange rate, if applicable.

(6) A statement of the virtual currency kiosk's liability, if any, for nondelivery or delayed delivery of the virtual currency.

(7) The refund policy of the virtual currency kiosk business.

Section 10. Section 560.507, Florida Statutes, is created to read:

560.507 Mandatory refund.—A virtual currency kiosk business must issue a full refund within 72 hours to a customer for the customer's first virtual currency transaction if all of the following conditions are met:

(1) The customer transferred virtual currency to a wallet or exchange located outside the United States.

(2) Within 60 days, the customer notifies the virtual currency kiosk business and a law enforcement or governmental agency regarding the fraudulent nature of the transaction.

(3) The customer provides proof of the alleged fraud to the virtual currency kiosk business, such as a police report or a notarized affidavit.

Section 11. Except as otherwise expressly provided in this act, this act shall take effect January 1, 2027.

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 422
INTRODUCER:	Transportation Committee and Senator Wright
SUBJECT:	Automatic Dependent Surveillance-broadcasts
DATE:	February 3, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	**Fav/CS**
2.	Renner	McKay	CM	**Pre-meeting**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 422 prohibits an airport from using information derived from automatic dependent surveillance-broadcast (ADS-B) systems emitted from certain aircraft as a means of calculating, generating, and collecting fees from aircraft owners or operators if:

- The operation for which a fee would be assessed is a landing, including, but not limited to, touch-and-go landings.
- The fee would be assessed based on an aircraft entering into the airspace of the airport where the fee is assessed.

These prohibitions are limited to aircraft with a gross weight of 12,499 pounds or less operating under the Federal Aviation Administration's (FAA) general operating and flight rules.

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

This bill takes effect July 1, 2026.

II. Present Situation:

Florida law defines the term the term "aircraft" to mean a powered or unpowered machine or device capable of atmospheric flight, including, but not limited to, an airplane, an autogyro, a

glider, a gyrodyne, a helicopter, a lift and cruise, a multicopter, paramotors, a powered lift, a seaplane, a tiltrotor, an ultralight, and a vectored thrust.[1]

Automatic Dependent Surveillance-Broadcast (ADS-B)

Automated Dependent Surveillance-Broadcast (ADS–B) is an advanced surveillance technology combining an aircraft's positioning source, aircraft avionics, and a ground infrastructure to create an accurate surveillance interface between aircraft and air traffic control. ADS–B is a performance–based surveillance technology that is more precise than radar and consists of two different services: ADS–B Out and ADS–B In. ADS-B Out broadcasts information to ground stations and other aircraft, once per second, about the aircraft's GPS location, altitude, ground speed, and other data. ADS-B In delivers weather and traffic position information directly to the cockpit.[2]

As of January 1, 2020, the Federal Aviation Administration (FAA) requires aircraft flying in most U.S. airspace to be equipped with ADS-B systems.[3] While the FAA requires ADS-B for safety purposes, the data generated can also be used for safety monitoring, data tracking for planning and reporting, and automated fee collection by third parties.[4] To address these privacy concerns, the FAA offers a privacy protection program that allows owners of certain aircraft to request an alternate, temporary call-sign that limits the extent to which an aircraft can be identified by non-U.S. government entities while maintaining safety and efficiency for Air Traffic Control services.[5]

Aircraft Landing Fees in Florida

Publicly owned and operated airports are authorized to assess fees for the use of airport facilities by aircraft, and municipal airports are authorized to charge aircraft owners and operators sufficient fees to cover the cost of services provided.[6] However, publicly owned airports may not charge landing fees for aircraft operations conducted by certain accredited nonprofit institutions for flight training.[7]

[1] Section 330.27(2), F.S., The term does not include a parachute or other such device used primarily as safety equipment.
[2] Federal Aviation Administration, *Ins and Outs,* available at https://www.faa.gov/air_traffic/technology/equipadsb/capabilities/ins_outs (last visited Feb. 3, 2026).
[3] 14 C.F.R. § 91.225
[4] Altaport, *Unlocking the Power of ADS-B: Transforming Operations at Your Airport with ADS-B Operations Tracking and Reporting*, available at: https://www.altaport.com/blog/unlocking-the-power-of-ads-b-transforming-operations-at-your-airport-with-adsb-operations-tracking-and-reporting (last visited Feb. 3, 2026).
[5] Federal Aviation Administration, *ADS-B Privacy,* available at https://www.faa.gov/air_traffic/technology/equipadsb/privacy (last visited Feb. 3, 2026).
[6] Sections 329.40(1) and 332.08(1)(e), F.S.
[7] Section 330.355, F.S. The accredited nonprofit institution must offer a 4-year collegiate aviation program in order for its flight training operations to be exempt from an airport's landing fees.

Recently, some Florida airports have considered implementing the automated collection of landing fees using ADS-B information.[8] One vendor of automatic landing fee services that uses ADS-B data to bill and collect landing fees lists at least three Florida airports as clients.[9]

III. Effect of Proposed Changes:

Section 1 creates s. 330.42, F.S., to prohibit an airport from using information broadcast or collected by ADS-B systems, regardless of whether the data originates from ADS-B In or ADS-B Out, as a means for calculating, generating, and collecting fees from aircraft owners or operators who operate aircraft within Florida's geographic boundaries, if:

- The operation for which a fee would be assessed is a landing, including, but not limited to, a touch-and-go landing.
- The fee would be assessed based on an aircraft entering into a specified radius of the airspace of the airport assessing the fee.

The bill defines the term "aircraft" to have the same meaning as in s. 330.27, F.S., except that the aircraft must have a gross weight[10] of 12,499 pounds or less and operate under the FAA's general operating and flight rules.[11]

The bill defines the term "Automated Dependent Surveillance-Broadcast" or "ADS-B" to mean an advanced aviation surveillance technology that combines an aircraft's positioning source, aircraft avionics, and a ground infrastructure to create an accurate surveillance interface and air traffic control. The term includes two different services, ADS-B In and ADS-B Out, which can provide information such as an aircraft's global positioning system location, altitude, ground speed, and other data, to ground stations and other aircraft, as well as weather and traffic information to aircraft operators.

The bill defines the term "touch-and-go landing" to mean an operation by an aircraft that lands and departs on a runway without stopping or exiting the runway.

Section 2 provides that the bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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[8] General Aviation News Staff, *Florida Airports Prepare to Impose Landing Fees*, General Aviation News, September 7, 2024, available at https://generalaviationnews.com/2024/09/07/florida-airports-prepare-to-impose-landing-fees/ (last visited Feb. 3, 2026).

[9] Vector Airport Systems lists the following Florida airports as clients of its "PLANEPASS" service: Kissimmee Gateway Airport, Tallahassee International Airport, and St. George Island Airport. Vector Airport Systems, *About Our Clients*, available at https://www.vector-us.com/clients (last visited Feb. 3, 2026).

[10] Gross Weight refers to the total weight of an aircraft at any given moment, including the aircraft itself, passengers, cargo, and fuel. *See* https://www.globeair.com/g/gross-weight (last visited Feb. 3, 2026).

[11] 14 C.F.R. part 91. As a reference, the FAA defines the term "small aircraft" to mean an aircraft with a maximum certified takeoff weight of 12,500 pounds or less. *See* 14 C.F.R. part 1.

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 bill prohibits airports from using a specified technology to calculate, generate, and collect landing and flyover fees. This may reduce the efficiency of collecting such fees; as a result, the fiscal impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 330.42 of the Florida Statutes.

IX. Additional Information:

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

CS by Transportation on January 27, 2026:

The committee substitute:

- Defines the term "touch-and-go landing".
- Prohibits airports from using ADS-B data as a means for calculating, generating, and collecting landing fees and flyover fees from aircraft owners.

B. Amendments:

None.

388214

LEGISLATIVE ACTION

Senate . House

. . . . . .

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

Senate Amendment

Delete line 39
and insert:
a departure or a landing, including, but not limited to, a touch-and-go

By the Committee on Transportation; and Senator Wright

596-02248-26 2026422c1

A bill to be entitled

An act relating to automatic dependent surveillance-broadcasts; creating s. 330.42, F.S.; defining terms; prohibiting airports from using information broadcast or collected by automatic dependent surveillance-broadcast systems for specified purposes under certain circumstances; providing an effective date.

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

Section 1. Section 330.42, Florida Statutes, is created to read:

330.42 Automatic dependent surveillance-broadcasts.—

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

(a) "Aircraft" has the same meaning as in s. 330.27, except that the aircraft must have a gross weight of 12,499 pounds or less and operate under 14 C.F.R. part 91.

(b) "Automatic dependent surveillance-broadcast" or "ADS-B" means an advanced aviation surveillance technology that combines an aircraft's positioning source, aircraft avionics, and a ground infrastructure to create an accurate surveillance interface between an aircraft and air traffic control. The term includes two different services, ADS-B In and ADS-B Out, which can provide information, such as an aircraft's global positioning system location, altitude, ground speed, and other data, to ground stations and other aircraft, as well as weather and traffic information to aircraft operators.

(c) "Touch-and-go landing" means an operation by an aircraft that lands and departs on a runway without stopping or exiting the runway.

(2) An airport may not use information broadcast or collected by automatic dependent surveillance-broadcast systems, regardless of whether that data originates from ADS-B In or ADS-B Out, as a means for calculating, generating, and collecting fees from aircraft owners or operators who operate aircraft within the geographic boundaries of this state under the following circumstances:

(a) When the operation for which a fee would be assessed is a landing, including, but not limited to, a touch-and-go landing.

(b) When the fee would be assessed based on an aircraft entering into a specified radius of the airspace of the airport assessing the fee.

Section 2. 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 1236
INTRODUCER:	Senator Massullo
SUBJECT:	Employers Receiving Economic Development Incentives from State Agencies
DATE:	Febuary 3, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	**Pre-meeting**
2.			GO	
3.			AP	

I. Summary:

SB 1236 establishes requirements for employers receiving state-awarded economic development incentives, and provides that in order to be eligible for an economic development incentive, an employer is required to sign an agreement with the state agency awarding the economic development incentive stating that it will not take certain actions. A violation of this requirement based on a reasonable belief may be reported to the Attorney General (AG), and the AG must determine whether a violation has occurred. Additionally, if the AG finds that an employer has violated the written agreement, then he or she must initiate proceedings to recover funds awarded to the employer.

The bill also requires a state agency to execute a separate written agreement with the recipient of the economic development incentive before contracting to award an economic development incentive. This agreement must reserve the right of the state agency to recover the amount of money, grants, funds, or other incentives disbursed by the state agency to the recipient of such benefit if the recipient fails to comply with the provisions in the bill.

The provisions in the bill apply to any agreement entered into, renewed, or modified after July 1, 2026.

The bill takes effect July 1, 2026.

II. Present Situation:

National Labor Relations Act

In 1935, Congress passed the National Labor Relations Act (NLRA), which provides that it is the policy of the United States to encourage collective bargaining by protecting workers' freedom of association.[1]

The NLRA provides that it is an unfair labor practice for an employer:

- To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed to them.[2]
- To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.[3]
- To encourage or discourage membership in any labor organization by discrimination in regard to hire or tenure of employment or any term or condition of employment.[4]
- To discharge or otherwise discriminate against an employee because he or she has filed charges or given testimony under the NLRA.[5]
- To refuse to bargain collectively with the representatives of his or her employees.[6]

Further, the NLRA provides that it is an unfair labor practice for a labor organization or its agents:

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[1] *See National Labor Relations Board*, National Labor Relations Act, available at https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act (last visited Feb. 3, 2026). *See also* 29 U.S.C. §§ 151–169.

[2] *See id*. Section 7 of the NLRA provides that "employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3) of the NLRA." The NLRA applies to most private sector employers, including manufacturers, retailers, private universities, and health care facilities. The NLRA does *not* apply to federal, state, or local governments; employers who employ only agricultural workers; and employers subject to the Railway Labor Act. Additionally, most employees in the private sector are covered under the NLRA. The law does not cover government employees, agricultural laborers, independent contractors, and supervisors (with limited exceptions).

[3] *See id*. This is subject to rules and regulations made and published by the National Labor Relations Board (NLRB). Additionally, an employer must not be prohibited from permitting employees to confer with him or her during working hours without loss of time or pay.

[4] *See id*. However, nothing in the NLRA or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is later if (1) such labor organization is the representative of the employees as provided in section 9(a) [section 159(a) of the NLRA, in the appropriate collective-bargaining unit covered by such agreement when made, and (2) unless following an election held as provided in section 9(e) of the NLRA within one year preceding the effective date of such agreement, the NLRB must have certified that at least a majority of the employees eligible to vote in such election have voted to rescind the authority of such labor organization to make such an agreement. Additionally, no employer shall justify any discrimination against an employee for non-membership in a labor organization (a) if he or she has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (b) if he or she has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

[5] *See id.*

[6] *See id.*

- To restrain or coerce employees in the exercise of the rights guaranteed. However, this must not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership within such organization. It is also an unfair labor practice for a labor organization or its agents to restrain or coerce an employer in the selection of his or her representatives for the purposes of collective bargaining or the adjustment of grievances.[7]
- To cause or attempt to cause an employer to discriminate against an employee or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his or her failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.[8]
- To refuse to bargain collectively with an employer, provided it is the representative of his or her employees.[9]
- To engage in or to induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services.[10]

After employees choose a union as a bargaining representative, the employer and union are required to meet at reasonable times to bargain in good faith about wages, hours, vacation time, insurance, safety practices and other mandatory subjects.[11]

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[7] *See id.*
[8] *See id.*
[9] *See id*.
[10] *See id.* Additionally, it is an unfair labor practice for a labor organization or its agents to threaten, coerce, or restrain any person engaged in commerce or in an industry affecting commerce, where in either case an object thereof is: (1) forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement which is prohibited; (2) forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his or her employees unless such labor organization has been certified as the representative of such employees, provided that nothing contained here shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing; (3) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his or her employees if another labor organization has been certified as the representative of such employees; (4) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work; (5) to require of employees covered by an agreement as a condition precedent to becoming a member of such organization, of a fee in an amount which the NLRB finds excessive or discriminatory under all the circumstances; (6) to cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed; and (7) to picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his or her employees, or forcing or requiring the employees of an employer to accept or select such labor organization as their collective- bargaining representative, unless such labor organization is currently certified as the representative of such employees.
[11] National Labor Relations Board, *Employer/Union Rights and Obligations*, available at https://www.nlrb.gov/about-nlrb/rights-we-protect/your-rights/employer-union-rights-and-obligations (last visited on Feb. 3, 2026). Some managerial decisions such as subcontracting, relocation, and other operational changes may not be mandatory subjects of bargaining, but the employer must bargain about the decision's effects on unit employees.

