

<b>Tab 1</b>	<b>SB 2</b> by <b>Jones</b> ; Identical to H 06501 Relief of the Estate of Danielle Maudsley by the Department of Highway Safety and Motor Vehicles					
<b>Tab 2</b>	<b>SB 6</b> by <b>Calatayud</b> ; Identical to H 06507 Relief of L.E. by the Department of Children and Families					
<b>Tab 3</b>	<b>SB 18</b> by <b>Martin</b> ; Similar to CS/H 06531 Relief of the Estate of M.N. by the Broward County Sheriff's Office					
791180	A	S	RCS	JU, Martin	Delete L.171 - 174.	02/03 03:49 PM
<b>Tab 4</b>	<b>SB 26</b> by <b>McClain (CO-INTRODUCERS) Massullo</b> ; Identical to H 06509 Relief of the Estate of Mark LaGatta by the Department of Transportation					
<b>Tab 5</b>	<b>SB 28</b> by <b>Rouson</b> ; Identical to H 06525 Relief of Reginald Jackson by the City of Lakeland					
<b>Tab 6</b>	<b>CS/SB 50</b> by <b>CJ, Gaetz</b> ; Similar to CS/CS/H 00199 Veterans Affairs					
<b>Tab 7</b>	<b>CS/SB 178</b> by <b>ED, Jones</b> ; Identical to H 01253 Athletics in Public K-12 Schools					
611846	D	S	RCS	JU, Jones	Delete everything after	02/03 03:55 PM
<b>Tab 8</b>	<b>SB 326</b> by <b>Burgess</b> ; Similar to CS/H 00131 Curators of Estates					
908348	A	S	RCS	JU, Burgess	Delete L.40 - 70:	02/03 03:57 PM
<b>Tab 9</b>	<b>CS/SB 538</b> by <b>ED, Simon</b> ; Extracurricular Activities					
279886	A	S	RS	JU, Simon	btw L.131 - 132:	02/03 03:59 PM
577210	SA	S	RCS	JU, Simon	btw L.131 - 132:	02/03 03:59 PM
195182	A	S	RCS	JU, Gaetz	Delete L.445 - 449:	02/03 03:59 PM
883752	A	S	RCS	JU, Simon	Delete L.522 - 530:	02/03 03:59 PM
179458	A	S	RCS	JU, Simon	Delete L.597 - 611:	02/03 03:59 PM
<b>Tab 10</b>	<b>SB 786</b> by <b>Berman</b> ; Identical to H 00895 Trusts					
257312	A	S	RCS	JU, Berman	Delete L.26 - 31:	02/03 04:00 PM
<b>Tab 11</b>	<b>SB 1004</b> by <b>Gaetz (CO-INTRODUCERS) Arrington</b> ; Compare to H 01521 Sale of Dogs and Cats					
<b>Tab 12</b>	<b>SB 1096</b> by <b>Burgess</b> ; Compare to CS/H 01407 Remedies for Violations of the Florida Civil Rights Act					
<b>Tab 13</b>	<b>CS/SB 1178</b> by <b>EE, Grall (CO-INTRODUCERS) Avila</b> ; Similar to CS/CS/H 00905 Foreign Influence					
<del>730916</del>	A	S	WD	JU, Grall	Delete L.303:	02/03 07:53 AM
<b>Tab 14</b>	<b>SB 1366</b> by <b>Brodeur (CO-INTRODUCERS) Rouson</b> ; Compare to H 00145 Claims Against the Government					
<b>Tab 15</b>	<b>SB 1632</b> by <b>Grall</b> ; Similar to H 01471 Ideologies Inconsistent with American Principles					
507972	A	S	RCS	JU, Grall	Delete L.260 - 389:	02/03 03:43 PM

<b>Tab 16</b>	<b>SB 1634 by Grall; Similar to H 01473 Public Records and Meetings/Chief of Domestic Security</b>						
971922	A	S	RCS	JU, Grall	Delete L.18 - 63:	02/03 04:05 PM	

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**JUDICIARY**  
**Senator Yarborough, Chair**  
**Senator Burton, Vice Chair**

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

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 2</b> Jones (Identical H 6501)	Relief of the Estate of Danielle Maudsley by the Department of Highway Safety and Motor Vehicles; Providing for the relief of the Estate of Danielle Maudsley; providing an appropriation to compensate the estate for Ms. Maudsley's death as a result of the alleged negligence of Trooper Daniel Cole and the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles; providing a limitation on the payment of compensation and attorney fees, etc.  SM JU      02/03/2026 Favorable ATD AP	Favorable Yeas 11 Nays 0
2	<b>SB 6</b> Calatayud (Identical H 6507)	Relief of L.E. by the Department of Children and Families; Providing for the relief of L.E. by the Department of Children and Families; providing an appropriation to compensate L.E. for injuries and damages sustained as a result of the negligence of the department; providing a limitation on compensation and the payment of attorney fees, etc.  SM JU      02/03/2026 Favorable AHS AP	Favorable Yeas 11 Nays 0
3	<b>SB 18</b> Martin (Similar CS/H 6531)	Relief of the Estate of M.N. by the Broward County Sheriff's Office; Providing for the relief of the Estate of M.N. by the Broward County Sheriff's Office; providing an appropriation to compensate the estate for injuries sustained by M.N. and her subsequent death as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on compensation and the payment of attorney fees, etc.  SM JU      02/03/2026 Fav/CS CA RC	Fav/CS Yeas 10 Nays 1