National Labor Relations Board

The NLRA created the National Labor Relations Board (NLRB), which is vested with the power to safeguard employees' rights to organize, engage with one another to seek better working conditions, choose whether or not to have a collective bargaining representative negotiate on their behalf with their employer, or refrain from doing so.[12] Additionally, the NLRB acts to prevent and remedy unfair labor practices committed by private sector employers and unions, as well as conducts secret-ballot elections regarding union representation.[13]

Secret Ballot

A party may file a petition (needing at least 30 percent of employee support in a proposed bargaining unit) with the NLRB to conduct a "secret ballot" election to determine whether a representative will represent, or continue to represent, a unit of employees. An NLRB agent manages the voting (typically at the workplace in a private booth), and the results are decided by a simple majority.[14]

Voluntary Recognition

In addition to the NLRB conducted elections, employees may persuade an employer to "voluntarily recognize" a union after showing majority support by signed authorization cards or other means.[15] If a union is voluntarily recognized, its status as bargaining representative cannot be challenged during a "reasonable period for bargaining," which the NLRB states as not less than 6 months (and not more than one year) after the parties' first bargaining session.[16] In addition to voluntary recognition, a "neutrality agreement" may be established. This means an employer agrees to not take a position (for or against worker organizing) but instead remains neutral.[17]

The Cemex Decision

In 2023, the NLRB issued a decision in *Cemex Construction Materials Pacific, LLC*, which established a new framework for determining when employers are required to bargain with unions without a representation election.[18]

Under the new framework, when a union requests recognition on the basis that a majority of employees in an appropriate bargaining unit have designated the union as their representative, an

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[12] National Labor Relations Board, *Who We Are*, available at https://www.nlrb.gov/about-nlrb/who-we-are (last visited on Feb. 3, 2026).
[13] *Id.*
[14] National Labor Relations Board, *The NLRB Process*, available at https://www.nlrb.gov/resources/nlrb-process (last visited on Feb. 3, 2026).
[15] National Labor Relations Board, *Conduct Elections,* available at https://www.nlrb.gov/about-nlrb/what-we-do/conduct-elections#:~:text=Alternate%20path%20to%20union%20representation,filed%20within%20those%2045%20days (last visited on Feb. 3, 2026).
[16] *Id.*
[17] United States Department of Labor, *Respecting Workers' Rights to Organize: An Employer's Guide*, available at https://www.dol.gov/sites/dolgov/files/general/workcenter/Neutrality-Guidance.pdf (last visited on Feb. 3, 2026).
[18] National Labor Relations Board, *Board Issues Decision Announcing New Framework for Union Representation*, available at https://www.nlrb.gov/news-outreach/news-story/board-issues-decision-announcing-new-framework-for-union-representation (last visited on Feb. 3, 2026).

employer must either recognize and bargain with the union or promptly (within 14 days) file an RM petition[19] seeking an election. However, if an employer who seeks an election commits any unfair labor practice that would require setting aside the election, the petition will be dismissed, and rather than re-running the election, the NLRB will order the employer to recognize and bargain with the union.[20]

Currently, this decision is being challenged in the United States Court of Appeals for the Ninth Circuit and a decision is pending.[21]

Prior to the *Cemex* decision, *Linden Lumber Division, Summer & Co. v. N.L.R.B.*, established that an employer does not violate the NLRA by refusing to recognize a union based on authorization cards alone.[22] Instead, the court held that where an employer had not engaged in an unfair labor practice impairing the electoral process, the employer did not violate their duty to bargain under the NLRA simply because the employer refused to accept evidence of the union's majority status other than by an NLRB election.[23]

Prior to the *Linden Lumber* decision, the "Joy Silk" doctrine[24] was the NLRB's policy that required employers to recognize and bargain with a union if it presented authorization cards from a majority of workers. A refusal to recognize a union by such means was deemed an unfair labor practice unless the employer could demonstrate it possessed a "good-faith" doubt as to the union's majority status when it refused to recognize the union.[25] Then, in 1969, the United States Supreme Court in *N.L.R.B. v. Gissel Packing Co.,* affirmed that the NLRB was permitted to order an employer to bargain with a union based on authorization cards rather than a secret ballot election, however, entry of a bargaining order without an election was only permitted in cases where the NLRB determined that the union did at some point enjoy majority support and a fair election was either unlikely or impossible due to unfair labor practices committed by the employer during the campaign.[26]

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[19] An RM petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. *See* National Labor Relations Board, *The NLRB Process*, available at https://www.nlrb.gov/resources/nlrb-process (last visited on Feb. 3, 2026).

[20] National Labor Relations Board, *Board Issues Decision Announcing New Framework for Union Representation*, available at https://www.nlrb.gov/news-outreach/news-story/board-issues-decision-announcing-new-framework-for-union-representation (last visited on Feb. 3, 2026).

[21] National Labor Relations Board, *CEMEX Construction Materials Pacific LLC*, available at https://www.nlrb.gov/case/28-CA-230115 (last visited on Feb. 3, 2026).

[22] *See Linden Lumber Division, Summer & Co. v. N.L.R.B.*, 419 U.S. 301 (1974).

[23] *Id.* Additionally, in the absence of any agreement that permits majority status to be determined by means other than an NLRB elections the unions that were refused recognition despite cards and other evidence purporting to show that they represented the majority of the employees had the burden of taking the next step in invoking the NLRB's election procedure.

[24] The NLRB created this second avenue to union recognition through Section 8(a)(5) of the NLRA, which makes it an unfair labor practice for an employer to refuse to bargain collectively with the representative of its employees.

[25] *See Joy Silk Mills, Inc. v. N.L.R.B.,* 185 F.2d 732 (D.C. Cir. 1950).

[26] *See N.L.R.B. v. Gissel Packing Co., Inc.,* 395 U.S. 575 (1969).

Right-to-Work

The Florida State Constitution provides that the "right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization."[27] Based on this constitutional right, Florida is regarded as a "right-to-work" state.

Collective Bargaining

The State Constitution also guarantees that "the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged."[28] To implement this constitutional provision, the Legislature enacted ch. 447, F.S.

Part I of ch. 447, F.S., provides "general" labor union regulations, and establishes the following definitions:[29]

- "Labor organization" means any organization of employees or local or subdivision thereof, having within its membership residents of Florida, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in Florida, except that an "employee organization," as defined in s. 447.203(11),F.S.,[30] must be included in this definition at such time as it seeks to register pursuant to s. 447.305, F.S.[31]
- "Business agent" means any person, without regard to title, who must, for a pecuniary or financial consideration, act or attempt to act for any labor organization in:
  - The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization; or
  - Soliciting or receiving from any employer any right or privilege for employees.

Part I of ch. 447, F.S., also provides the following:

- Labor unions or labor organizations must not charge an initiation fee of more than $15.[32]
- Any and all labor organizations in Florida must keep accurate books of accounts itemizing all receipts from whatsoever source and expenditures for whatsoever purpose, stating such sources and purposes. Any member of such labor organization must be entitled at all reasonable times to inspect the books, records and accounts of such labor organization.[33]
- Any employee who is a member of any labor organization who, because of services with the Armed Forces of the United States, during time of war or national emergency, has been unable to pay any dues, assessments or sums levied by any labor organization, must not be

[27] FLA. CONST. art. 1, s. 6.
[28] *Id*.
[29] Section 447.02, F.S.
[30] Section 447.203(11), F.S., defines "employment organization" as any labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.
[31] Section 447.305, F.S., provides registration requirements for every employee organization seeking to become a certified bargaining agent for public employees.
[32] Section 447.05, F.S. However, initiation fees in effect on January 1, 1940, may be continued.
[33] Section 447.07, F.S.

required to make such back payments as a condition to reinstatement in good standing as a member of any labor organization to which he or she belonged.[34]

Part I of ch. 447, F.S., makes it unlawful for any person:

- To interfere with or prevent the "right of franchise" of any member of a labor organization.[35]
- To prohibit or prevent any election of the officers of any labor organization.[36]
- To participate in any strike, walkout, or cessation of work or continuation thereof without the same being authorized by a majority vote of the employees to be governed thereby; provided, that this must not prohibit any person from terminating his or her employment of his or her own volition.[37]
- To conduct any election without a secret ballot.[38]
- To charge, receive, or retain any dues, assessments or other charges in excess of, or not authorized by, the constitution or bylaws of any labor organization.[39]
- To solicit membership for or to act as a representative of an existing labor organization without authority of such labor organization to do so.[40]
- To seize or occupy property unlawfully during the existence of a labor dispute.[41]
- To cause any cessation of work or interference with the progress of work by reason of any jurisdictional dispute, grievance or disagreement between or within labor organizations.[42]
- To coerce or intimidate any employee in the enjoyment of legal rights, including those guaranteed in s. 447.03, F.S.;[43] to coerce or intimidate any elected or appointed public official; or to intimidate the family, picket the domicile, or injure the person or property of such employee or public official, or his or her family.[44]
- To picket beyond the area of the industry or employment within which a labor dispute arises.[45]
- To engage in picketing by force and violence, or to picket in such a manner as to prevent ingress and egress to and from any premises, or to picket other than in a reasonable and peaceable manner.[46]
- To solicit advertising in the name of a labor organization without the written permission of such organization.[47]

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[34] Section 447.08, F.S.
[35] Section 447.09(1), F.S., provides that the "right of franchise" must include the right of an employee to make a complaint, file charges, give information or testimony concerning the violations of ch. 447, F.S., or the petitioning to the union regarding any grievance he or she may have concerning membership or employment, or the making known facts concerning such grievance or violations of law to any public officials, and the right of free petition, lawful assemblage and free speech.
[36] Section 447.09(2), F.S.
[37] Section 447.09(3), F.S.
[38] Section 447.09(4), F.S.
[39] Section 447.09(5), F.S.
[40] Section 447.09(6), F.S.
[41] Section 447.09(7), F.S.
[42] Section 447.09(8), F.S.
[43] Section 447.03, F.S., provides that employees must have the right to self-organization, to form, join, or assist labor unions or labor organizations or to refrain from such activity, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.
[44] Section 447.09(8), F.S.
[45] Section 447.09(9), F.S.
[46] Section 447.09(10), F.S.
[47] Section 447.09(11), F.S.

- To undertake through the medium of a card, circular, pamphlet, newspaper or any other medium whatsoever, or by any holding out to the public as officially representing a labor organization without the written authority or contract with such labor organization. Any publication claiming endorsement by a labor organization must list in such publication the name and address of the organization or organizations.[48]

Additionally, part I of ch. 447, F.S., provides the following:

- Any labor organization may maintain any action or suit in its commonly used name and must be subject to any suit or action in its commonly used name in the same manner and to the same extent as any corporation authorized to do business in Florida.[49] All process, pleadings and other papers in such action may be served on the president or other officer, business agent, manager or person in charge of the business of such labor organization.[50] Judgment in such action may be enforced against the common property only of such labor organization.[51]
- Except as specifically provided in ch. 447, F.S., nothing therein shall be construed so as to interfere with or impede or diminish in any way the right to strike or the right of individuals to work; nor shall anything in ch. 447, F.S., be so construed as to invade unlawfully the right to freedom of speech.
- Any person or labor organization who violates any of the provisions in part I of ch. 447, F.S., is guilty of a misdemeanor of the second degree.[52]
- Any person who may be denied employment or discriminated against in his or her employment on account of membership or nonmembership in any labor union or labor organization must be entitled to recover from the discriminating employer, other person, firm, corporation, labor union, labor organization, or association, acting separately or in concert, in the courts of Florida, such damages as he or she may have sustained and the costs of suit, including reasonable attorney's fees.[53] If such employer, other person, firm, corporation, labor union, labor organization, or association acted willfully and with malice or reckless indifference to the rights of others, punitive damages may be assessed against such employer, other person, firm, corporation, labor union, labor organization, or association.[54]

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[48] Section 447.09(12), F.S.
[49] Section 447.09(13), F.S.
[50] Section 447.11, F.S.
[51] *Id*.
[52] Section 447.14, F.S. *See also* ss. 775.082 and 775.083, F.S., which provide that a "second degree misdemeanor" is punishable by a definite term of imprisonment not exceeding 60 days and a fine not to exceed $500.
[53] Section 447.17(1), F.S.
[54] *Id*. Further, any person sustaining injury as a result of any violation or threatened violation of the provisions of s. 447.17, F.S., must be entitled to injunctive relief against any and all violators or persons threatening violation. The remedy and relief provided by s. 447.17, F.S., must not be available to public employees as defined in part II of ch. 447, F.S. Part II of ch. 447, F.S., defines "public employee" as any person employed by a public employer except: (1) those persons appointed by the Governor or elected by the people, agency heads, and members of boards and commissions; (2) those persons holding positions by appointment or employment in the organized militia; (3) those individuals acting as negotiating representatives for employer authorities; (4) those persons who are designated by the "commission" as managerial or confidential employees pursuant to criteria contained in part II of ch. 447, F.S.; (5) those persons holding positions of employment with the Florida Legislature; (6) those persons who have been convicted of a crime and are inmates confined to institutions within Florida; and (7) those persons appointed to inspection positions in federal/state fruit and vegetable inspection service whose conditions of appointment are affected by the following: (a) federal license requirement; (b) federal autonomy regarding investigation and disciplining of appointees; and (c) frequent transfers due to harvesting conditions.

Examples of Economic Development Incentive Programs[55]

The Florida Department of Commerce Annual Incentives Report for Fiscal Year 2023-2024 specifies four types of economic development programs:

- Tax Refunds – Refund of taxes paid;
- Tax Credits – Credit against taxes owed;
- Tax Exemptions – Exemption from taxes owed; and
- Grants – Grant with a performance-based agreement.[56]

High Impact Performance Incentive (HIPI)

The objective of the "High Impact Performance Incentive" is to spur capital investment and job creation in Florida's high impact sectors,[57] and it is reserved for major facilities operating in designated portions of high-impact sectors.[58]

Capital Investment Tax Credit (CITC)

The CITC is an annual tax credit against corporate income tax.[59] This tax credit is for capital-intensive industries operating in a designated "high-impact" portion of the following sectors in Florida:

- Advanced manufacturing;

[55] Examples of "economic development incentives" in Florida include, the Work Opportunity Tax Credit Program, Quick Response Training, High Impact Performance Incentive, the Incumbent Worker Training Program, the Capital Investment Tax Credit, and the Manufacturing Machinery and Equipment Sales Tax Exemption. *See* Florida Commerce, *Business Resources,* available at https://floridajobs.org/docs/default-source/floridacommerce-toolkit/toolkit-floridacommerce-business-resources.pdf?sfvrsn=f61126b0_1 (last visited Feb. 3, 2026).

[56] *See* Florida Commerce, *Annual Incentives Report*, available at 2023-2024-annual-incentives-report.pdf (last visited Feb. 3, 2026).

[57] Section 288.108(2)(f), F.S., defines "qualified high-impact business" as a business in one of the high-impact sectors that has been certified by Florida Commerce as a qualified high-impact business to receive a high-impact sector performance grant. Florida Commerce provides the following as "key industries:" (1) aviation and aerospace; (2) military and defense; (3) manufacturing; (4) financial and professional services; (5) information technology; (6) life sciences; (7) logistics and distribution; (8) cleatech; and (9) headquarters. *See* Florida Commerce, *Resource Guide (pg. 13)*, available at https://www.floridajobs.org/docs/default-source/floridacommerce-toolkit/toolkit-complete-floridacommerce-resource-guide.pdf (last visited Feb. 3, 2026). Section 288.108(h), F.S., provides that a high-impact sector consists of the "silicon technology sector" found to be focused around the type of high-impact businesses for which the incentive was created.

[58] *See* Florida Commerce, *Types of Incentive Awards*, available at https://floridajobs.org/office-directory/division-of-economic-development/economic-development-incentives-portal/types-of-incentive-awards (last visited Feb. 3, 2026). *See also* s. 288.108, F.S. An "eligible business" for a HIPI grant means a business in one of the designated high-impact sectors that is making a cumulative investment in Florida of at least $50 million and is creating at least 50 new full-time equivalent jobs in Florida, or a research and development facility making a cumulative investment of at least $25 million and creating at least 25 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business. *See* s. 288.108(2)(c), F.S. Section 288.108(3), F.S., provides the criteria for determining a grant award. Additionally, s. 288.108(4), F.S., provides that the total amount of active performance grants scheduled for payment by Florida Commerce in any single fiscal year may not exceed the lesser of $30 million or the amount appropriated by the Legislature for that fiscal year for qualified high-impact business performance grants. If the scheduled grant payments are not made in the year for which they were scheduled in the qualified high-impact business agreement and are rescheduled, they are deemed to have been paid in the year in which they were originally scheduled in the qualified high-impact business agreement.

[59] Section 220.191, F.S. *See also* Florida Commerce, *Business Resources,* available at https://floridajobs.org/docs/default-source/floridacommerce-toolkit/toolkit-floridacommerce-business-resources.pdf?sfvrsn=f61126b0_1 (last visited Feb. 3, 2026).

- Clean energy;
- Financial services;
- Life sciences;
- Information Technology;
- Transportation;
- Semiconductors; or
- Corporate headquarters facility.[60]

The CITC is provided for up to 20 years.[61] A business must make a cumulative investment of at least $25 million and create a minimum of 100 new full-time jobs to receive the credit.[62]

Incumbent Worker Training Program

The Incumbent Worker Training Program helps Florida businesses avoid layoffs and retain a skilled workforce by providing grant funding to established Florida businesses.[63] Additionally, the program provides education and training for employees to obtain the skills needed to retain employment.[64]

For July 1, 2025 through June 30, 2026, the available funding for the Incumbent Worker Training Program is $3 Million, and the maximum amount is $100,000 per grant per company.[65]

Rural Job Tax Credit

The Rural Job Tax Credit Program offers a tax credit for eligible businesses to create new jobs located within one of 36 designated Qualified Rural Areas.[66] The tax credit ranges from $1,000 to $1,500 per qualified employee and can be taken against either Florida corporate income tax or Florida sales and use tax.[67] The Rural Job Tax Credit Program receives a tax credit allocation of up to $5 million each calendar year.[68]

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[60] *See id*.
[61] *Id.* An annual credit against the tax imposed will be granted to any qualifying business in an amount equal to 5 percent of the eligible capital costs generated by a qualifying project.
[62] *Id*.
[63] Section 445.003, F.S. *See also* Florida Commerce, *Business Resources,* available at https://floridajobs.org/docs/default-source/floridacommerce-toolkit/toolkit-floridacommerce-business-resources.pdf?sfvrsn=f61126b0_1 (last visited Feb. 3, 2026). The program is administered under s. 134(d)(4) of the Workforce Innovation and Opportunity Act.
[64] *Id.*
[65] CareerSource Florida, *Incumbent Working Training Program Guidelines (July 1, 2025 – June 30, 2026)*, available at https://careersourceflorida.com/wp-content/uploads/2025/06/2025-26_IWT-Guidelines.pdf (last visited Feb. 3, 2026).
[66] Section 212.098, F.S. A "qualified area" is defined as any area that is contained within a rural area of opportunity designated under s. 288.0656, F.S., a county that has a population of fewer than 75,000 persons, or a county that has a population of 125,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the Department of Commerce shall rank and tier the state's counties according to the following four factors: 91) highest unemployment rate for the most recent 36-month period; (2) lowest per capita income for the most recent 36-month period; (3) highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available; and (4) average weekly manufacturing wage, based upon the most recent data available.
[67] *Id.*
[68] *Id*.

High Crime Tax Credit

The Urban High-Crime Area Job tax Credit Program offers a tax credit for eligible businesses to create new jobs located within one of 13 designated urban high-crime areas.[69] The tax credit ranges from $500 to $2,000 per qualified job and can be taken against either Florida corporate income tax or Florida sales and use tax.[70] The Urban High-Crime Area Job Tax Credit Program receives a tax credit allocation of up to $5 million each calendar year.[71]

III. Effect of Proposed Changes:

The bill creates s. 447.18, F.S., to establish requirements for employers receiving state-awarded economic development incentives.

Definitions

The bill creates the following definitions:

- "Contract" means an agreement between an employer and the state, or an agreement between an employer and a labor organization.
- "Economic development incentive" means a state economic development incentive program or an economic development grant authorized by any state agency for the purpose of economic development, the purpose of which is to attract or retain an employer's physical presence in Florida.
- "Employee" means an individual who performs services for an employer for wages that are subject to withholding requirements under 26 U.S.C. s. 3402.[72]
- "Employer" means a business entity that voluntarily pursues economic development incentives authorized under s. 447.18, F.S., or enters into an agreement with a state agency for the purpose of receiving economic development incentives.
- "Labor organization" has the same meaning as in s. 447.02(1), F.S.[73]
- "Neutrality agreement" means an agreement signed by an employer and a union in which the employer agrees to conditions including, but not limited to, committing not to speak to employees about union issues.
- "Personal contact information" means an employee's home address, personal phone number, or personal e-mail address.

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[69] Section 212.097, F.S. A "qualified high crime area" is defined as an area selected by the Department of Commerce in the following manner: every third year, the Department of Commerce must rank and tier areas nominated according to the following criteria: (1) highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances; (2) highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; (3) highest percentage of reported index crimes that are violent in nature; (3) highest overall index crime volume for the area; and (4) highest overall index crime rate for the geographic area. Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15.

[70] *Id.*

[71] *Id.*

[72] 26 U.S.C. s. 3402 is the law regulating "income tax collected at source."

[73] *See* s. II (Present Situation) of this bill analysis under the title "Collective Bargaining" for the definition of "labor organization."

- "Secret ballot election" means a process conducted by the National Labor Relations Board in which an employee casts a secret ballot for or against labor organization representation.[74]
- "Subcontractor" has the same meaning as in s. 448.095.[75]

Economic Development Incentive Eligibility

To be eligible for an economic development incentive, an employer must sign an agreement with the state agency awarding the economic development incentive stating that it will not do any of the following:

- Grant union recognition rights for employees solely on the basis of signed union authorization cards if the selection of a bargaining representative may instead be conducted through a secret ballot election conducted by the NLRB;
- Voluntarily disclose an employee's personal contact information to a labor organization, or third party acting on behalf of a labor organization, without the employee's written consent, unless otherwise required by state or federal law;
- Sign a neutrality agreement with a labor organization; and
- Require a subcontractor performing work for or providing services to the employer to engage in activities prohibited in s. 447.18(2)(a), F.S.

The above prohibitions apply to any work or service provided to the employer on the project for which the economic development incentive is awarded.

Reporting and Enforcement

A person or an entity may report, based upon a reasonable belief, a violation of the above requirement to the Attorney General, provided that such report is made during the term of the separate agreement entered into by and between the government agency awarding the economic development incentive and the employer in s. 447.18(5), F.S.

Upon receiving the report, the Attorney General must determine whether a violation has occurred. The Attorney General must request from the employer a copy of the written agreement signed pursuant to s. 447.18(2)(a), F.S. If the employer refuses to provide the Attorney General with the written agreement, the employer is in violation of the agreement entered into between the employer and the state agency that awarded the economic development incentive. The Attorney General must deliver in writing his or her findings to the employer alleged to be in violation within 60 days. If the Attorney General finds that an employer has violated the written agreement signed pursuant to s. 447.18(2)(a), F.S., he or she must initiate proceedings to recover funds awarded to the employer. The Attorney General's findings are final.

State Agency and Employer Agreement

Notwithstanding any other law to the contrary, before contracting to award an economic development incentive, the state agency must execute a separate written agreement with the recipient of the economic development incentive which reserves the right of the state agency to recover the amount of money, grants, funds, or other incentives disbursed by the state agency if

[74] *See* s. II (Present Situation) of this bill analysis under the subtitle "Secret Ballot."
[75] Section 448.095, F.S., defines "subcontractor" as a person or an entity that provides labor, supplies, or services to or for a contractor or another subcontractor in exchange for salary, wages, or other remuneration.

the recipient benefiting from such money, grants, funds, or other incentives fails to comply with the requirements in this bill. This agreement is effective for either:

- The duration of the project, to be determined by the state agency, for an economic development incentive award of less than $5 million; or
- No longer than 20 years, for an economic development incentive award of $5 million or more.

Applicability and Effective Date

The provisions in the bill apply to any agreement entered into, renewed, or modified after July 1, 2026. The term "agreement" includes a memorandum of understanding mutually accepted by the state agency awarding economic development incentives and an employer before July 1, 2026, including a legally binding agreement subsequent and subject to the memorandum of understanding.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article VI, Paragraph 2 of the U.S. Constitution, commonly referred to as the Supremacy Clause, establishes that the federal constitution, and federal law generally, take precedence over state laws and constitutions. The Supremacy Clause also prohibits states from interfering with the federal government's exercise of its constitutional powers and from assuming any functions that are exclusively entrusted to the federal government. It does not, however, allow the federal government to review or veto state laws before they take effect.[76]

[76] Cornell Law School, Legal Information Institute, *Supremacy Clause,* https://www.law.cornell.edu/wex/supremacy_clause (last visited Feb. 3, 2026).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The Attorney General may incur costs in enforcing the provisions of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The definition of "economic development incentive" could potentially include any number of programs including programs designed to train or educate workers.

Providing a definition of "state agency" may lead to greater clarity in determining the entities to which the bill's provisions will apply.

VIII. Statutes Affected:

This bill creates section 447.18 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

By Senator Massullo

11-01266-26 20261236__

A bill to be entitled

An act relating to employers receiving economic development incentives from state agencies; creating s. 447.18, F.S.; defining terms; requiring an employer to sign an agreement with a state agency that is awarding an economic development incentive before becoming eligible for the economic development incentive; specifying the provisions of the agreement; providing applicability; authorizing persons and entities to report a suspected violation to the Attorney General within a specified timeframe; requiring the Attorney General to determine whether a violation has occurred; requiring the Attorney General to request certain information from the employer alleged to be in violation; providing that refusal of such employer to provide such information is in violation of the agreement; requiring the Attorney General to deliver his or her findings to such employer within a specified timeframe; requiring the Attorney General to initiate proceedings to recover funds awarded to the employer if the employer is found to have violated the agreement; providing that the Attorney General's findings are final; requiring a state agency to execute a separate written agreement with the recipient of the economic development incentive before the state agency awards the economic development incentive; specifying the contents of the separate agreement; providing the effective periods of the separate agreement; providing applicability;

11-01266-26 20261236__

defining the term "agreement"; providing an effective date.

WHEREAS, the state, as part of its economic development policy, has the right to set terms and conditions in connection with the awarding of economic development incentives, and

WHEREAS, the state, as part of its economic development policy, seeks to play an integral role in the formation of economic opportunities, conditions of grants, and general management of compliance with such awards for moneys, and

WHEREAS, the state will frequent, as part of awarding economic development incentives, require a private business to hire a certain number of new full-time employees, require a specific amount of company investment, and ensure workers obtain certain skills and knowledge, and

WHEREAS, the state, as part of its economic development policy, has a vested interest in seeking to advance and preserve its own interest in projects receiving economic development incentives as a financer of projects contributing to this state's overall economic health, and

WHEREAS, it is the intent of the Legislature, as part of its economic development policy, that whenever state funds or benefits are sought by a private business, such benefits are conditioned on the private business ensuring its employees' right to a secret ballot election when recognizing a labor organization as a bargaining unit, or requiring subcontractors to waive their employees' right to a secret ballot election, and

WHEREAS, it is the intent of the Legislature that whenever state funds or benefits are provided or awarded to a private

business, the private business working on a project receiving state funds or benefits may not voluntarily disclose an employee's personal contact information to a labor organization without the employee's consent, waive its right to speak to its employees or require subcontractors to voluntarily disclose an employee's personal contact information to a labor organization without the employee's consent, or waive the subcontractor's right to speak to the subcontractor's employees, NOW, THEREFORE,

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

Section 1. Section 447.18, Florida Statutes, is created and incorporated into part I of chapter 447, Florida Statutes, to read:

447.18 Employers receiving state-awarded economic development incentives; prohibited acts related to labor organizations.—

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

(a) "Contract" means an agreement:

1. Between an employer and the state; or

2. Between an employer and a labor organization.

(b) "Economic development incentive" means a state economic development incentive program or an economic development grant authorized by any state agency for the purpose of economic development, the purpose of which is to attract or retain an employer's physical presence in this state.

(c) "Employee" means an individual who performs services for an employer for wages that are subject to withholding requirements under 26 U.S.C. s. 3402.

(d) "Employer" means a business entity that voluntarily pursues economic development incentives authorized under this section or enters into an agreement with a state agency for the purpose of receiving economic development incentives.

(e) "Labor organization" has the same meaning as in s. 447.02(1).

(f) "Neutrality agreement" means an agreement signed by an employer and a union in which the employer agrees to conditions including, but not limited to, committing not to speak to employees about union issues.

(g) "Personal contact information" means an employee's home address, personal phone number, or personal e-mail address.

(h) "Secret ballot election" means a process conducted by the National Labor Relations Board in which an employee casts a secret ballot for or against labor organization representation.

(i) "Subcontractor" has the same meaning as in s. 448.095.

(2)(a) To be eligible for an economic development incentive, an employer must sign an agreement with the state agency awarding the economic development incentive stating that it will not do any of the following:

1. Grant union recognition rights for employees solely on the basis of signed union authorization cards if the selection of a bargaining representative may instead be conducted through a secret ballot election conducted by the National Labor Relations Board.

2. Voluntarily disclose an employee's personal contact information to a labor organization, or third party acting on behalf of a labor organization, without the employee's written consent, unless otherwise required by state or federal law.

3. Sign a neutrality agreement with a labor organization.

4. Require a subcontractor performing work for or providing services to the employer to engage in activities prohibited in this paragraph.

(b) The prohibitions in paragraph (a) apply to any work or service provided to the employer on the project for which the economic development incentive is awarded.

(3)(a) A person or an entity may report, based upon a reasonable belief, a violation of paragraph (2)(a) to the Attorney General, provided that such report is made during the term of the separate agreement entered into by and between the government agency awarding the economic development incentive and the employer in subsection (5).

(b) Upon receiving the report, the Attorney General shall determine whether a violation has occurred. The Attorney General shall request from the employer a copy of the written agreement signed pursuant to paragraph (2)(a). If the employer refuses to provide the Attorney General with the written agreement, the employer is in violation of the agreement entered into between the employer and the state agency that awarded the economic development incentive. The Attorney General must deliver in writing his or her findings to the employer alleged to be in violation within 60 days. If the Attorney General finds that an employer has violated the written agreement signed pursuant to paragraph (2)(a), he or she shall initiate proceedings to recover funds awarded to the employer. The Attorney General's findings are final.

(4) Notwithstanding any other law to the contrary, before contracting to award an economic development incentive, the

state agency must execute a separate written agreement with the recipient of the economic development incentive which reserves the right of the state agency to recover the amount of money, grants, funds, or other incentives disbursed by the state agency if the recipient benefiting from such money, grants, funds, or other incentives fails to comply with this section. This agreement is effective for either:

(a) The duration of the project, to be determined by the state agency, for an economic development incentive award of less than $5 million; or

(b) No longer than 20 years, for an economic development incentive award of $5 million or more.

(5) This section applies to any agreement entered into, renewed, or modified after July 1, 2026. As used in this subsection, the term "agreement" includes a memorandum of understanding mutually accepted by the state agency awarding economic development incentives and an employer before July 1, 2026, including a legally binding agreement subsequent and subject to the memorandum of understanding.

Section 2. 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 1356
INTRODUCER:	Senator Garcia
SUBJECT:	Handling of Animals
DATE:	February 4, 2026
REVISED:	

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

I. Summary:

SB 1356 creates state oversight of dog breeding by:

- Mandating the Department of Agriculture and Consumer Services (FDACS) adopt rules and best management practices for the breeding of dogs.
- Requiring dog breeders to apply to the Department of Business and Professional Regulation (DBPR) for a certificate of registration to operate.
- Prescribing penalties for dog breeders who do not comply with best management practices and directing DBPR to investigate noncompliance.
- Requiring FDACS to establish standards of care and inspections for animal shelters, preempting local oversight of animal shelters.

The bill alters provisions regarding the sale of cats and dogs by:

- Mandating pet dealers ensure pet financing arrangements are terminated without penalty to the consumer when the animal is found to be unfit for purchase due to illness or disease.
- Requiring all financing terms to be disclosed to a consumer and implementing a three-day waiting period between the agreement and the possession of the pet.
- Directing pet dealers to provide copies of medical records to consumers purchasing pets.
- Requiring a specific written notice about consumer rights under s. 828.29, F.S., to be provided to and signed by the consumer upon the sale of a pet.
- Instructing pet dealers to maintain records provided to consumers for seven years.
- Providing that a violation of s. 828.29, F.S., is a violation of the Florida Deceptive and Unfair Trade Practices Act.
- Allowing consumers to bring civil action to remedy violations of this law.

The bill takes effect on July 1, 2026.

II. Present Situation:

Florida Pet Sale Law

Section 828.29, F.S., governs the sale of pets in Florida by mandating health requirements, providing sale regulations, and outlining remedies for violations of this section. Specifically, dogs transported into the state for sale must receive vaccines and anthelmintics against the following diseases/parasites: canine distemper, leptospirosis, bordatella, parainfluenza, hepatitis, canine parvo, rabies, roundworms, and hookworms, with exceptions concerning the age of the dog. Cats transported into this state must receive vaccines and anthelmintics against the following diseases/parasites: panleukopenia, feline viral rhinocheitis, calici virus, rabies, hookworms, and roundworms, with exceptions for the age of the cat. Each pet subject to these requirements must have a certificate of veterinary inspection while being offered for sale, and such examination of the pet must take place within a specified time.

If a licensed veterinarian verifies that the animal was unfit for purchase due to contagious or infectious disease, the pet dealer[1] must allow the consumer to either (1) return the animal and receive a refund of the purchase price, (2) return the animal and exchange it for another of equivalent value, or (3) retain the animal and receive reimbursement for reasonable veterinary costs. The statute provides exceptions to this requirement and the option for a pet dealer to contest a refund, exchange, or veterinary expenses. Additionally, pet dealers must include a written notice to the consumer at the time of sale of their rights pursuant to this section.

Animal Industry Law

Chapter 585, F.S., governs animal disease, inspection, and eradication in the state. Pursuant to s. 585.007, F.S., a person who violates any provision of ch. 585, F.S., or any rules derived from the chapter, is subject to administrative fines and is guilty of a misdemeanor of the second degree.