**COMMITTEE MEETING EXPANDED AGENDA**

Judiciary

Tuesday, February 3, 2026, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 26</b> McClain (Identical H 6509)	Relief of the Estate of Mark LaGatta by the Department of Transportation; Providing for the relief of the Estate of Mark LaGatta; providing an appropriation to compensate the estate for injuries and damages sustained by Mr. LaGatta as a result of the negligence of the Department of Transportation; providing a limitation on compensation and the payment of attorney fees, etc.  SM JU 02/03/2026 Favorable ATD AP	Favorable Yeas 11 Nays 0
5	<b>SB 28</b> Rouson (Identical H 6525)	Relief of Reginald Jackson by the City of Lakeland; Providing for the relief of Reginald Jackson by the City of Lakeland; providing an appropriation to compensate Mr. Jackson for injuries and damages sustained as a result of the negligence of Mike Cochran, a police officer with the Lakeland Police Department; providing a limitation on the payment of compensation and attorney fees, etc.  SM JU 02/03/2026 Favorable CA RC	Favorable Yeas 11 Nays 0
6	<b>CS/SB 50</b> Criminal Justice / Gaetz (Similar CS/CS/H 199)	Veterans Affairs; Revising the admissions process for veterans treatment court programs; authorizing the multidisciplinary team to determine eligibility for veterans treatment court programs; authorizing sentencing courts to divert defendants to veterans treatment court programs under certain circumstances; requiring that a defendant's satisfactory completion of the program be a condition of the defendant's probation or community control, etc.  CJ 01/12/2026 Fav/CS JU 02/03/2026 Favorable RC	Favorable Yeas 11 Nays 0
7	<b>CS/SB 178</b> Education Pre-K - 12 / Jones (Identical H 1253)	Athletics in Public K-12 Schools; Requiring the Florida High School Athletic Association to adopt bylaws authorizing a coach to support the welfare of a student by using personal funds to provide certain effects to the student; requiring the coach to report such use of personal funds to the association; providing that such use of personal funds is presumed not to be an impermissible benefit, etc.  ED 01/20/2026 Fav/CS JU 02/03/2026 Fav/CS RC	Fav/CS Yeas 10 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

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Tuesday, February 3, 2026, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 326</b> Burgess (Similar CS/H 131)	Curators of Estates; Revising the requirements for a court to appoint a curator of estates; providing authority and duties of a curator; requiring a curator to post a reasonable bond, determined by the court; requiring a curator to file periodic reports with the court, etc.  JU 02/03/2026 Fav/CS BI RC	Fav/CS Yeas 11 Nays 0
9	<b>CS/SB 538</b> Education Pre-K - 12 / Simon	Extracurricular Activities; Revising eligibility requirements for a student to participate in an interscholastic or intrascholastic extracurricular activity; deleting requirements for the Florida High School Athletic Association to facilitate a program for private school students to participate in an interscholastic or intrascholastic sport; prohibiting a school from imposing additional fees on a student who wishes to participate in extracurricular activities; providing indemnity for a school and district school board under specified circumstances, etc.  ED 01/20/2026 Fav/CS JU 02/03/2026 Fav/CS RC	Fav/CS Yeas 11 Nays 0
10	<b>SB 786</b> Berman (Identical H 895)	Trusts; Authorizing a trustee to obtain a settlement of his or her accounts and be discharged under certain circumstances; requiring a trustee seeking settlement and discharge to send a trust disclosure document to specified persons; providing that a trustee is discharged upon completion of distributions or transfers if no timely written objections are received and is discharged from all liability and claims arising out of any matter disclosed in the trust disclosure document, etc.  JU 02/03/2026 Fav/CS BI RC	Fav/CS Yeas 11 Nays 0
11	<b>SB 1004</b> Gaetz (Compare H 1521, S 1356)	Sale of Dogs and Cats; Requiring that if a pet sale is terminated for certain reasons, the financing agreement must be terminated without certain costs; requiring that all financial terms be disclosed to the consumer before the sale of the animal; requiring a pet dealer to provide copies of specified medical records to a consumer; providing that violations constitute an unfair method of competition or an unfair or deceptive act or practice in violation of specified provisions and subject to penalties, etc.  CM 01/21/2026 Favorable JU 02/03/2026 Favorable RC	Favorable Yeas 11 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Judiciary

Tuesday, February 3, 2026, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	<b>SB 1096</b> Burgess (Compare CS/H 1407)	Remedies for Violations of the Florida Civil Rights Act; Revising the timeframe when a civil action may be brought for violations of the act; providing that if the Florida Commission on Human Relations or the Equal Employment Opportunity Commission does not make a determination within a specified timeframe, the complainant may bring a civil action within a specified timeframe, etc.	Favorable Yeas 11 Nays 0
		JU 02/03/2026 Favorable GO RC	
13	<b>CS/SB 1178</b> Ethics and Elections / Grall (Similar CS/CS/H 905)	Foreign Influence; Citing this act as the “Foreign Interference Restriction and Enforcement Act”; requiring agents of foreign countries of concern and foreign-supported political organizations to register with the Division of Elections; requiring periodic updates by such agents and organizations; defining the terms “designated foreign terrorist organization” and “foreign country of concern”; prohibiting a governmental entity from entering into certain contracts with certain entities owned or partially owned by foreign sources of concern or affiliated with a foreign country of concern, etc.	Favorable Yeas 11 Nays 0
		EE 01/28/2026 Fav/CS JU 02/03/2026 Favorable AP	
14	<b>SB 1366</b> Brodeur (Compare H 145)	Claims Against the Government; Increasing the statutory limits on the liability of the state and its agencies and subdivisions for tort claims; requiring the Department of Financial Services, beginning on a specified date and every 5 years thereafter, to adjust the limitations of liability for claims; limiting attorney fees based on the amount of funds recovered; authorizing the Legislature to limit attorney fee awards in a claim bill or reserve any portion of the proceeds of a claim bill to the claimant, etc.	Favorable Yeas 11 Nays 0
		JU 02/03/2026 Favorable AP RC	

**COMMITTEE MEETING EXPANDED AGENDA**

Judiciary

Tuesday, February 3, 2026, 1:00—3:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	<b>SB 1632</b> Grall (Similar H 1471, Compare H 1473, Linked S 1634)	Ideologies Inconsistent with American Principles; Prohibiting the application of certain law in adjudicatory proceedings in a manner that violates a constitutional right; defining the term “domestic terrorist organization”; providing that a person who knowingly provides or attempts or conspires to provide material support or resources to a domestic terrorist organization commits a specified felony; providing that a person who willfully becomes a member of a domestic terrorist organization and serves under the direction or control of such organization with a specified intent commits a specified felony; authorizing the Chief of Domestic Security to designate an organization a foreign terrorist organization or a domestic terrorist organization if certain criteria are met, etc.  JU 02/03/2026 Fav/CS ACJ FP	Fav/CS Yeas 8 Nays 3
16	<b>SB 1634</b> Grall (Similar H 1473, Compare H 1471, Linked S 1632)	Public Records and Meetings/Chief of Domestic Security; Providing an exemption from public records requirements for certain information held by the Chief of Domestic Security and any information in a certain notification which would reveal information critical to state or national security; providing an exemption from public meetings requirements for portions of meetings which would reveal such exempt information; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.  JU 02/03/2026 Fav/CS ACJ FP	Fav/CS Yeas 7 Nays 4

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Other Related Meeting Documents

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**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

**Location**  
409 The Capitol

**Mailing Address**  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5229

DATE	COMM	ACTION
1/29/2026	SM	Favorable
2/3/2026	JU	Favorable
	ATD	
	AP	

January 29, 2026

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

Re: **SB 2** – Senator Jones  
**HB 6501** – Representative Harris  
Relief of the Estate of Danielle Maudsley by the Department of Highway  
Safety and Motor Vehicles

**SPECIAL MASTER'S FINAL REPORT**

THIS IS AN UNCONTESTED CLAIM FOR \$1,750,000 PAYABLE FROM THE GENERAL REVENUE FUND OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES. THIS AMOUNT IS THE UNPAID BALANCE OF A SETTLEMENT AGREEMENT BETWEEN THE ESTATE OF DANIELLE MAUDSLEY AND THE FLORIDA HIGHWAY PATROL AND TROOPER DANIEL COLE. THE SETTLEMENT RESOLVED A CIVIL ACTION ARISING FROM THE ALLEGED NEGLIGENT USE OF AN ELECTRONIC CONTROL DEVICE THAT CAUSED THE DEATH OF DANIELLE MAUDSLEY.

UPDATE TO PRIOR REPORT: On October 13, 2015, Ms. Sandra Stovall, serving as Senate special master, held a *de novo* hearing on a previous version of this bill, SB 64 (2016). After the hearing, Ms. Stovall issued a report containing findings of fact and conclusions of law and found the requested amount of \$1,750,000 was

reasonable. That report is attached as an addendum to this report.

Since that time, the claim bill has been reassigned to the undersigned to review records and determine whether any changes have occurred since the hearing that, if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

According to information received, no such changes have occurred since the 2015 hearing.

Respectfully submitted,

Kurt Schrader  
Senate Special Master

cc: Secretary of the Senate



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

**Location**  
515 Knott Building

**Mailing Address**  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5198

DATE	COMM	ACTION
01/18/18	SM	Favorable
	JU	
	ATD	
	AP	

January 18, 2018

The Honorable Joe Negrón  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 14** – Senator Gibson  
**HB 6519** – Representative Sean Shaw  
Relief of the Estate of Danielle Maudsley

**SPECIAL MASTER'S FINAL REPORT**

THIS IS AN UNCONTESTED EQUITABLE CLAIM FOR \$1,750,000 PAYABLE FROM THE GENERAL REVENUE FUND OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, BASED ON A SETTLEMENT AGREEMENT BETWEEN THE ESTATE OF DANIELLE MAUDSLEY AND THE FLORIDA HIGHWAY PATROL AND TROOPER DANIEL COLE, WHICH RESOLVED A CIVIL ACTION THAT AROSE FROM THE ALLEGED NEGLIGENT USE OF AN ELECTRONIC CONTROL DEVICE THAT CAUSED THE DEATH OF DANIELLE MAUDSLEY.