Florida Deceptive and Unfair Trade Practices Act (FDUTPA)

It is unlawful under the FDUTPA, ss. 501.201-501.213, F.S., for a party to take part in "unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts of practices in the conduct of any trade or commerce."[2] Such practices include fraudulent billing,[3] misleading a consumer or misrepresenting a product's characteristics,[4] or other behavior determined to be unfair by a court.[5] Under the FDUTPA, the office of the state attorney or Department of Legal Affairs, either by their own inquiry or through complaints, may investigate

[1] "For the purposes of subsections (5)-(12) and (16), the term "pet dealer" means any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer." Section 828.29(13), F.S.
[2] Section 501.204, F.S.
[3] *State Farm Mut. Auto. Ins. Co. v. Medical Service Center of Florida, Inc.*, 103 F. Supp. 3d 1343 (S.D. Fla. 2015).
[4] *Lewis v. Mercedes-Benz USA, LLC*, 530 F. Supp. 3d 1183 (S.D. Fla. 2021); *Marty v. Anheuser-Busch Companies, LLC*, 43 F. Supp. 3d 1333 (S.D. Fla. 2014).
[5] *See Siever v. BWGaskets, Inc.,* 669 F. Supp. 2d 1286, 1292-93 (M.D. Fla. 2009).

violations of the FDUTPA.[6] In addition to other remedies under state and federal law, the enforcing authority may bring actions for declaratory judgment, injunctive relief, actual damages on behalf of consumers and businesses, cease and desist orders, and civil penalties up to $10,000 per violation.[7] Moreover, consumers may bring private actions against parties for violating the FDUTPA, resulting in either:

- Declaratory judgment and injunctive relief when the consumer is aggrieved by a FDUTPA violation; or
- Actual damages, attorney fees, and court costs, when the consumer has suffered a loss due to the FDUTPA violation.[8]

Deceptive Pet Sales in Florida

Litigation

In 2020, the Florida Office of the Attorney General (AG) brought legal action against Hoof's Pets, Inc., operating as Petland in central Florida, after receiving 104 consumer complaints over five years against the defendant.[9] The AG sued the defendant for violating the FDUTPA and s. 828.29, F.S., alleging the defendant misrepresented the health of puppies for sale, the goods and services bundled with the puppies, and the consumer rights and remedies available to customers.[10] The court permanently prohibited the defendant from selling puppies with illness, misleading customers about puppies' health, failing to provide documentation required by law, falsely representing the puppy's AKC registrability, and much more.[11] While the defendant had already refunded customers over $123,000, the court ordered the defendant to pay an additional $85,000 to consumers harmed by the defendant's deceptive practices.[12]

Economic Effects

In 2022, Orange County passed an ordinance prohibiting the retail sale of dogs, cats, and rabbits.[13] As a result of this ordinance and the aforementioned enforcement lawsuit, an economic report from the University of West Florida Haas Center showed a 55% decline in complaints to the Office of Attorney General over pet sales in the Orlando area from 2020-2024.[14] However, despite Florida counties implementing local retail bans on the sale of pets, the abundance of animals from out-of-state puppy-mills and unethical breeders perpetuates the sale of sick pets.[15] The report explained that predatory financing, deceptive pet sales, and the sale of sick pets cost Floridians over $25 million each year.[16]

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[6] The enforcing authority under the FDUTPA may "administer oaths and affirmations, subpoena witnesses or matter, and collect evidence." Section 501.206, F.S.
[7] Sections 501.207, 501.2077, 501.2075, 501.208, F.S.
[8] Sections 501.2105, 501.211, F.S.
[9] *Att'y Gen. v. Hoof's Pets, Inc.*, No. 2020-CA-5262-O, 5 (Fla. Orange Cty. Ct. Dec. 9, 2022) (order entering final judgment in favor of the plaintiff).
[10] *Id.*
[11] *Id.* at 9-11. See *id.* at 9-22 for the full list of remedies ordered by the court.
[12] *Id.* at 19-20.
[13] UWF, Haas Center, *The Cost of Deception: How Sick Pets Drain Florida's Economy*, available at https://www.myfloridalegal.com/sites/default/files/2025-09/final_report_the_cost_of_deception_-_how_sick_pets_drain_the_economy_12.8.2025.pdf (last visited Feb. 3, 2026).
[14] *Id.*
[15] *Id.*
[16] *Id.*

III. Effect of Proposed Changes:

State Oversight of Dog Breeding

Best Management Practices

Section 1 creates s. 585.701, F.S., requiring FDACS to adopt rules and best management practices for the breeding of dogs[17] in the state. Among other considerations, FDACS must consider spacing and sanitation of dog cages/pens, requirements for access to clean water, limitation on the number of times a female dog may be bred,[18] and appropriate sheltering of female dogs and their litters.[19] Before adopting any rules, FDACS must submit the proposed rules to the Board of Veterinary Medicine.[20] The board must verify the rules, best management practices, and other measures are reasonably effective. Finally, the bill states local jurisdictions in Florida may implement stricter requirements than those laid out under the bill.

Certificate of Registration

Section 4 creates s. 828.291, F.S., requiring dog breeders in Florida to apply to DBPR for a certificate of registration to operate. The dog breeder must submit documentation to DBPR showing that it meets the best management practices adopted by FDACS pursuant to s. 585.701, F.S. Subsequently, the certificate of registration must be renewed every two years.

Under subsection (3), the bill also requires DBPR to investigate claims that certified dog breeders are not complying with best management practices. DBPR may establish a whistleblower program or contract with a private entity to do so. If a private entity is contracted to receive whistleblower calls, the private entity must provide monthly reports to DBPR with specific information.

In subsection (4), the bill prescribes penalties for dog breeders or dog breeding facilities found to:

- Overcrowd dogs in pens/cages with no space to move.
- House dogs in enclosures with significant build-up of feces, urine, and waste.
- Have dogs exhibiting untreated infections/parasites due to unsanitary conditions.
- Limit access to clean water.
- Breed a female dog more than twice a year.
- Expose breeding females and their litters to extreme temperatures without appropriate shelter.

Such practices/conditions result in penalties under ss. 828.073, 828.12, F.S., placement of the breeder or facility on the Department of Law Enforcement's website pursuant to s. 828.12(7),

[17] "Dog breeder" means a person who owns or possesses breeding female dogs and offers for sale more than two litters of dogs per calendar year. "Dog breeding facility" means a location that is the site of a dog breeder which houses five or more breeding female dogs.
[18] "Breeding female dog" means a dog that has not been spayed and is more than 6 months old and capable of reproduction.
[19] "Litter" means the collection of dogs birthed, whether naturally or from cesarean section, from a breeding female dog from the same pregnancy.
[20] The Board of Veterinary Medicine (board), under DBPR, regulates veterinarians, premise permits, veterinary establishments and limited service clinics. Section 474.204, F.S.

F.S., and information on the breeder or facility shared with law enforcement for criminal prosecution.

State Oversight of Animal Shelters

Section 2 creates s. 828.265, F.S., requiring FDACS to oversee animal shelters[21] throughout the state and preempting local regulatory and operational oversight. The bill mandates FDACS adopt rules governing:

- Basic standards for the care of animals housed in local animal shelters;
- Mandatory reporting requirements for local animal shelters;
- Guidelines for the safe and humane euthanasia of animals; and
- Periodic inspections of local animal shelters.

Consumer Protection

Financing

Section 3 amends s. 828.29, F.S., mandating that pet dealers ensure pet financing arrangements are terminated without penalty to the consumer when the animal is found to be unfit for purchase due to illness or disease. Subsection (6) in the bill requires that pet dealers disclose all financing terms to the consumer before the final sale. The bill also mandates a three-day waiting period between the consumer agreeing to finance the pet and the consumer taking possession of the animal. Such financing agreement may not be signed until the three-day waiting period has passed. The bill also removes the option for consumers to sign waivers relinquishing their rights to return a pet for congenital or hereditary disorders.

Pet Medical Records

Under the bill, subsection (7) requires pet dealers to provide copies of medical records to the consumer regarding all medication examinations, tests, and medications given.

Written Notice

Additionally, the bill updates the notice provision in subsection (12), which pet dealers are required to provide to the consumer at the time of sale. The notice must be separate from the contract with specific wording which includes the following information: "You have the right to return or exchange a dog or cat purchased from a pet dealer and receive reimbursement for certain veterinary expenses. A copy of this law is attached to this notice."

Record Retention

Subsection (18) requires pet dealers to retain records provided to consumers for sales of animals under s. 828.29, F.S., for at least seven years after the sale. Further, retail stores that offer animals for sale must:

- Provide the city or county animal rescue/shelter the opportunity to inventory the animals the rescue/shelter has available for adoption prior to offering retail space to dog breeders and breeding facilities.

[21] "Local animal shelter" includes city and county animal rescues and animal shelters.

- Ensure the dog breeder or breeding facility, from which the store has acquired dogs, follows the best management practices adopted by FDACS pursuant to s. 585.701, F.S.

Remedies

Under subsection (19) of the bill, pet dealers who violate s. 828.29, F.S., are committing an unfair method of competition or an unfair or deceptive act under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), ss. 501.201-501.213, F.S. Additionally, subsection (20) of the bill specifies that consumers may cure violations under s. 828.29, F.S., via civil action for damages, costs, and attorney fees. This does not limit consumers' other rights and remedies under law.

Effective Date

Section 5 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:

Indeterminate. There may be increased costs for pet breeders to comply with the bill.

C. Government Sector Impact:

Indeterminate. There may be increased expenditures for FDACS and DBPR to enforce the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Under s. 585.007, F.S., a person who violates any provision of ch. 585, F.S., or any rules derived from the chapter, is subject to an administrative fine and is guilty of a misdemeanor of the second degree. It is unclear whether the placement of best management practices for dog breeders in ch. 585, F.S., results in an administrative fine and a second degree misdemeanor for violations.

Additionally, the provisions under Section 3 of the bill are substantially similar to the language in SB 1004 as of January 21, 2026.

VIII. Statutes Affected:

This bill substantially amends section 828.29 of the Florida Statutes.
This bill creates the following sections of the Florida Statutes: 585.701, 828.265, 828.291.

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.

695212

LEGISLATIVE ACTION

Senate . House

. . . . . .

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

Senate Amendment (with title amendment)

Delete lines 113 - 144.

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

And the title is amended as follows:

Delete lines 11 - 16

and insert:

providing construction;

By Senator Garcia

36-01238A-26 20261356__

A bill to be entitled

An act relating to the handling of animals; creating s. 585.701, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Agriculture and Consumer Services to develop and adopt rules, best management practices, and other measures for dog breeding in this state; requiring the department to consider certain criteria in developing the rules; requiring the Board of Veterinary Medicine to verify that the proposed rules meet certain goals; providing construction; creating s. 828.265, F.S.; providing legislative findings; defining terms; preempting the regulatory and operational oversight of local animal shelters to the department; requiring the department to adopt certain rules; encouraging the department to collaborate with certain entities; amending s. 828.29, F.S.; requiring that a pet sale financing agreement be terminated without penalty under certain circumstances; deleting a limit on veterinary costs under certain provisions; requiring that all financial terms be disclosed to the consumer before the sale of an animal; requiring a specified mandatory waiting period between the purchase and receipt of an animal if the transaction is financed by the consumer and prohibiting the signing of such agreement before the conclusion of such waiting period; deleting certain provisions relating to a consumer's waiver relinquishing his or her rights to return an animal; requiring a pet dealer to provide

36-01238A-26 20261356__

copies of specified medical records to a consumer; revising requirements for a required notice to a consumer; revising the text of the required notice; requiring a pet dealer to retain a copy of the signed notice; requiring that the consumer be given a copy of the signed notice; requiring a pet dealer to retain certain records for a specified timeframe; specifying requirements for retail stores that offer animals for sale; requiring retail stores to ensure that dog breeders and dog breeding facilities from which the store acquires dogs meet certain best management practices; providing that violations constitute an unfair method of competition or an unfair or deceptive act or practice in violation of specified provisions and are subject to penalties; providing a private cause of action; providing construction; creating s. 828.291, F.S.; defining terms; requiring dog breeders to apply to the Department of Business and Professional Regulation for a certificate of registration and to renew the certificate at specified intervals; authorizing the department to investigate certain claims; authorizing the department to establish a whistleblower program for a specified purpose; specifying requirements for such program; providing penalties for specified practices and conditions; requiring certain individuals, dog breeders, and dog breeding facilities to be placed on a public animal abuser database; requiring the department to provide certain information to law

enforcement for the purpose of pursuing criminal charges; providing an effective date.

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

Section 1. Section 585.701, Florida Statutes, is created to read:

585.701 Dog breeders; best management practices.—

(1) The Legislature finds that the safe and ethical breeding of dogs in this state is a matter of great public importance, and that breeding dogs for profit without regard for the condition in which the dogs live or how they are cared for is an act of animal cruelty. Therefore, the Legislature intends to ensure that dog breeding is done in an ethical manner by establishing best management practices to ensure the humane treatment of animals.

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

(a) "Board" means the Board of Veterinary Medicine.

(b) "Breeding female dog" means a dog that has not been spayed and is more than 6 months old and capable of reproduction.

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Dog breeder" means a person who owns or possesses breeding female dogs and offers for sale more than two litters of dogs per calendar year.

(e) "Dog breeding facility" means a location that is the site of a dog breeder which houses five or more breeding female dogs.

(f) "Litter" means the collection of dogs birthed, whether naturally or from cesarean section, from a breeding female dog from the same pregnancy.

(3) The department shall:

(a) Develop and adopt rules, best management practices, and other measures necessary to improve the practices of dog breeders and dog breeding facilities in a way that protects this state's domestic animal resources and preserves a viable and ethical dog breeding industry. In developing the rules, the department shall consider, at a minimum, the spacing of and sanitation guidelines for cages and pens, requiring adequate access to clean water, limiting the number of times a breeding female dog may be bred per year, and providing breeding female dogs and their litters with appropriate shelter.

(b) Before adopting any rules, best management practices, and other measures required by paragraph (a), submit the proposed rules to the board. The board shall verify that the proposed rules, best management practices, and other measures developed by the department will be reasonably effective in achieving the goals of this section. The board shall notify the department of its initial verification.

(4) This section may not be construed to prohibit a local jurisdiction from implementing requirements for dog breeders or dog breeding facilities which are stricter than those in this section or any rule adopted by the department.

Section 2. Section 828.265, Florida Statutes, is created to read:

828.265 Regulation of animal shelters.—

(1) The Legislature finds that a lack of resources,

training, and consistent enforcement of rules at the local level has resulted in an undermining of the public trust of, and a failure to protect vulnerable animals housed in, local animal shelters. Therefore, the Legislature intends to provide statewide oversight of local animal shelters to ensure consistent implementation and enforcement of rules governing local animal shelters.

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

(a) "Department" means the Department of Agriculture and Consumer Services.

(b) "Local animal shelter" includes city and county animal rescues and animal shelters.

(3) The regulatory and operational oversight of local animal shelters is preempted to the department.

(4) The department shall adopt rules governing all of the following:

(a) Basic standards for the care of animals housed in local animal shelters, including providing adequate food, water, shelter, and medical treatment.

(b) Mandatory reporting requirements for local animal shelters to report intake, adoption, and euthanasia statistics in a standardized format.

(c) Guidelines for the safe and humane euthanasia of animals.

(d) Periodic inspections of local animal shelters.

(5) The department is encouraged to collaborate with reputable nonprofit and private organizations to manage animal shelters.

Section 3. Subsections (5) through (8), (10), (12), and

(17) of section 828.29, Florida Statutes, are amended, and subsections (18) through (21) are added to that section, to read:

828.29 Dogs and cats transported or offered for sale; health requirements; consumer guarantee; disclosures.—

(5) If, within 14 days after ~~following~~ the sale by a pet dealer of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies that, at the time of the sale, the animal was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks; or if, within 1 year after ~~following~~ the sale of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies such animal to be unfit for purchase due to a congenital or hereditary disorder which adversely affects the health of the animal; or if, within 1 year after ~~following~~ the sale of an animal subject to this section, the breed, sex, or health of such animal is found to have been misrepresented to the consumer, the pet dealer shall afford the consumer the right to choose one of the following options:

(a) The right to return the animal and receive a refund of the purchase price, including the sales tax, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering. If the consumer financed the animal, the pet dealer must ensure that the financing arrangement is

terminated without penalty to the consumer;

(b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

(c) The right to retain the animal and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat.

~~Reimbursement for veterinary costs may not exceed the purchase price of the animal.~~ The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the certification by the veterinarian.