FINDINGS OF FACT:

On September 19, 2011, Trooper Daniel Cole of the Florida Highway Patrol (FHP) arrested 20 year old Danielle Maudsley for two counts of leaving the scene of a crash with property damage and two counts of driving with no valid driver's license. The charges are all second degree misdemeanors.

The first hit-and-run crash occurred at approximately 8:47 a.m. on September 19, 2011. Trooper Cole was dispatched to the scene and while responding, a second hit-and-run crash, which occurred at approximately 9:41 a.m., was reported with tag numbers, vehicle descriptions, and driver descriptions consistent in both crashes. Trooper Cole requested a *Be on*

*the Lookout (BOLO)* for the suspect's vehicle. Both crashes occurred in Pinellas County.

A short time later, deputies from the Pinellas County Sheriff's Office (PCSO) located the suspect vehicle, which was damaged, at Ms. Maudsley's residence in Pinellas Park. Trooper Cole was notified and went to the Maudsley residence. Upon arrival Deputy Chad Earl (PCSO) informed Trooper Cole that Danielle Maudsley resisted his attempts to detain her, without violence, and he intended to charge her for that offense, and that she was already on probation for driving with no valid driver's license. After deputies informed Trooper Cole that Danielle Maudsley had made spontaneous statements to the deputies that she had been involved in the hit-and-run crashes, Trooper Cole arrested Ms. Maudsley.

Trooper Cole handcuffed Ms. Maudsley behind her back and transported her to the Pinellas Park FHP station at 7651 U.S. 19 North to complete the investigative paperwork prior to taking her to the county jail.

Trooper Cole had activated the in-car video and audio system for the transport. The video shows that Danielle Maudsley is a slightly built woman and while fidgeting in the back of the patrol car removed one of her hands from the handcuffs. Upon arrival at the FHP station at approximately 11:04 a.m., and while exiting the patrol car, Ms. Maudsley passively informed Trooper Cole that her hand was free and she was unable to reinsert it into the handcuffs. Trooper Cole re-cuffed Ms. Maudsley behind her back and they entered the side door of the FHP station near the conference room.

Trooper Cole seated Ms. Maudsley in a chair in the conference room farthest from the door. Trooper Cole seated himself at the conference room table between Ms. Maudsley and the door to complete the investigative paperwork. At approximately 11:11 a.m. Ms. Maudsley advised Trooper Cole that she was thirsty. While escorting her to get a drink of water, she complained about the handcuffs and turned so that he could see that her wrist was caught in one of the handcuffs. Trooper Cole had her adjust her wrist so that it was not caught and he checked to be sure the handcuffs were still secure.

At approximately 11:41 a.m., Trooper Cole requested another FHP officer watch Ms. Maudsley so that he could use the

restroom. According to the investigative report, Trooper Cole returned about one and a half minutes later and assumed sole control of Ms. Maudsley while he resumed the paperwork.

Throughout the period from initially entering the conference room, there was no indication of aggressive or uncooperative behavior on the part of Danielle Maudsley while in custody.

At approximately 11:45 a.m., while Trooper Cole was still engaged in the paperwork, Danielle Maudsley ran past him, out of the conference room, down the short hallway, and exited the side door in which she had entered. At that time, Danielle Maudsley was no longer handcuffed behind her back. According to Trooper Cole, he was unable to discern whether she was handcuffed at all.

Trooper Cole indicated that he never heard Ms. Maudsley get up, the jingle of a handcuff, or anything. He felt a presence move behind him and when he looked up, she was even with the doorway to the conference room.

The in-car video and audio in Trooper Cole's transport vehicle were still activated and recorded the ensuing events. Off camera, Trooper Cole is heard asking, "Where are you going?" and he whistled at her. The next sound, which is almost immediately, is the squeak of the push bar on the station's exit door. Investigative reports and the video support the conclusion that the sound was from Danielle Maudsley pushing the bar to exit the building.

According to the investigative report, when Trooper Cole got to the exit door, it was swinging back in his direction. He pushed the door open with his left hand as he pulled his electronic control device (Taser) from the holster on his belt with his right hand. He weighed almost three times Danielle's weight, and according to Trooper Cole believed that [tackling] going to the ground with Danielle would certainly have resulted in her being injured.

The audio/video recording shows<sup>1</sup> Ms. Maudsley in full stride with her body posture leaning forward, within a distance of approximately one to two feet from Trooper Cole. Trooper Cole has the Taser in his right hand drawn and horizontal but

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<sup>1</sup> At time stamp 11:45:49 a.m. on the in-car video recording.

his right elbow is still at his side. His posture is more erect. The left side of his body is not visible in the frame. Both are on the sidewalk under the eave of the building's roof.

According to the audio/video recording and still photographs from the recording, one second later, at 11:45:50 a.m., Trooper Cole's right hand with the Taser is outstretched approximately two feet from Ms. Maudsley's back. Both are still on the sidewalk beside the side door. The next still photograph with the same time stamp shows Ms. Maudsley stepping off the sidewalk in full stride, her back still to Trooper Cole, with her body posture indicating that she had received a Taser discharge into her back. She also released an audible squeal at this time. Trooper Cole had not warned the fleeing Maudsley that he was going to discharge the Taser. The distance between Trooper Cole and Ms. Maudsley had increased to approximately three to four feet by this point; however, the front of the Taser was approximately two feet away at the point of discharge.