(6) All financing terms must be disclosed to the consumer before the sale of the animal. A mandatory waiting period of at least 3 calendar days must be imposed between the date of an agreement to purchase an animal and the date on which the consumer takes possession of the animal, if the consumer is financing the animal. A financing agreement may not be signed by the consumer until the conclusion of the 3-day waiting period ~~A consumer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. In the case of such waiver, the consumer has 48 normal business~~

~~hours, excluding weekends and holidays, in which to have the animal examined by a licensed veterinarian of the consumer's choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to a congenital or hereditary disorder, the pet dealer must afford the consumer the right to choose one of the following options:~~

~~(a) The right to return the animal and receive a refund of the purchase price, including sales tax, but excluding the veterinary costs related to the certification that the dog or cat is unfit; or~~

~~(b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, but not a refund of the veterinary costs related to the certification that the dog or cat is unfit~~.

(7) Before the sale of an animal, a pet dealer must provide to the consumer copies of records of all medical examinations or tests that were conducted on the animal or any medication given before the purchase of the animal. A pet dealer may specifically state at the time of sale, in writing to the consumer, the presence of specific congenital or hereditary disorders, in which case the consumer has no right to any refund or exchange for those disorders.

(8) The refund or exchange required by subsection (5) must ~~or subsection (6) shall~~ be made by the pet dealer not later than 10 business days after ~~following~~ receipt of a signed veterinary certification as required in subsection (5) ~~or subsection (6)~~. The consumer must notify the pet dealer within 2 business days after the veterinarian's determination that the animal is unfit. The written certification of unfitness must be presented to the

pet dealer not later than 3 business days after ~~following~~ receipt thereof by the consumer.

(10) If a pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a consumer under this section, the dealer may require the consumer to produce the animal for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement that constitutes one of the options set forth in subsection (5) ~~or subsection (6)~~ within 10 business days after ~~following~~ receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.

(12) Every pet dealer who sells an animal to a consumer shall ~~must~~ provide the consumer at the time of sale with a printed, written notice. The pet dealer shall retain a copy of the signed notice, and the consumer must be given a copy of the signed notice. The notice~~, printed or typed~~, which is separate from the contract, shall read ~~reads~~ as follows:

RIGHT TO CANCEL

Florida consumers have certain rights under s. 828.29, Florida Statutes. You have the right to return or exchange a dog or cat purchased from a pet dealer and receive reimbursement for certain veterinary expenses. A copy of this law is attached to this notice.

...(Signature of Owner, or Owner's or Authorized Agent)...

Sworn to (or affirmed) and subscribed before me this .... day of ...., ..., by ...(name of person making statement)....

~~It is the consumer's right, pursuant to section 828.29, Florida Statutes, to receive a certificate of veterinary inspection with each dog or cat purchased from a pet dealer. Such certificate shall list all vaccines and deworming medications administered to the animal and shall state that the animal has been examined by a Florida-licensed veterinarian who certifies that, to the best of the veterinarian's knowledge, the animal was found to have been healthy at the time of the veterinary examination. In the event that the consumer purchases the animal and finds it to have been unfit for purchase as provided in section 828.29(5), Florida Statutes, the consumer must notify the pet dealer within 2 business days of the veterinarian's determination that the animal was unfit. The consumer has the right to retain, return, or exchange the animal and receive reimbursement for certain related veterinary services rendered to the animal, subject to the right of the dealer to have the animal examined by another veterinarian.~~

(17) Except as otherwise provided in this chapter, a person who violates ~~any provision of~~ this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s.

775.083.

(18) A pet dealer shall retain any record provided to a consumer pursuant to the sale of an animal under this section for at least 7 years after the sale.

(19) A retail store that offers animals for sale shall do both of the following:

(a) Provide the city or county animal rescue or animal shelter the opportunity to inventory the animals the rescue or shelter, respectively, has available for adoption before offering retail space to a dog breeder or dog breeding facility.

(b) Ensure the dog breeder or dog breeding facility from which the store has acquired a dog meets the best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 585.701.

(20) A pet dealer who violates this section commits an unfair method of competition or an unfair or deceptive act or practice in violation of part II of chapter 501 and is subject to the penalties and remedies provided for such violations.

(21) In addition to any other penalties or remedies provided by law, a consumer injured by a violation of this section may bring a civil action to recover damages or punitive damages, including court costs, attorney fees, and related expenses. This section does not limit any right or remedy provided under law.

Section 4. Section 828.291, Florida Statutes, is created to read:

828.291 Dog breeder certificate of registration.—

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

(a) "Breeding female dog" means a dog that has not been

spayed and is more than 6 months old and capable of reproduction.

(b) "Department" means the Department of Business and Professional Regulation.

(c) "Dog breeder" means a person who owns or possesses breeding female dogs and offers for sale more than two litters of dogs per calendar year.

(d) "Dog breeding facility" means a location that is the site of a dog breeder which houses five or more breeding female dogs.

(e) "Litter" means the collection of dogs birthed, whether naturally or from cesarean section, from a breeding female dog from the same pregnancy.

(2) Each dog breeder in this state must apply to the department, on forms supplied by the department, for a certificate of registration. The certificate of registration must be renewed every 2 years thereafter. To be eligible to receive a certificate of registration, a dog breeder must submit documentation to the department that the breeder meets the best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 585.701.

(3) If the department is notified that a certified dog breeder is not in compliance with the best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 585.701, the department may investigate such claim. The department may establish a whistleblower program through which any individual may alert the department or its contracted authority about a violation of s. 585.701. The department may contract with a private entity to administer the

whistleblower program. If a private entity is contracted to receive calls, the private entity must provide monthly reports to the department detailing the number of calls received, the number of calls referred to law enforcement, and the status of each case referred to law enforcement.

(4) Any individual, dog breeder, or dog breeding facility that is found to employ any of the following practices or conditions is subject to penalties under s. 828.073 or s. 828.12; the individual, dog breeder, or dog breeding facility must be placed on the Department of Law Enforcement's website pursuant to s. 828.12(7); and the department shall provide all applicable information to law enforcement to pursue criminal charges:

(a) Overcrowding of dogs crammed into cages or pens with no space to move.

(b) Enclosures with significant build-up of feces, urine, and waste.

(c) Dogs exhibiting untreated infections or parasites due to unsanitary conditions.

(d) Limited or no access to clean water.

(e) Breeding a female dog more than 2 times per year.

(f) Exposing breeding females and their litters to extreme temperatures without appropriate shelter.

Section 5. 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 1456
INTRODUCER:	Senator Osgood
SUBJECT:	Doula Workforce Development
DATE:	February 3, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	**Pre-meeting**
2.			ATD	
3.			FP	

I. Summary:

SB 1456 creates the Doula Workforce Development Program within the Department of Commerce (department) to increase the doula workforce in the state. The program intends to reduce disparities in maternal and infant health outcomes through grants to doula training entities, focusing on communities with limited or few healthcare resources. The bill gives the department rulemaking authority to develop the grant process and implement the program. The bill also includes yearly reporting requirements for the department and appropriates funds for 2026-2027.

The bill takes effect on July 1, 2026.

II. Present Situation:

Doulas

Doulas are non-clinical professionals that provide support during and after pregnancy alongside medical professionals.[1] Doulas may specialize in pregnancy, birth, or postpartum issues, or offer support throughout the reproductive journey.[2] Among many other tasks, doulas can provide emotional support and patient advocacy before and during birth; assist with housework and childcare; and teach proper breastfeeding techniques.[3] Studies show that doulas improve health outcomes during pregnancy, "mitigating health disparities in groups at risk due to racial and

[1] CLEVELAND CLINIC, *Doula*, available at https://my.clevelandclinic.org/health/articles/23075-doula (last visited Feb. 3, 2026).
[2] *Id.*
[3] *Id.*

socioeconomic stigmas via their roles as intermediaries between pregnant women and healthcare staff."[4]

Further research shows that doula support can reduce healthcare expenditures during pregnancy and help avoid costly healthcare emergencies.[5] One model revealed that "a professional doula was potentially cost-saving up to $884 and cost-effective up to $1360 per doula."[6] While some states have required Medicaid or private insurers to cover doula services, many people cannot afford doula services.[7]

Additionally,

> [b]eyond cost savings, the broader health benefits of doulas are well documented across the pregnancy and care continuum… and include:
> - a 15% improvement in the likelihood of having a spontaneous vaginal birth;
> - a 40% reduction in the likelihood of cesarean births;
> - a more than 20% reduction in the odds of preterm birth;
> - a 10% reduction in the use of pain medications during labor;
> - an average 41 minute reduction in total labor time;
> - a four-fold reduction in babies with a low birth weight;
> - a two-fold reduction in birth complication;
> - a 35% reduction in the likelihood of having a negative birthing experience;
> - a nearly 65% reduction in the odds of experiencing postpartum anxiety or depression; and
> - a 20% improvement in the likelihood of breastfeeding initiation among Medicaid recipients.[8]

III. Effect of Proposed Changes:

Doula Workforce Development Program

The bill creates the Doula Workforce Development Support Program within the department to provide grants and technical assistance to doula training entities to expand the state's doula workforce. The program must prioritize support for entities service high-need regions, including:

- Urban counties with high maternal morbidity disparities;
- Rural areas with limited or no obstetric providers or maternity wards; and
- Communities affected by recent hospital closures or reductions in maternity services.

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[4] Alexandria Sobczak, et al., *The Effect of Doulas on Maternal and Birth Outcomes: A Scoping Review*, CUREUS 15(5), May 24, 2023), available at https://pmc.ncbi.nlm.nih.gov/articles/PMC10292163/#abstract1 (last visited Feb. 3, 2026).
[5] Karen S. Greiner et al., *The Cost-Effectiveness of Professional Doula Care for a Woman's First Two Births: A Decision Analysis Model,* 64 J. MIDWIFERY WOMEN'S HEALTH 410 (2019), available at https://pubmed.ncbi.nlm.nih.gov/31034756/ (last visited Feb. 3, 2026).
[6] *Id.*
[7] Ariel Eastburn, et al., NAT'L HEALTH LAW PROGRAM, *A Cost-Benefit Analysis of Doula Care from a Public Health Framework* at 10, available at https://healthlaw.org/resource/a-cost-benefit-analysis-of-doula-care-from-a-public-health-framework/ (last visited Feb. 3, 2026).
[8] *See id.* at 12.

Grants

Under the bill, the department may award competitive or formula-based grants to eligible doula training entities. The department is not allowed to use funds to directly recruit, hire, or employe doulas as state employees or contractors. Grant funds may be used for any of the following:

- Training, mentoring, or apprenticeship program expansion.
- Instructor compensation and curriculum modernization.
- Recruitment and support of trainees from high-need regions.
- Program administration, evaluation, and outreach.
- Business development training for doulas, including assistance with incorporation, insurance, marketing, and entrepreneurship.
- Stipends or workforce support for newly trained doulas, administered through the eligible entity.
- Partnership development with hospitals, Medicaid managed care plans, clinics, community health workers, Healthy Start coalitions, or other maternal health service providers.

The bill further grants the department rulemaking authority to implement this bill. The department must consider the following when developing grant criteria:

- The demonstrated capacity of the entity to train or mentor doulas.
- The geographic areas served and the documented need for doula workforce expansion.
- The entity's experience serving culturally diverse and high-disparity populations.
- Partnerships with workforce development boards or educational institutions.
- Plans for sustainability and long-term workforce placement.

Reporting

Each year the department must submit a report to the Governor, President of the Senate, and the Speaker of the House of Representatives, which summarizes:

- Grant recipients and award amounts;
- The number of doulas trained, mentored, or supported by funded entities;
- The geographic distribution of program activities;
- Workforce outcomes, including business development successes and job placements; and
- Recommendations for program improvements.

Funding

Additionally, the bill appropriates $7.5 million to the department to implement the program. Up to $500,000 of the funds may be used by the department for administrative expenses, program management, technical assistance, and data collection and evaluation. The remaining funds must be distributed as grants pursuant to s. 445.0075, F.S.

Effective Date

The bill 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:

Indeterminate. Grants may increase the doula workforce, creating jobs and increasing revenue for doula support businesses.

C. Government Sector Impact:

The bill appropriates $7.5 million to the department for implementation. Funds appropriated under the bill which are not encumbered by June 30, 2027, must be returned to the General Revenue Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 445.0075 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

By Senator Osgood

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A bill to be entitled

An act relating to doula workforce development; creating s. 445.0075, F.S.; providing legislative findings and intent; defining terms; establishing the Doula Workforce Development Support Program within the Department of Commerce to provide grants and technical assistance to eligible doula training entities for a specified purpose; requiring the department to prioritize support to high-need regions; providing for the grant of awards under the program; specifying authorized uses of the grant funds; prohibiting the department from using the funds for specified purposes; requiring the department to adopt rules for the administration of the program; requiring the department to consider specified factors in developing grant criteria; requiring the department to submit annual reports to the Governor and the Legislature by a specified date; providing requirements for the report; authorizing the department to require grant recipients to submit certain data; authorizing the department to adopt rules; providing an appropriation; providing an effective date.

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

Section 1. Section 445.0075, Florida Statutes, is created to read:

445.0075 Doula Workforce Development Support Program.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

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(a) The Legislature finds that:

1. This state continues to experience persistent maternal morbidity and mortality disparities that disproportionately affect Black, Brown, rural, and low-income communities.

2. Doulas have been shown to improve maternal and infant health outcomes, reduce preventable complications, increase prenatal care engagement, and strengthen postpartum recovery.

3. Existing doula training organizations, community-based doula programs, nonprofit entities, and private educational institutions serve a critical role in building a maternal health workforce but are under-resourced.

4. Supporting these entities through the state's workforce development infrastructure is essential to meeting regional maternal health needs, especially in urban high-disparity counties, rural maternity-care deserts, and regions experiencing hospital closures or obstetric service reductions.

(b) It is the intent of the Legislature to strengthen the state's doula workforce by supporting the organizations that train, mentor, and deploy doulas, and to expand economic and small-business opportunities for community-based birth workers through the Department of Commerce.

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

(a) "Department" means the Department of Commerce.

(b) "Doula" means a nonmedical birth support professional trained to give physical and emotional support during childbirth.

(c) "Doula training entity" means a nonprofit organization, community-based program, training collective, academic institution, or private educational provider that conducts doula

training, mentoring, continuing education, or workforce placement activities.

(d) "Doula workforce support services" means instructor compensation, curriculum development, program expansion, administrative support, business development training for doulas, mentoring, apprenticeship structures, evaluation and data activities, and related capacity-building functions.

(e) "High-need region" means a county or region identified by the department as having elevated maternal morbidity rates, limited numbers of maternity care providers, or insufficient doula availability.

(3) PROGRAM ESTABLISHMENT.—

(a) The Doula Workforce Development Support Program is established within the department to provide grants and technical assistance to eligible doula training entities for the purpose of expanding the state's doula workforce.

(b) The program shall prioritize support for entities serving high-need regions, including:

1. Urban counties with high maternal morbidity disparities.

2. Rural areas with limited or no obstetric providers or maternity wards.

3. Communities affected by recent hospital closures or reductions in maternity services.

(4) GRANTS; ELIGIBILITY; USE OF FUNDS.—

(a) The department may award competitive or formula-based grants to eligible doula training entities to support doula workforce development.

(b) Grant funds may be used for any of the following:

1. Training, mentoring, or apprenticeship program

expansion.

2. Instructor compensation and curriculum modernization.

3. Recruitment and support of trainees from high-need regions.

4. Program administration, evaluation, and outreach.

5. Business development training for doulas, including assistance with incorporation, insurance, marketing, and entrepreneurship.

6. Stipends or workforce support for newly trained doulas, administered through the eligible entity.

7. Partnership development with hospitals, Medicaid managed care plans, clinics, community health workers, Healthy Start coalitions, or other maternal health service providers.

(c) The department may not use funds to directly recruit, hire, or employ doulas as state employees or contractors providing clinical services.

(5) PROGRAM ADMINISTRATION.—

(a) The department shall establish by rule application procedures, grant criteria, allowable costs, reporting requirements, and monitoring processes.

(b) In developing grant criteria, the department shall consider all of the following:

1. The demonstrated capacity of the entity to train or mentor doulas.

2. The geographic areas served and the documented need for doula workforce expansion.

3. The entity's experience serving culturally diverse and high-disparity populations.

4. Partnerships with local workforce development boards or

educational institutions.

5. Plans for sustainability and long-term workforce placement.

(6) REPORTING.—

(a) By December 1 of each year, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives summarizing all of the following:

1. Grant recipients and award amounts.

2. The number of doulas trained, mentored, or supported by funded entities.

3. The geographic distribution of program activities.

4. Workforce outcomes, including business development successes and job placements.

5. Recommendations for program improvements.

(b) The department may require grant recipients to submit data necessary to compile the report.

(7) RULES.—The department may adopt rules necessary to implement this section.

Section 2. (1) For the 2026-2027 fiscal year, the nonrecurring sum of $7.5 million from the General Revenue Fund is appropriated to the Department of Commerce to implement s. 445.0075, Florida Statutes, relating to the Doula Workforce Development Support Program.

(2) From the funds appropriated in subsection (1):

(a) Up to $500,000 may be used by the department for administrative expenses, program management, technical assistance to grantees, and data collection and evaluation activities necessary to carry out the program.

(b) The remaining funds shall be placed in a Grants and Aids - Doula Workforce Development Support Program category and distributed as competitive or formula-based grants to eligible doula training entities in accordance with s. 445.0075, Florida Statutes, with priority given to entities serving high-need regions as defined in that section.

(3) Funds appropriated in this section which are not encumbered by June 30, 2027, shall revert to the General Revenue Fund.

Section 3. 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 1722
INTRODUCER:	Senator Calatayud
SUBJECT:	Application Stores
DATE:	Febuary 3, 2026
REVISED:	

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

I. Summary:

SB 1722 creates the "App Store Accountability Act," which requires application (app) store providers and developers to implement certain age verification and parental consent requirements for minors using such apps. Additionally, app stores and developers are required to protect user data.

A minor who has been harmed by a violation of the provisions in the bill, or such minor's parent, may bring a civil action against an app store provider or a developer. Further, a violation of the provisions in the bill is an unfair and deceptive trade practice actionable under part II of ch. 501, F.S., by the Department of Legal Affairs.

The bill takes effect on July 1, 2027.

II. Present Situation:

Application (App) Store Laws

Some states including Texas,[1] Utah,[2] and Louisiana[3] have passed laws to require app stores and developers to verify user age upon creating an account, as well as require verifiable parental consent for minors before they can download apps or make (in-app) purchases.[4]

In December of 2025, the United States District Court in the Western District of Texas granted preliminary injunctions in two cases blocking enforcement of the state's App Accountability Act

[1] *See* Tex. Bus. & Com. Code § 121.001 et seq.
[2] *See* Utah Code Title 13, Chapter 76.
[3] *See* Part II of Chapter 20-A of Title 51 of the Louisiana Revised Statutes (R.S. 51:1771 through 1775).
[4] *See* Tex. Bus. & Com. Code § 121.001 et seq., Utah Code Title 13, Chapter 76, and Part II of Chapter 20-A of Title 51 of the Louisiana Revised Statutes (R.S. 51:1771 through 1775).

that was scheduled to take effect on January 1, 2026.[5] The court found that the law is likely an unconstitutional restriction on free speech.[6] The Texas attorney general has filed a notice of appeal to the Fifth Circuit.

Florida's Age Verification Law

In 2024, the Legislature enacted laws to require age verification for online access to materials that are harmful to minors.[7]

Florida law requires a commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors to use either anonymous age verification or standard age verification to verify that the age of a person attempting to access the material is 18 years of age or older and prevent access to the material by a person younger than 18 years of age.[8]

"Standard age verification" means any commercially reasonable method of age verification approved by the commercial entity.[9]

Any violation of the age verification law is deemed an unfair and deceptive trade practice, and the Department of Legal Affairs (department) has enforcement authority. In addition to the remedies under the Florida Deceptive and Unfair Trade Practices Act, the department may collect a civil penalty of up to $50,000 per violation and reasonable attorney fees and court costs for a violation by a third party.[10] A commercial entity that violates the age verification requirement is liable to the minor for such access, including court costs and reasonable attorney fees as ordered by the court. Claimants may be awarded up to $10,000 in damages. A civil action for a claim under this paragraph must be brought within 1 year from the date the complainant knew, or reasonably should have known, of the alleged violation.[11]

Florida law defines the term "anonymous age verification" as a commercially reasonable method used by a government agency or a business for the purpose of age verification which is conducted by a nongovernmental, independent third party organized under the laws of a state of the United States which:

- Has its principal place of business in a state of the United States; and
- Is not owned or controlled by a company formed in a foreign country, a government of a foreign country, or any other entity formed in a foreign country.[12]

A third party conducting anonymous age verification:

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[5] *See Students Engaged in Advancing Texas cv. Paxton,* 2025 WL 3731733 (W.D. Tex. 2025). *See also Computer & Communications Industry Association v. Paxton,* 2025 WL 3754045 (W.D. Tex. 2025).
[6] *See id.* Additionally, the court found the law to be unconstitutionally vague.
[7] Ch. 2024-42, Laws of Fla.
[8] Section 501.1737, F.S.
[9] Section 501.1737, F.S., defines "commercial entity" as a corporation, a limited liability company, a partnership, a limited partnership, a sole proprietorship, and any other legally recognized entity.
[10] *Id.*
[11] *Id.*
[12] Section 501.1738, F.S.

- May not retain personal identifying information used to verify age once the age of an account holder or a person seeking an account has been verified;
- May not use personal identifying information used to verify age for any other purpose;
- Must keep anonymous any personal identifying information used to verify age; and
- Must protect personal identifying information used to verify age from unauthorized or illegal access, destruction, use, modification, or disclosure through reasonable security procedures and practices appropriate to the nature of the personal information.[13]

Protection of Children in Online Spaces Law

Florida law provides that any online service, product, game, or feature likely to be predominantly accessed by children under 18 years of age may not, except under certain situations:

- Process the personal information of any child if the platform has actual knowledge or willfully disregards that the processing may result in substantial harm or privacy risk to children.
- Profile a child.
- Collect, sell, share, or retain any personal information that is not necessary to provide an online service, product, or feature with which a child is actively and knowingly engaged.
- Use a child's personal information for any unstated reason.
- Collect, sell, or share any precise geolocation of data of children.
- Use dark patterns to:
  - Lead or encourage children to provide personal information beyond what personal information would otherwise be reasonably expected to be provided for that online service, product, game or feature.
  - Forego privacy protections.
  - Take any action that the online platform has actual knowledge of or willfully disregards that may result in substantial harm or privacy risk to children.
- Use collected information to estimate age or age range for any other purpose or retain that personal information longer than necessary to estimate age.[14]

In 2024, the Legislature enacted a law to prohibit children under the age of 14 from creating a social media account.[15] A social media platform must do the following:

- Terminate any account held by an account holder younger than 14 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely younger than 14 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute such termination.
- Allow an account holder younger than 14 years of age to request to terminate the account.
- Allow the confirmed parent or guardian of an account holder younger than 14 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.[16]

[13] *Id.*
[14] Section 501.1735, F.S.
[15] Ch. 2024-42, Laws of Fla.
[16] Section 501.1736, F.S.

A social media platform must prohibit a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder, unless the minor's parent or guardian provides consent for the minor to become an account holder.[17]

A social media platform must do the following:

- Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account. The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
- Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
- Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.[18]

Any knowing or reckless violation of s. 501.1736(2) or (3), F.S., is deemed an unfair and deceptive trade practice, and the department has enforcement authority.[19] In addition to the remedies under the Florida Deceptive and Unfair Trade Practices Act, the department may collect a civil penalty of up to $50,000 per violation and reasonable attorney fees and court costs for a violation by a third party.[20] When the social media platform's failure to comply with the requirements is a consistent pattern of knowing or reckless conduct, punitive damages may be assessed against the social media platform.[21]

A social media platform that knowingly or recklessly violates s. 501.1736(2) or (3), F.S., is liable to the minor account holder, including court costs and reasonable attorney fees as ordered by the court. Claimants may be awarded up to $10,000 in damages. A civil action for a claim must be brought within 1 year from the date the complainant knew, or reasonably should have known, of the alleged violation.[22]

Litigation Status

In October of 2024, the Computer and Communications Industry Association and NetChoice (Association) filed a lawsuit in the U.S. District Court for the Northern District of Florida to challenge Florida's social media law that among other requirements, requires certain social media platforms to prohibit minors under age 14 from becoming an account holder or

[17] *Id.*
[18] Section 501.1736(4), F.S., provides that if a court enjoins the enforcement of this section, then this section should be severed and s. 501.1736(4), F.S., will take effect, which prohibits a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder.
[19] Section 501.1736, F.S.
[20] *Id*.
[21] *Id*.
[22] *Id*.

maintaining an account on such platforms, and in June of 2025, the district court granted the Association's motion for a preliminary injunction.[23] Florida appealed this decision and requested that the Eleventh Circuit "stay" the injunction to allow the law to take effect while the appeal continues.[24] In November of 2025, the Eleventh Circuit granted Florida's motion for a "stay," which allows Florida to enforce the law while the appeal proceeds.[25] The case is currently pending before the Eleventh Circuit.[26]

The Digital Bill of Rights

In 2023, the Legislature passed the "Florida Digital Bill of Rights,"[27] which created a unified scheme to allow Florida's consumers to control the digital flow of their personal information.[28] The "Florida Digital Bill of Rights" gives Florida consumers the right to:

- Confirm and access their personal data;
- Delete, correct, or obtain a copy of that personal data;
- Opt out of the processing of personal data for the purposes of targeted advertising, the sale of personal data, or profiling in furtherance of a decision that produces a legal or similarly significant effect concerning a consumer;
- Opt out of the collection or processing of sensitive data, including precise geolocation data; and
- Opt out of the collection of personal data collected through the operation of a voice recognition or facial recognition feature.

The data privacy provisions of ch. 501, part V, F.S., generally apply to "controllers," businesses that collect Florida consumers' personal data, make in excess of $1 billion in global gross annual revenues, and meet one of the following thresholds:

- Derives 50 percent or more if its global gross annual revenues from the online sale of advertisements, including from providing targeted advertising or the sale of ads online;
- Operates a consumer smart speaker and voice command component service with an integrated virtual assistant connected to a cloud computing service that uses hands-free verbal activation; or
- Operates an app store or digital distribution platform that offers at least 250,000 different software applications for consumers to download and install.

A controller who operates an online search engine is required to make available an up-to date plain language description of the main parameters that are most significant in determining ranking and the relative importance of those main parameters, including the prioritization or deprioritization of political partisanship or political ideology in search results. A controller must also conduct and document a data protection assessment of certain processing activities involving personal data. Additionally, a controller is required to provide consumers with a reasonably accessible and clear privacy notice, updated at least annually.

[23] *CCIA & NetChoice v. Uthmeier*, 2025 WL 1570007 (N.D. Fla. June 3, 2025).
[24] *CCIA & NetChoice v. Uthmeier*, 2025 WL 3458571 (11th Cir. 2025).
[25] *Id.*
[26] *Id*.
[27] *See* ch. 2023-201, Laws of Fla. *See also* part V of ch. 501, F.S.
[28] *Id.*

Additionally, a controller in procession of deidentified data must do the following:

- Take reasonable measures to ensure that the data cannot be associated with an individual.
- Maintain and use the data in deidentified form. A controller may not attempt to reidentify the data, except that the controller may attempt to reidentify the data solely for the purpose of determining whether its deidentification processes satisfy the requirements of s. 501.714, F.S.
- Contractually obligate any recipient of the deidentified data to comply with the Florida Digital Bill of Rights.
- Implement business processes to prevent the inadvertent release of deidentified data.

Section 501.702(13), F.S., defines "deidentified data" as data that cannot reasonably be linked to an identified or identifiable individual or a device linked to that individual.

The Florida Digital Bill of Rights may not be construed to require a controller or processor[29] to do any of the following:

- Reidentify deidentified data or pseudonymous data.
- Maintain data in an identifiable form or obtain, retain, or access any data or technology for the purpose of allowing the controller or processor to associate a consumer request with personal data.
- Comply with an authenticated consumer rights request under s. 501.705, F.S.,[30] if the controller:
    - Is not reasonably capable of associating the request with the personal data or it would be unreasonably burdensome for the controller to associate the request with the personal data;
    - Does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data or associate the personal data with other personal data about the same specific consumer; and
    - Does not sell the personal data to a third party or otherwise voluntarily disclose the personal data to a third party other than a processor, except as otherwise authorized.

Further, a controller that discloses deidentified data must exercise reasonable oversight to monitor compliance with any contractual commitments to which the data or information is subject and must take appropriate steps to address any breach of contractual commitments.[31]

A violation of the "Florida Digital Bill of Rights" is an unfair and deceptive trade practice actionable under ch. 501, part II, F.S., to be enforced by the Department of Legal Affairs (DLA).

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[29] Section 501.702(24), F.S., defines "processor" as a person who processes personal data on behalf of a controller.

[30] Section 501.705, F.S., provides that a consumer is entitled to the following upon request: (1) to confirm whether a controller is processing the consumer's personal data and to access the personal datal (2) to correct inaccuracies in the consumer's personal data, taking into account the nature of the personal data and the purposes of the processing of the consumer's personal data; (3) to delete any or all personal data provided by or obtained about the consumer; (4) to obtain a copy of the consumer's personal data in a portable and, to the extent technically feasible, readily usable format if the data is available in a digital format; (5) to opt out of the processing of the personal data for purposes of targeted advertising, the sale of personal data, or profiling in furtherance of a decision that produces a legal or similarly significant effect concerning a consumer; (6) to opt out of the collection of sensitive data, including precise geolocation data, or the processing of sensitive data; and (7) to opt out of the collection of personal data collected through the operation of a voice recognition or facial recognition feature.

[31] Section 540.714(4), F.S.

The DLA may provide a right to cure a violation of ch. 501, part V, F.S., by providing written notice of the violation and then allowing a 45-day period to cure the alleged violation. The DLA is required to make a report publicly available by February 1 each year on the DLA's website that describes any actions it has undertaken to enforce ch. 501, part V, F.S.

Florida Deceptive and Unfair Trade Practices Act

History and Purpose

The Florida Deceptive and Unfair Trade Practices Act (FDUTPA) became law in 1973.[32] The FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in trade or commerce.[33] The FDUTPA is based on federal law, and s. 501.204(2), F.S., provides that it is the intent of the Legislature that due consideration and great weight must be given to the interpretations of the Federal Trade Commission and the federal courts relating to section 5 of the Federal Trade Commission Act.[34]

The State Attorney or the Department of Legal Affairs may bring actions when it is in the public interest on behalf of consumers or governmental entities.[35] The Office of the State Attorney may enforce violations of the FDUTPA if the violations take place in its jurisdiction.[36] The Department of Legal Affairs has enforcement authority if the violation is multi-jurisdictional, the state attorney defers in writing, or the state attorney fails to act within 90 days after a written complaint is filed.[37] Consumers may also file suit through private actions.[38]

Remedies under the FDUTPA

The Department of Legal Affairs and the State Attorney, as enforcing authorities, may seek the following remedies:

- Declaratory judgments.
- Injunctive relief.
- Actual damages on behalf of consumers and businesses.
- Cease and desist orders.
- Civil penalties of up to $10,000 per willful violation.[39]

Remedies for private parties are limited to the following:

- A declaratory judgment and an injunction where a person is aggrieved by a FDUTPA violation.

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[32] Ch. 73-124, Laws of Fla.; codified at part II of ch. 501, F.S.

[33] *See* s. 501.202, F.S. Trade or commerce means the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated. "Trade or commerce" shall include the conduct of any trade or commerce, however denominated, including any nonprofit or not-for-profit person or activity. *See* s. 501.203(8), F.S.

[34] *See* s 501.204(2), F.S.

[35] *See* ss. 501.203(2), 501.206, and 501.207, F.S.

[36] Section 501.203(2), F.S.

[37] *Id.*

[38] Section 501.211, F.S.

[39] Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Section 501.2075, F.S. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

- Actual damages, attorney fees, and court costs, where a person has suffered a loss due to a FDUTPA violation.[40]

III. Effect of Proposed Changes:

The bill creates s. 501.1733, F.S., to be entitled the "App Store Accountability Act."

Definitions

The bill creates the following definitions:

- "Account holder" means an individual associated with a mobile device.
- "Age category" means one of the following categories of individuals, based on age:
  - A child, which means an individual who is under 13 years of age;
  - A younger teenager, which means an individual who is at least 13 years of age and under 16 years of age;
  - An older teenager, which means an individual who is at least 16 years of age and under 18 years of age; or
  - An adult, which means an individual who is at least 18 years of age.
- "Age category data" means information about an account holder's age category collected by an app store provider and shared with a developer.
- "Age rating" means one or more classifications that assess the suitability of an app's content and functions for different age categories.
- "App" means a software application or electronic service that a user may run or direct on a mobile device. The term includes preinstalled applications.
- "App store" means any publicly available website, software application, or electronic service that allows an account holder to download an app from a third-party developer onto a mobile device.
- "App store provider" means a person that owns, operates, or controls an app store.
- "Content description" means a description of the specific content elements or functions that informed an app's age rating.
- "Department" means the Department of Legal Affairs (DLA).
- "Developer" means a person that owns or controls an app made available through an app store or an app preinstalled onto a mobile device.
- "Knowingly" means to act with actual knowledge or to act with knowledge fairly inferred based on objective circumstances.
- "Minor" means, unless the individual is married or legally emancipated, an individual under 18 years of age.
- "Minor account" means an account with an app store provider, established by an individual who is a minor, which is affiliated with a parent account.
- "Mobile device" means a phone or general-purpose tablet that:
  - Provides cellular or wireless connectivity;
  - Is capable of connecting to the Internet;
  - Runs a mobile operating system; and
  - Is capable of running apps through the mobile operating system.