At 11:45:51 a.m., Ms. Maudsley's body is twisting toward Trooper Cole in the parking lot. Still clearly handcuffed but in the front of her body, she falls backwards, striking the back of her head on the pavement of the parking lot.<sup>2</sup> She is whimpering and sits up. Trooper Cole instructs her to "lay down" several times, which she does. Other FHP troopers come out of the building to assist. Ms. Maudsley, while still whimpering and crying tries to sit up again and at 11:47:02 complains that she cannot not get up. This interchange continues until approximately 11:48 a.m., when she becomes quiet and still. Emergency Medical Services arrived at approximately 11:51 a.m., and transported Ms. Maudsley to Bayfront Medical Center.

At approximately 5:00 p.m., the physician attending to Ms. Maudsley advised that her condition was critical and her prognosis was not good due to the lack of activity in her brain. In addition Maudsley had tested positive for oxycodone, and cocaine in her system. Danielle Maudsley never regained consciousness, was diagnosed with a traumatic brain injury, remained in a constant vegetative state on life-support, and passed away on September 15, 2013.

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<sup>2</sup> The FDLE Investigative Report of the incident reports a measurement between the approximate point on the concrete pad where Trooper Cole fired his Taser at Daniele Maudsley to the point on the pavement/asphalt where Ms. Maudsley fell and fractured her skull at 15.217 feet.

The FHP Supervisor's Use of Control Report, signed in October, 2011, by the district shift commander, district commander, and troop commander concluded that based on the totality of the circumstances, the force used exceeded the minimum amount of force needed to effectuate the apprehension of Danielle Maudsley. Within that report, the supervising investigator noted that Trooper Cole was in no apparent danger and because of his closeness to the suspect, the time necessary to warn Ms. Maudsley would not have prevented him from being able to use the ECD if she continued to flee. He further noted that the ECD cartridges issued by the agency have a maximum range of 25 feet.

On or about September 20, 2011, the FHP requested the Florida Department of Law Enforcement (FDLE) investigate this incident as a Use of Force incident. On November 7, 2011, the FDLE concluded that Trooper Cole was in the legal performance of his official law enforcement duties and acted within the scope of his assignment. The investigation determined that the use of force by Trooper Cole was within the allowable parameters outlined in Chapter 776, Florida Statutes.

The Department of Highway Safety and Motor Vehicles (DHSMV) Office of Inspector General's administrative investigation likewise determined that Trooper Cole acted in accordance with Florida law and FHP policy.

Florida Statutes, FHP policies and procedures, and officer/trooper training programs provide structure, parameters, and guidance for the use of force to prevent escape, including the use of electronic control devices (ECD). Although not a complete recitation of these documents, the following considerations demonstrate the complexity of the issues presented in the facts of this claim bill:

- A law enforcement officer or other person who has an arrested person in his or her custody is justified in the use of any force which he or she reasonably believes to be necessary to prevent the escape of the arrested person from custody. Section 776.07, F.S.
- Members of the FHP shall in every instance seek to employ the minimum amount of control required to successfully overcome physical resistance, prevent escapes, and effect arrests. Members' actions must be

objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. FHP Procedures 10.01.07 and Policy 10.05.02 specific to ECD.

- In accordance with s. 943.1717(1), F.S., a member's decision to deploy the ECD shall involve an arrest or custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the member from passive physical resistance to active physical resistance, and the person (a) has the apparent ability to physically threaten the member or others; or, (b) is preparing or attempting to flee or escape. (Note: Fleeing cannot be the sole reason for deployment of the ECD.) FHP Policy Manual 10.05.04 C.
- There may be incidents in which the use of an ECD conflicts with [a list of 6 situations a member shall not use the device unless exigent circumstances exist, including use on a handcuffed prisoner]. In those cases, the use of the ECD must be based on justifiable facts and are subject to "Use of Control" supervisory review. FHP Policy Manual specific to ECD – Deployment 10.05.04 C 1.
- As in all uses of control, certain individuals may be more susceptible to injury. Members should be aware of the greater potential for injury when using an ECD against ... persons of small build regardless of age. FHP Policy Manual specific to ECD – Deployment 10.05.04 C 2.
- When reasonable, members preparing to fire the device should announce a verbal warning such as "Stop Resisting, Taser!, Taser!, Taser!" to warn the violator ... FHP Policy Manual specific to ECD – Deployment 10.05.04 C 4.

On November 2, 2012, Danielle Maudsley was determined to be incapacitated, and Julie Goddard was appointed her Guardian by the Circuit Court of the Ninth District in and for Orange County. Ms. Maudsley was residing in a nursing facility in Orange County at the time. When Ms. Maudsley died, Ms. Goddard became the Personal Representative of the Estate of Danielle Maudsley.

Litigation originated on May 23, 2013, in state court against Trooper Cole and the FHP in the Sixth Circuit of Pinellas County while Ms. Maudsley was still alive. The complaint alleged that Trooper Cole acted in a manner exhibiting wanton

and willful disregard of human rights and safety, by among other ways:

- Failing to use his Taser in a proper, safe and appropriate manner;
- Deploying his Taser on a handcuffed and running Danielle Maudsley when he knew or should have known that the use of the Taser under the circumstances would likely result in severe injuries to her;
- Failing to use other available, safer means to stop Danielle Maudsley, such as reaching out with his hands and grabbing her;
- Failing to provide a verbal warning in accordance with the policies and procedures set forth by the Florida Highway Patrol; and
- Failing to follow other accepted policies and procedures set forth by the FHP.