[40] Section 501.211(1) and (2), F.S.

- "Mobile operating system" means software that:
  - Manages mobile device hardware resources;
  - Provides common services for mobile device programs;
  - Controls memory allocation; and
  - Provides interfaces for apps to access device functionality.
- "Parent" means, with respect to a minor, an individual reasonably believed to be a parent, a legal guardian, an individual with legal custody, or any other individual who has the legal authority to make decisions on behalf of the minor under applicable state law.
- "Parent account" means an account with an app store provider which:
  - Is verified to be established by an individual who the app store provider has determined is at least 18 years of age or married or emancipated through the app store provider's age verification methods; and
  - May be affiliated with one or more minor accounts.
- "Parental consent disclosure" includes the following information:
  - If the app store provider has an age rating for the app or in-app purchase, the app's or in-app purchase's age rating;
  - If the app store provider has a content description for the app or in-app purchase, the app's or in-app purchase's content description;
  - A description of:
    - The personal data collected by the app from an account holder in compliance with, if applicable, part V of ch. 501, F.S.; and
    - The personal data shared by the app and the methods implemented by the developer to protect the personal data, including, if the app meets the definition of a controller under s. 501.702, F.S., the methods implemented by the developer to comply with part V of ch. 501, F.S.; and
  - Whether personal data is collected by the app and the methods implemented by the developer to protect the personal data, and, if the app meets the definition of a controller under s. 501.702, F.S., the methods implemented by the developer to comply with part V of ch. 501, F.S.
- "Preinstalled application" means any app, or portion thereof, which is present on a mobile device at the time of purchase, initial activation, or first use by the consumer, including browsers, search engines, and messaging, but excluding core operating system functions, essential device drivers, and applications necessary for basic device operation such as phone call, settings, and emergency service applications. The term includes apps, or portions thereof, installed or partially installed by the device manufacturer, wireless service provider, retailer, or any other party before purchase, initial activation, or first use by the consumer and which may be updated thereafter.
- "Significant change" means a material modification to an app's terms of service or privacy policy which:
  - Changes the categories of data collected, stored, or shared;
  - Alters the app's age rating or content descriptions; or
  - Introduces in-app purchases where in-app purchases were not previously present or introduces advertisements where advertisements were not previously present in the app.
- "Verifiable parental consent" means authorization that:
  - Is provided by a parent account;

- Is given after the app store provider has clearly and conspicuously provided the parental consent disclosure as part of the app download, purchase, or in-app purchase process; and
- Requires the parent to make an affirmative choice to grant consent or decline consent.

App Store Providers

An app store provider is required to do all of the following:

- At the time an individual located in Florida creates an account with the app store provider, or for existing accounts, by July 1, 2028, request age category information from the individual and verify the individual's age category using:
  - Commercially available methods reasonably designed to ensure accuracy; or
  - An age verification method or process that complies with department rule.
- If the app store provider determines the individual is a minor, require that the account be affiliated with a parent account and obtain verifiable parental consent from the holder of the affiliated parent account each time before allowing the minor to download an app, purchase an app, or make an in-app purchase.
- After receiving notice of a significant change from a developer, notify the account holder of the significant change and, for a minor account, notify the parent account and obtain renewed verifiable parental consent before providing access to the significantly changed version of the app.
- Provide to a developer, in response to a request, age category data for an account holder located in Florida and the status of the verifiable parental consent for a minor located in Florida.
- Provide a mechanism for a parent account to withdraw consent and notify a developer when a parent revokes verifiable parental consent.
- Protect age category data and any associated verification data by:
  - If applicable, complying with s. 501.1735, F.S.;
  - Limiting collection and processing to data necessary for verifying an account holder's age category, obtaining verifiable parental consent, or maintaining compliance records; and
  - Transmitting age category data using industry-standard encryption protocols that ensure data integrity and data confidentiality.
- For preinstalled apps, provide available age category information in response to a request from a developer and take reasonable measures to facilitate verifiable parental consent for use of the app in response to a request from a developer.

An app store provider may not:

- Enforce a contract or terms of service against a minor unless the app store provider has obtained verifiable parental consent;
- Knowingly misrepresent the information in the parental consent disclosure; or
- Share age category data and any associated data except as required by the provisions in the bill or otherwise required by law.

Developers

A developer must:

- Verify through the app store's data-sharing methods the age category data of account holders located in Florida, and for a minor's account, whether verifiable parental consent has been obtained;
- Notify app store providers of significant changes to an app;
- Use age category data received through the app store's data-sharing methods to enforce any developer-created, age related restrictions, safety-related features, or defaults, and to enforce compliance with applicable laws and regulations; and
- Request any age category data or verifiable parental consent at the time an account holder downloads an app, purchases an app, or launches a preinstalled app for the first time; when implementing a significant change to the app; or to comply with applicable law.

A developer may request age category data:
- No more than once during each 12-month period to verify the accuracy of age category data associated with an account holder or the continued account use within an age category;
- When there is reasonable suspicion of an account transfer or misuse outside of the age category; or
- At the time an account holder creates a new account with the developer.

When implementing any developer-created, age-related restrictions, safety-related features, or defaults, a developer must use the lowest age category indicated by age category data received through the app store's data-sharing methods or age data independently collected by the developer.

A developer may not:
- Enforce a contract or terms of service against a minor unless the developer has verified through an app store's data sharing methods that verifiable parental consent has been obtained;
- Knowingly misrepresent any information in the parental consent disclosure; or
- Share age category data with any person.

Enforcement

A minor who has been harmed by a violation of the provisions in the bill, or such minor's parent, may bring a civil action against an app store provider or a developer. In such action, the court must award a prevailing plaintiff:
- The greater of actual damages or $1,000 for each violation;
- Reasonable attorney fees; and
- Litigation costs.

A violation of the provisions in the bill is an unfair and deceptive trade practice actionable under part II of ch. 501, F.S., by the DLA. The DLA may bring an action against an app store provider or a developer to:
- Recover a civil penalty not to exceed $7,500 for each violation;
- Restrain or enjoin the app store provider or developer from violating the provisions in the bill;
- Seek injunctive relief;

- Recover reasonable attorney fees; and
- Recover litigation costs and the costs of investigating the violation.

For the purpose of bringing an action pursuant to the provisions in the bill, ss. 501.211 and 501.212, F.S., do not apply.

Jurisdiction

For purposes of bringing an action pursuant to the provisions in the bill, any person who meets the definition of an app store provider or developer which operates or develops an app store or app likely to be accessed by minors and accessible by minors located in Florida is considered to be both engaged in substantial and not isolated activities within Florida and operating, conducting, engaging in, or carrying on a business and doing business in Florida, and is therefore subject to the jurisdiction of the courts of Florida.

Rules

The DLA is given rulemaking authority.

Safe Harbor

A developer is not liable for a violation of the provisions in the bill if the developer demonstrates that the developer:
- Relied in good faith on applicable age category data received through an app store's data-sharing methods;
- Relied in good faith on notification from an app store provider that verifiable parental consent was obtained if the account holder was a minor; and
- Complied with the requirements in the bill applicable to developers.

In determining an app's age rating and content description for purposes of this bill, a developer is not liable for a violation of the bill if the developer uses widely adopted industry standards to determine the app's age category and content description and applies those standards consistently and in good faith.

This "safe harbor" for developers only applies to actions brought under the provisions in this bill and does not limit a developer's or app store provider's liability under any other applicable law. Additionally, the provisions in the bill does not displace any other available rights or remedies authorized under federal or Florida law.

Construction

The provisions in the bill may not be construed to do any of the following:
- Prevent an app store provider or developer from taking reasonable measures to block, detect, or prevent distribution to minors of unlawful material, obscene material, or other harmful material; block or filter spam; prevent criminal activity; or protect app store or app security.
- Require an app store provider to disclose user information to a developer beyond age category data or status of parental consent.

- Allow an app store provider or developer to implement measures required by the bill in a manner that is arbitrary, capricious, anticompetitive, or unlawful.
- Require an app store provider or developer to obtain verifiable parental consent for an app that:
  - Provides direct access to emergency services, including 911, crisis hotlines, or emergency assistance services, legally available to minors;
  - Limits data collection to information necessary to provide emergency services in compliance with the Children's Online Privacy Protection Act, 15 U.S.C. s. 6501 et seq.;
  - Provides access without requiring account creation or collection of unnecessary personal information; and
  - Is operated by or in partnership with a governmental entity, a nonprofit organization, or an authorized emergency service provider.
- Require a developer to collect, retain, reidentify, or link any information beyond what is necessary to verify age category data as required by this bill, and what is collected, retained, reidentified, or linked in the developer's ordinary course of business.
- Require an app store provider or developer to block access to an application that an account holder has downloaded or installed onto a mobile device before July 1, 2027, except to the extent that a parent account revokes verifiable consent for an affiliated minor account or there has been a significant change to the application.

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

Effective Date

The bill takes effect on July 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The First Amendment to the U.S. Constitution guarantees that "Congress shall make no law ... abridging the freedom of speech."[41] Generally, "government has no power to restrict expression because of its message, its ideas, its subject matter, or its content."[42] The rights guaranteed by the First Amendment apply with equal force to state governments through the due process clause of the Fourteenth Amendment.[43]

In most circumstances, these protections "are no less applicable when government seeks to control the flow of information to minors"[44] as states do not possess "a free-floating power to restrict the ideas to which children may be exposed."[45]

Many of the questions regarding the constitutionality of age verification laws may concern whether such laws are sufficiently narrow to avoid inhibiting more speech than necessary. The degree of tailoring required may vary depending on whether a given law is content-based or content-neutral. In both circumstances, a law's constitutionality depends on several factors, including the:

- Strength of the government's interest.
- Amount of protected speech that the law directly or indirectly restricts.
- Availability of less speech-restrictive alternatives.[46]

Content-neutral regulations on free speech are legitimate if they advance important governmental interests that are not related to suppression of free speech, do so in a way that is substantially related to those interests, and do not substantially burden more speech than necessary to further those interests.[47]

The U.S. Supreme Court regards content-based laws, which limit communication because of the message it conveys, as presumptively unconstitutional.[48] Such a law may be justified only if the government shows that the law is required to promote a compelling state interest and that the least restrictive means have been chosen to further that articulated interest.[49]

In general, the U.S. Supreme Court has held that requiring adults to prove their age to access certain content is an unconstitutional, content-based limit on free speech, when

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[41] U.S. CONST. amend. I.
[42] *Police Dept. of City of Chicago v. Mosley,* 408 U.S. 92, 95 (1972).
[43] U.S. CONST. amend. XIV; *see also* FLA. CONST., art. I.
[44] *Erznoznik v. City of Jacksonville,* 422 U.S. 205, 214 (1975).
[45] *Brown v. Ent. Merchants Ass'n,* 564 U.S. 786, 794 (2011).
[46] Eric N. Holmes, Congressional Research Service, *Online Age Verification (Part III): Select Constitutional Issues* (CRS Report No. LSB11022, August 17, 2023), available at https://crsreports.congress.gov/product/pdf/LSB/LSB11022.
[47] *Turner Broadcasting System, Inc. v. F.C.C.,* 520 U.S. 180,189 (U.S. 1997).
[48] *Reed v. Town of Gilbert,* 576 U.S. 155, 163 (2015).
[49] *Sable Commc's of California, Inc. vs. F.C.C.,* 492 U.S. 115, 126 (1989).

there are less restrictive means to curb access to minors, such as filters and parental controls.[50]

According to Justice O'Connor's *Reno* dissent, because technology was insufficient for ensuring that minors could be excluded while still providing adults full access to protected content, the age verification provision was viewed as ultimately unconstitutional; however, she contemplated the possibility that future technological advances may allow for a constitutionally sound age verification law.[51]

In June of 2025, the U.S. Supreme Court upheld a Texas law that requires commercial pornography websites to verify the age of their users.[52] The court applied intermediate scrutiny and upheld the law as constitutional because it merely imposes an incidental burden on adults' protected speech while serving the state's important interest in shielding children from harmful content.[53]

Experts assert that age verification systems have progressed considerably from a generation ago when the U.S. Supreme Court held that age verification methods often failed and were too burdensome for law-abiding adults.[54] Currently, there are numerous minimally invasive verification techniques that do not require sharing any age verification information at all with social media platforms.[55]

Additionally, in determining whether laws requiring age verification to access social media platforms unconstitutionally restrict free speech, courts have found that even if "the state has the power to enforce parental prohibitions it does not follow that the state has the power to prevent children from hearing or saying anything without their parents' prior consent."[56] Moreover:

> [A]ge-verification requirements are more restrictive than policies enabling or encouraging users (or their parents) to control their own access to information, whether through user-installed devices and filters or affirmative requests to third-party companies. "Filters impose selective restrictions on speech at the receiving end, not universal restrictions at the source." And "[u]nder a filtering regime, adults ... may gain access to speech

[50] *Reno v. Am. C. L. Union,* 521 U.S. 844, 874 (1997); *Ashcroft v. American Civil Liberties Union,* 542 U.S. 656, 666 (2004); Ronald Kahn, *Reno v. American Civil Liberties Union (1997),* Free Speech Center at Middle Tennessee State University, Dec. 15, 2023, https://firstamendment.mtsu.edu/article/reno-v-american-civil-liberties-union/.
[51] *Reno,* 521 U.S. at 886-91 (O'Connor concurring in part and dissenting in part). The court also considered overbreadth and vagueness arguments, and determined that the Communications Decency Act of 1996 was too broad and vague. *Id.* at 883-84.
[52] *Free Speech Coalition, Inc. v. Paxton*, 606 U.S. 461 (2025).
[53] *Id. See also Computer & Communications Industry Association v. Uthmeier*, 95 F.4th 1022 (11th Cir. 2025), where the U.S. Court of Appeals for the Eleventh Circuit stayed the district court's preliminary injunction, and thus Florida's law that prohibits minors under 14 from having social media accounts and requires parental consent for 14- and 15-year-olds can be enforced while the appeal proceeds.
[54] Broadband Breakfast, *Improved Age Verification Allows States to Consider Restricting Social Media,* Nov. 20, 2023, https://broadbandbreakfast.com/2023/11/improved-age-verification-allows-states-to-consider-restricting-social-media/; *Reno,* 521 U.S. at 886 (1997); *Ashcroft,* 542 U.S. at 666.
[55] The Federalist Society, *Age Verification for Social Media: A Constitutional and Reasonable Regulation,* Aug. 7, 2023, https://fedsoc.org/commentary/fedsoc-blog/age-verification-for-social-media-a-constitutional-and-reasonable-regulation.
[56] *NetChoice, LLC v. Yost,* 2024 WL 104336, *8 (S.D. Ohio Jan. 9, 2024) (internal citations and quotations omitted).

> they have a right to see without having to identify themselves[.]" Similarly, the State could always "act to encourage the use of filters ... by parents" to protect minors.[57]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

App store providers and developers will be required to adhere to the provisions in the bill.

C. Government Sector Impact:

The DLA will be required to establish rules to implement and enforce the provisions in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

If in enforcing the bill's provisions, the Department of Legal Affairs might come into possession of information that should be exempt from a public records request, a separate bill creating the exemption would be needed.

VIII. Statutes Affected:

This bill creates section 501.1733 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.

[57] *NetChoice, LLC v. Griffin,* 2023 WL 5660155, *21 (W.D. Ark. Aug. 31, 2023) (internal citations omitted).