The complaint also alleged that the FHP was negligent in its training and instruction of Trooper Cole in the proper, safe, and appropriate use of his Taser.

On July 7, 2014, after Danielle Maudsley's death, an amended complaint was filed that also alleged excessive force and Fourth Amendment constitutional violation claims. The case was removed to the United States District Court, Middle District of Florida.

On August 10, 2015, the parties settled all claims for \$1,950,000 to avoid the cost of protracted and expensive litigation. The settlement agreement refers to the allegations of negligence against the FHP and Trooper Cole that are contained in the Complaint. While maintaining no admission of liability or responsibility, the FHP and Trooper Cole acknowledge that if this case went to trial, a federal jury could reasonably award damages to the Plaintiff in the amount of \$1,950,000 based on the facts of the case.

The limit of the State's sovereign immunity in the amount of \$200,000 has been paid by the Division of Risk Management pursuant to s. 768.28, F.S. The remaining \$1,750,000 is the subject of the claim bill and will be paid from General Revenue appropriated to the DHSMV if the claim bill becomes law. The FHP and Trooper Cole have agreed not to oppose a claim bill in this amount.

In the settlement agreement, the Plaintiff agreed to voluntarily dismiss the lawsuit, with prejudice, upon court approval. The United States District Court for the Middle District of Florida issued a Final Judgment of Dismissal with Prejudice on March 1, 2016.

The net proceeds to the estate from this claim bill for \$1,750,000, after medical liens and attorney fees is expected to be approximately \$1,262,249.80. The probate court may award estate and personal representative fees, estimated at approximately \$114,030, in accordance with Florida law from all net proceeds to the estate.

Counsel for the Plaintiff represents it is his understanding from discussion with the attorney for the personal representative of the estate, that the proposed distribution of any claim bill will be made in accordance with Florida Statute, in that both parents will receive damages equally, [after liens, costs, and expenses have been paid]. However, Cheryl Maudsley, mother and primary caregiver of Danielle, both during her life and while she was hospitalized, will be petitioning the probate court for a greater apportionment of those damages. Cheryl Maudsley currently resides in Michigan. Danielle Maudsley's father is currently incarcerated, with the current release date of December 9, 2022. According to Counsel, Cheryl Maudsley also intends to establish a trust for her 10 year old daughter, Danielle's sister, with a majority of her portion of the funds.

CONCLUSIONS OF LAW:

A common law duty of care is owed to a person in custody. Kaiser v. Kolb, 543 So. 2d 732 (Fla 1989) Accordingly, Trooper Cole had a duty to reasonably carry out his operational responsibilities of maintaining custody of Danielle Maudsley and apprehending her when she attempted to flee. Under the doctrine of respondeat superior, the FHP, a Division of the DHSMV, is vicariously liable for the negligent acts of its employees, when such acts are within the course and scope of employment. See Mallory v. O'Neil, 69 So.2d 313 (Fla.1954), and s. 768.28, F.S.

Whether Trooper Cole implemented his responsibilities negligently or in accordance with statutory and departmental policy was an appropriate question for the jury. This hearing officer concludes that Trooper Cole negligently performed his duties in the firing of his Taser at the point in time that he discharged it, without first issuing a warning to allow her the

opportunity to stop, without ascertaining to the best of his ability whether Ms. Maudsley was still handcuffed and to reassess the situation in that light, and without at least attempting to stop or overtake her in a manner that did not include a full body tackle. He had a 25 foot discharge range within which these actions could have been employed prior to a Taser discharge. Discharging the Taser was the proximate cause of Danielle Maudsley injuries and subsequent demise. The parties agreed to execute the settlement agreement to resolve this question as well as all allegations in the Amended Complaint. The settlement agreement is reasonable given the unfortunate outcome of this incident.

ATTORNEYS FEES:

Section 768.28(8), F.S., states that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment or settlement. Claimant's counsel, Ralph M. Guito, III, Esq., has submitted an affidavit that the attorney fees, including lobbying fees, will not exceed 25 percent of the total amount awarded under the claim bill.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that SB 14 be reported FAVORABLY.

Respectfully submitted,

Sandra R. Stovall  
Senate Special Master

cc: Secretary of the Senate

By Senator Jones

34-00026-26

20262\_\_

1 A bill to be entitled  
 2 An act for the relief of the Estate of Danielle  
 3 Maudsley; providing an appropriation to compensate the  
 4 estate for Ms. Maudsley's death as a result of the  
 5 alleged negligence of Trooper Daniel Cole and the  
 6 Florida Highway Patrol, a division of the Department  
 7 of Highway Safety and Motor Vehicles; providing a  
 8 limitation on the payment of compensation and attorney  
 9 fees; providing an effective date.