By Senator Calatayud

38-01471-26 20261722__

A bill to be entitled

An act relating to application stores; providing a short title; creating s. 501.1733, F.S.; defining terms; requiring an app store provider to take certain steps to verify the ages of individuals who create or who have existing accounts with the app store provider; providing parental consent requirements for accounts created or held by minors; providing notification and consent requirements for apps that have been significantly changed; requiring the app store provider to provide age category data and parental consent information to developers upon request; requiring app store providers to take certain steps to protect specified personal information; prohibiting app store providers from enforcing contracts or terms of service against a minor under certain circumstances, knowingly misrepresenting certain information, or sharing age category data; requiring developers to take certain steps to verify age information and to comply with certain measures; providing limits on and requirements for developers requesting age data; prohibiting developers from enforcing contracts or terms of service against a minor under certain circumstances, knowingly misrepresenting certain information, or sharing age category data; authorizing minors, or the parents of minors, to bring civil actions against app store providers or developers for violations of the act; authorizing courts to award prevailing plaintiffs with

38-01471-26 20261722__

specified damages, fees, and costs; providing that a violation of this act is an unfair and deceptive trade practice; authorizing the Department of Legal Affairs to bring an action against app store providers and developers; providing jurisdiction; requiring the department to adopt specified rules; providing applicability; providing construction; providing for severability; providing an effective date.

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

Section 1. This act may be cited as the "App Store Accountability Act."

Section 2. Section 501.1733, Florida Statutes, is created to read:

501.1733 Application stores.—

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

(a) "Account holder" means an individual associated with a mobile device.

(b) "Age category" means one of the following categories of individuals, based on age:

1. A child, which means an individual who is under 13 years of age;

2. A younger teenager, which means an individual who is at least 13 years of age and under 16 years of age;

3. An older teenager, which means an individual who is at least 16 years of age and under 18 years of age; or

4. An adult, which means an individual who is at least 18 years of age.

(c) "Age category data" means information about an account holder's age category collected by an app store provider and shared with a developer.

(d) "Age rating" means one or more classifications that assess the suitability of an app's content and functions for different age categories.

(e) "App" means a software application or electronic service that a user may run or direct on a mobile device. The term includes preinstalled applications.

(f) "App store" means any publicly available website, software application, or electronic service that allows an account holder to download an app from a third-party developer onto a mobile device.

(g) "App store provider" means a person that owns, operates, or controls an app store.

(h) "Content description" means a description of the specific content elements or functions that informed an app's age rating.

(i) "Department" means the Department of Legal Affairs.

(j) "Developer" means a person that owns or controls an app made available through an app store or an app preinstalled onto a mobile device.

(k) "Knowingly" mean to act with actual knowledge or to act with knowledge fairly inferred based on objective circumstances.

(l) "Minor" means, unless the individual is married or legally emancipated, an individual under 18 years of age.

(m) "Minor account" means an account with an app store provider, established by an individual who is a minor, which is affiliated with a parent account.

(n) "Mobile device" means a phone or general-purpose tablet that:

1. Provides cellular or wireless connectivity;

2. Is capable of connecting to the Internet;

3. Runs a mobile operating system; and

4. Is capable of running apps through the mobile operating system.

(o) "Mobile operating system" means software that:

1. Manages mobile device hardware resources;

2. Provides common services for mobile device programs;

3. Controls memory allocation; and

4. Provides interfaces for apps to access device functionality.

(p) "Parent" means, with respect to a minor, an individual reasonably believed to be a parent, a legal guardian, an individual with legal custody, or any other individual who has the legal authority to make decisions on behalf of the minor under applicable state law.

(q) "Parent account" means an account with an app store provider which:

1. Is verified to be established by an individual who the app store provider has determined is at least 18 years of age or married or emancipated through the app store provider's age verification methods; and

2. May be affiliated with one or more minor accounts.

(r) "Parental consent disclosure" includes the following information:

1. If the app store provider has an age rating for the app or in-app purchase, the app's or in-app purchase's age rating;

2. If the app store provider has a content description for the app or in-app purchase, the app's or in-app purchase's content description;

3. A description of:

a. The personal data collected by the app from an account holder in compliance with, if applicable, part V of this chapter; and

b. The personal data shared by the app and the methods implemented by the developer to protect the personal data, including, if the app meets the definition of a controller under s. 501.702, the methods implemented by the developer to comply with part V of this chapter; and

4. Whether personal data is collected by the app and the methods implemented by the developer to protect the personal data, and, if the app meets the definition of a controller under s. 501.702, the methods implemented by the developer to comply with part V of this chapter.

(s) "Preinstalled application" means any app, or portion thereof, which is present on a mobile device at the time of purchase, initial activation, or first use by the consumer, including browsers, search engines, and messaging, but excluding core operating system functions, essential device drivers, and applications necessary for basic device operation such as phone call, settings, and emergency service applications. The term includes apps, or portions thereof, installed or partially installed by the device manufacturer, wireless service provider, retailer, or any other party before purchase, initial activation, or first use by the consumer and which may be updated thereafter.

(t) "Significant change" means a material modification to an app's terms of service or privacy policy which:

1. Changes the categories of data collected, stored, or shared;

2. Alters the app's age rating or content descriptions; or

3. Introduces in-app purchases where in-app purchases were not previously present or introduces advertisements where advertisements were not previously present in the app.

(u) "Verifiable parental consent" means authorization that:

1. Is provided by a parent account;

2. Is given after the app store provider has clearly and conspicuously provided the parental consent disclosure as part of the app download, purchase, or in-app purchase process; and

3. Requires the parent to make an affirmative choice to grant consent or decline consent.

(2) APP STORE PROVIDERS.—

(a) An app store provider shall do all of the following:

1. At the time an individual located in this state creates an account with the app store provider, or for existing accounts, by July 1, 2028, request age category information from the individual and verify the individual's age category using:

a. Commercially available methods reasonably designed to ensure accuracy; or

b. An age verification method or process that complies with department rule.

2. If the app store provider determines the individual is a minor, require that the account be affiliated with a parent account and obtain verifiable parental consent from the holder of the affiliated parent account each time before allowing the

minor to download an app, purchase an app, or make an in-app purchase.

3. After receiving notice of a significant change from a developer, notify the account holder of the significant change and, for a minor account, notify the parent account and obtain renewed verifiable parental consent before providing access to the significantly changed version of the app.

4. Provide to a developer, in response to a request authorized under subsection (3), age category data for an account holder located in this state and the status of verifiable parental consent for a minor located in this state.

5. Provide a mechanism for a parent account to withdraw consent and notify a developer when a parent revokes verifiable parental consent.

6. Protect age category data and any associated verification data by:

a. If applicable, complying with s. 501.1735;

b. Limiting collection and processing to data necessary for verifying an account holder's age category, obtaining verifiable parental consent, or maintaining compliance records; and

c. Transmitting age category data using industry-standard encryption protocols that ensure data integrity and data confidentiality.

7. For preinstalled apps, provide available age category information in response to a request from a developer and take reasonable measures to facilitate verifiable parental consent for use of the app in response to a request from a developer.

(b) An app store provider may not:

1. Enforce a contract or terms of service against a minor

unless the app store provider has obtained verifiable parental consent;

2. Knowingly misrepresent the information in the parental consent disclosure; or

3. Share age category data and any associated data except as required by this section or otherwise required by law.

(3) DEVELOPERS.—

(a) A developer shall:

1. Verify through the app store's data-sharing methods the age category data of account holders located in this state, and for a minor's account, whether verifiable parental consent has been obtained;

2. Notify app store providers of significant changes to an app;

3. Use age category data received through the app store's data-sharing methods to enforce any developer-created, age-related restrictions, safety-related features, or defaults, and to enforce compliance with applicable laws and regulations; and

4. Request any age category data or verifiable parental consent at the time an account holder downloads an app, purchases an app, or launches a preinstalled app for the first time; when implementing a significant change to the app; or to comply with applicable law.

(b) A developer may request age category data:

1. No more than once during each 12-month period to verify the accuracy of age category data associated with an account holder or the continued account use within an age category listed in paragraph (1)(b);

2. When there is reasonable suspicion of an account

transfer or misuse outside of the age category; or

3. At the time an account holder creates a new account with the developer.

(c) When implementing any developer-created, age-related restrictions, safety-related features, or defaults, a developer must use the lowest age category listed in paragraph (1)(b) indicated by age category data received through the app store's data-sharing methods or age data independently collected by the developer.

(d) A developer may not:

1. Enforce a contract or terms of service against a minor unless the developer has verified through an app store's data-sharing methods that verifiable parental consent has been obtained;

2. Knowingly misrepresent any information in the parental consent disclosure; or

3. Share age category data with any person.

(4) ENFORCEMENT.—

(a) A minor who has been harmed by a violation of this section, or such minor's parent, may bring a civil action against an app store provider or a developer. In such action, the court shall award a prevailing plaintiff:

1. The greater of actual damages or $1,000 for each violation;

2. Punitive damages if the violation was egregious;

3. Reasonable attorney fees; and

4. Litigation costs.

(b) A violation of this section is an unfair and deceptive trade practice actionable under part II of this chapter by the

department. The department may bring an action against an app store provider or a developer to:

1. Recover a civil penalty not to exceed $7,500 for each violation;

2. Restrain or enjoin the app store provider or developer from violating this section;

3. Seek injunctive relief;

4. Recover reasonable attorney fees; and

5. Recover litigation costs and the costs of investigating the violation.

(c) For the purpose of bringing an action pursuant to this section, ss. 501.211 and 501.212 do not apply.

(5) JURISDICTION.—For purposes of bringing an action pursuant to this section, any person who meets the definition of an app store provider or developer which operates or develops an app store or app likely to be accessed by minors and accessible by minors located in this state is considered to be both engaged in substantial and not isolated activities within this state and operating, conducting, engaging in, or carrying on a business and doing business in this state, and is therefore subject to the jurisdiction of the courts of this state.

(6) RULES.—The department shall adopt rules to establish definite processes and means by which an app store provider may verify an account holder's age category in accordance with this section.

(7) SAFE HARBOR; APPLICABILITY.—

(a) A developer is not liable for a violation of this section if the developer demonstrates that the developer:

1. Relied in good faith on applicable age category data

received through an app store's data-sharing methods;

2. Relied in good faith on notification from an app store provider that verifiable parental consent was obtained if the account holder was a minor; and

3. Complied with the requirements of subsection (3).

(b) In determining an app's age rating and content description for purposes of this section, a developer is not liable for a violation of this section if the developer uses widely adopted industry standards to determine the app's age category and content description and applies those standards consistently and in good faith.

(c) This subsection applies only to actions brought under this section and does not limit a developer's or app store provider's liability under any other applicable law.

(d) This section does not displace any other available rights or remedies authorized under federal or Florida law.

(8) CONSTRUCTION.—This act may not be construed to do any of the following:

(a) Prevent an app store provider or developer from taking reasonable measures to block, detect, or prevent distribution to minors of unlawful material, obscene material, or other harmful material; block or filter spam; prevent criminal activity; or protect app store or app security.

(b) Require an app store provider to disclose user information to a developer beyond age category data or status of parental consent.

(c) Allow an app store provider or developer to implement measures required by this section in a manner that is arbitrary, capricious, anticompetitive, or unlawful.

(d) Require an app store provider or developer to obtain verifiable parental consent for an app that:

1. Provides direct access to emergency services, including 911, crisis hotlines, or emergency assistance services, legally available to minors;

2. Limits data collection to information necessary to provide emergency services in compliance with the Children's Online Privacy Protection Act, 15 U.S.C. s. 6501 et seq.;

3. Provides access without requiring account creation or collection of unnecessary personal information; and

4. Is operated by or in partnership with a governmental entity, a nonprofit organization, or an authorized emergency service provider.

(e) Require a developer to collect, retain, reidentify, or link any information beyond what is necessary to verify age category data as required by this section, and what is collected, retained, reidentified, or linked in the developer's ordinary course of business.

(f) Require an app store provider or developer to block access to an application that an account holder has downloaded or installed onto a mobile device before July 1, 2027, except to the extent that a parent account revokes verifiable consent for an affiliated minor account or there has been a significant change to the application.

Section 3. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are

severable.

Section 4. This act shall take effect July 1, 2027.

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

2345

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Charles T. Faircloth, Jr.

is duly appointed a member of the

Reemployment Assistance Appeals Commission

for a term beginning on the Twenty-Fourth day of October, A.D., 2025, until the Thirtieth day of June, A.D., 2029 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Sixth day of November, A.D., 2025.

Secretary of State

DSDE 99 (3/03)

RON DESANTIS
GOVERNOR

October 24, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 443.012, Florida Statutes:

Mr. Charles Faircloth Jr.
2213 Killarney Way
Tallahassee, Florida 32309

as a member of the Reemployment Assistance Appeals Commission, subject to confirmation by the Senate. This appointment is effective October 24, 2025, for a term ending June 30, 2029.

Sincerely,

Ron DeSantis
Governor

RD/kf

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

HAND DELIVERED

RECEIVED
DEPARTMENT OF STATE
2025 NOV -5 AM 11:1
DIVISION OF ELECTIONS
TALLAHASSEE, FL

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Chairman, Reemployment Assistance Appeals Commission

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature Charles T. Faircloth, Jr.

Sworn to and subscribed before me by means of physical presence ☑ *OR online notarization* ☐
this 5th *day of* November, 2025.

Kady L. Coukoulis

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath– see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affiant is personally known to me.

KADY LOUISE COUKOULIS
NOTARY PUBLIC
MY COMMISSION EXPIRES 6-26-2026
STATE OF FLORIDA
COMMISSION NUMBER HH 261598

Personally Known ☑ *OR Produced Identification* ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ■

1211 Governor's Square Blvd., Suite 300
Street or Post Office Box

Tallahassee, Florida 32301
City, State, Zip Code

Charles T. Faircloth, Jr.
Print Name

Charles T. Faircloth, Jr.
Signature

DS-DE 56 (Rev. 07/25)

2330

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

David Woods

is duly appointed a member of the

Board of Supervisors,
Central Florida Tourism Oversight District

for a term beginning on the Twelfth day of January, A.D., 2026, until the Twenty-Sixth day of February, A.D., 2029 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Sixteenth day of January, A.D., 2026.

Secretary of State

DSDE 99 (3/03)

RON DESANTIS
GOVERNOR

January 12, 2026

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Chapter 2023-5, Laws of Florida:

Mr. David Woods
526 Jennie Jewel Drive
Orlando, Florida 32806

as a member of the Central Florida Tourism Oversight District, succeeding Bridget Ziegler, subject to confirmation by the Senate. This appointment is effective January 12, 2026, for a term ending February 26, 2029.

Sincerely,

Ron DeSantis
Governor

RD/ch

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

RECEIVED

2026 JAN 15 AM 10:05

DIVISION OF ELECTIONS
TALLAHASSEE, FL

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of ORANGE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board Member of the Central Florida Tourism Oversight District

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature _____

Sworn to and subscribed before me by means of physical presence ☑ *OR online notarization* ☐
this 14th *day of* January, 2026.

_____
Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath– see § 92.50, Florida Statutes.)

_____
Print Name

_____
Title

_____
Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

Notary Public State of Florida
Wanda L Penland
My Commission
HH 262068
Exp. 7/30/2026

Personally Known ☑ *OR Produced Identification* ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☑ Office ☐

526 Jennie Jewel Drive
Street or Post Office Box

Orlando, FL 32806
City, State, Zip Code

David R. Woods
Print Name

Signature

2330

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Thomas Matthew Ravenscroft

is duly appointed a member of the

Board of Supervisors,
Central Florida Tourism Oversight District

for a term beginning on the Twelfth day of January, A.D., 2026, until the Twenty-Sixth day of February, A.D., 2027 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Sixteenth day of January, A.D., 2026.

Secretary of State

DSDE 99 (3/03)

RON DESANTIS
GOVERNOR

January 12, 2026

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Chapter 2023-5, Laws of Florida:

Mr. Matt Ravenscroft
1600 Alden Road
Apartment 622
Orlando, Florida 32803

as a member of the Central Florida Tourism Oversight District, filling a vacant seat previously occupied by Brian Aungst, subject to confirmation by the Senate. This appointment is effective January 12, 2026, for a term ending February 26, 2027.

Sincerely,

Ron DeSantis
Governor

RD/ch

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of Orange

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Central Florida Tourism Oversight District Board of Supervisors

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature _____

Sworn to and subscribed before me by means of physical presence ☑ *OR online notarization* ☐
this 14 *day of* January, 2026

_____

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath– see § 92.50, Florida Statutes.)

_____
Print Name

_____
Title

_____
Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

SIRIA Y TORRES CRUZ
Notary Public - State of Florida
Commission # HH 742006
My Comm. Expires Nov 17, 2029
Bonded through National Notary Assn.

Personally Known ☑ *OR Produced Identification* ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☑ Office ☐

1600 Alden Rd, Apt 622
Street or Post Office Box

Orlando, FL 32803
City, State, Zip Code

Thomas Matthew Ravenscroft
Print Name

_____
Signature