10  
 11 WHEREAS, on September 19, 2011, 20-year-old Danielle  
 12 Maudsley was arrested for nonviolent traffic offenses and was  
 13 subsequently taken to the Florida Highway Patrol substation in  
 14 Pinellas Park for processing, and

15 WHEREAS, during the processing, Ms. Maudsley, who was still  
 16 handcuffed, attempted to flee the substation through a side  
 17 door, and

18 WHEREAS, as Ms. Maudsley exited the substation, Trooper  
 19 Daniel Cole of the Florida Highway Patrol followed her outside,  
 20 and

21 WHEREAS, Trooper Cole removed his electronic control device  
 22 and fired it directly into Ms. Maudsley's back, causing her to  
 23 collapse and fall to the parking lot pavement with great  
 24 physical force and effect, and

25 WHEREAS, as a result of these events, Ms. Maudsley suffered  
 26 extensive traumatic brain injury and remained in a constant  
 27 vegetative state until her death on September 15, 2013, and

28 WHEREAS, in May 2015, a settlement agreement was entered  
 29 into between Julie Goddard, as personal representative of the

Page 1 of 3

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

34-00026-26

20262\_\_

30 Estate of Danielle Maudsley, and the Florida Highway Patrol and  
 31 Trooper Cole to settle all claims arising out of Ms. Maudsley's  
 32 death, and

33 WHEREAS, the Florida Highway Patrol and Trooper Cole  
 34 acknowledged that, if the case had gone to trial in the United  
 35 States District Court for the Middle District of Florida, a jury  
 36 could reasonably have awarded damages in the amount of \$1.95  
 37 million to the Estate of Danielle Maudsley, and

38 WHEREAS, the settlement agreement required the Division of  
 39 Risk Management of the Department of Financial Services to pay  
 40 \$200,000 to the Estate of Danielle Maudsley in accordance with  
 41 the statutory limits of liability set forth in s. 768.28,  
 42 Florida Statutes, and

43 WHEREAS, Ms. Goddard, as personal representative of the  
 44 Estate of Danielle Maudsley, seeks satisfaction of the remaining  
 45 balance of the settlement agreement, which is \$1.75 million,  
 46 NOW, THEREFORE,

47  
 48 Be It Enacted by the Legislature of the State of Florida:

49  
 50 Section 1. The facts stated in the preamble to this act are  
 51 found and declared to be true.

52 Section 2. The sum of \$1.75 million is appropriated from  
 53 the General Revenue Fund to the Department of Highway Safety and  
 54 Motor Vehicles for the relief of the Estate of Danielle Maudsley  
 55 for damages sustained as a result of the injuries to Danielle  
 56 Maudsley and her subsequent death.

57 Section 3. The Chief Financial Officer is directed to draw  
 58 a warrant payable to the Estate of Danielle Maudsley in the sum

Page 2 of 3

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

34-00026-26

20262\_\_

59 of \$1.75 million, minus amounts required to satisfy outstanding  
60 Medicaid liens relating to the medical expenses and care of  
61 Danielle Maudsley, upon funds of the Department of Highway  
62 Safety and Motor Vehicles in the State Treasury and to pay the  
63 same out of such funds.

64 Section 4. The amount paid by the Division of Risk  
65 Management of the Department of Financial Services in accordance  
66 with the statutory limits of liability set forth in s. 768.28,  
67 Florida Statutes, and the amount awarded under this act are  
68 intended to provide the sole compensation for all present and  
69 future claims arising out of the factual situation described in  
70 this act which resulted in the death of Danielle Maudsley. The  
71 total amount paid for attorney fees relating to this claim may  
72 not exceed 25 percent of the amount awarded under this act.

73 Section 5. This act shall take effect upon becoming a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** December 8, 2025

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I respectfully request that **Senate Bill #2**, relating to Relief of the Estate of Danielle Maudsley by the Department of Highway Safety and Motor Vehicles, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Shev".

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Senator Shevrin D. "Shev" Jones  
Florida Senate, District 34



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

*Location*  
409 The Capitol

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5229

DATE	COMM	ACTION
1/29/26	SM	Favorable
2/3/26	JU	Favorable
	AHS	
	AP	

January 29, 20026

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

Re: **SB 6** – Senator Calatayud  
**HB 6507** – Representative Tramont  
Relief of L.E. by the Department of Children and Families

### SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM BILL COMPENSATING L.E., A MINOR, INJURED DUE TO THE NEGLIGENCE OF THE DEPARTMENT OF CHILDREN AND FAMILIES, IN THE AMOUNT OF \$4 MILLION.

#### FINDINGS OF FACT:

L.E.<sup>1</sup> is a 5 year old minor, born July 29, 2019, in Brevard County, Florida. She suffers from Shaken Baby Syndrome after being abused by her birth parents within weeks of her birth. Her injuries were severe, and the effects will likely leave her disabled for life.

Those primarily at fault for her injuries are the biological parents, Dexter Williams, Sr. and Stephanie Hylard. Both are currently incarcerated with the Florida Department of Corrections after being found guilty of aggravated child abuse of L.E.<sup>2</sup> The criminal charges relate to numerous occasions in September of 2019 in which L.E. was shaken. Her ribs were broken from the strength of the grip while her brain was

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<sup>1</sup> L.E. are the initials of the injured child. The initials are used to protect the identity of the child. The Special Master knows the full name and identity of the child and her adoptive parents.

<sup>2</sup> Dexter was sentenced to 11 years and Stephanie sentenced to 7 years. Source: Florida D.O.C. Inmate Search.

damaged by the shaking and by contact with a hard surface. Her ribs have healed, but her brain will never fully recover.

The question that this claim bill explores is the liability of the state in placing L.E. in the care and custody of her natural parents. That is, was DCF negligent in deciding to forego foster care placement and instead place L.E. in the care and custody of Williams and Hylard?

### **Birth and Initial Investigation**

At the time of L.E.'s birth on July 29, 2019, her biological father, Dexter Williams, Sr. and biological mother, Stephanie Hylard, were an unmarried couple living together in a home in Cocoa Beach, Florida. He was 28, she was 26. Dexter had two children from a prior relationship. He had been awarded primary residence of these two children. Stephanie also had two children from a prior relationship. Their primary residence was with their biological father and they periodically visited Stephanie. Stephanie had a third child who was surrendered for adoption. While pregnant with L.E. she was talking to an adoption agency about surrender.

The initial DCF notes pointed out that Dexter and Stephanie "have an extensive and concerning history with DCF and law enforcement."<sup>3</sup> Stephanie's two children were previously in foster care, and Dexter's 6-month-old daughter was placed in shelter after doctors discovered broken bones that suggested abuse.<sup>4</sup> Altogether, one or both of them had been named in 24 DCF investigations between 2013 and 2019.

At that time, Stephanie was on pre-trial release on a 2018 felony charge of battery on a pregnant person.<sup>5</sup> Brevard County court records show that Stephanie had been involved in 28 court cases, including 9 civil cases related to domestic or dating violence, 6 misdemeanor arrests related to domestic violence incidents, and the 2018 battery.<sup>6</sup> The clerk's records show that Dexter, as of the birth of L.E., had been involved in

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<sup>3</sup> DCF notes of 07/29/2019, record DCF00681.

<sup>4</sup> *Id.* at DCF00682.

<sup>5</sup> Brevard Circuit Case No. 05-2018-CF-019734-AXXX-XX. The pregnant person was Dexter's former live-in girlfriend, and she was carrying a baby that presumably was Dexter's. The fight occurred in the driveway of Dexter's trailer.

<sup>6</sup> Records of the Brevard County Clerk of Courts, public search page at: [https://vmatrix1.brevardclerk.us/beca/beca\\_splash.cfm](https://vmatrix1.brevardclerk.us/beca/beca_splash.cfm)

12 court cases, including 2 related to domestic violence incidents and a 2014 misdemeanor arrest for domestic battery.

The hospital performed routine bloodwork immediately after L.E.'s birth. That bloodwork revealed that Stephanie was under the influence of amphetamines and that amphetamines had crossed the placental barrier and were in the infant's blood. Florida hospitals are required by law to report suspected child abuse. Accordingly, the hospital properly called the DCF abuse hotline to report the test results. Hours after the birth, Dexter and Stephanie got into an argument in her hospital room during which she threw an object at Dexter.<sup>7</sup> The hospital properly reported this domestic violence incident to the abuse hotline. Stephanie checked out of the hospital against medical advice, leaving the infant.

DCF dispatched a Senior Child Protective Investigator (a state employee, hereinafter "CPI") who promptly responded to the two reports.<sup>8</sup> The CPI queried the DCF databases and discovered the numerous past investigations of Dexter and Stephanie where the two had been investigated for domestic violence and child abuse. She discovered the numerous brushes with law enforcement officials (see above). She interviewed the hospital staff. She interviewed Dexter and Stephanie and went to their home.

There is inconsistent evidence regarding whether the CPI interviewed the two other children of Dexter that lived full-time with Dexter and Stephanie. It is clear that she did not interview the two other children of Stephanie who lived with Dexter and Stephanie on alternating weekends. Statutes require that DCF interview other children living in the household within 24 hours of the initial report.<sup>9</sup> Interviewing other children in the house is vital to these investigations.<sup>10</sup> The parent can object to the interview, but DCF may obtain a court order to compel an interview.<sup>11</sup> The CPI in her deposition testified that Dexter

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<sup>7</sup> Two different accounts describe the object as a 5-pound cell phone charger brick. Either the weight or the description of the item is incorrect. It is believed that the argument was over whether to keep the newborn or surrender her for adoption.

<sup>8</sup> Note that a "senior" CPI was appointed. A senior CPI has more training and experience.

<sup>9</sup> Section 39.301(9)(a)2., F.S.

<sup>10</sup> The practice manual says that children are the "most unbiased source for information" and "are also the least guarded in disclosing sensitive information." Procedure 18-2.c.(4) of CFOP 170-5.

<sup>11</sup> Section 39.301(12), F.S.

would not give permission to interview his children.<sup>12</sup> However, the DCF case notes indicate that the siblings were interviewed but gave no useful information.<sup>13</sup> In later interviews conducted by local law enforcement officials some of the other children in the house freely discussed the living conditions in the home.<sup>14</sup> The greater weight of the evidence is that the DCF case note incorrectly indicated that the sibling interview had occurred. It is possible that the entry was falsified in order to claim compliance with the statute. Had DCF interviewed those children while L.E. was still in the hospital, DCF may have discovered a house full of anger and abuse, the parents then would have been referred to services and perhaps to the criminal justice system, and L.E. would likely have been placed in foster care and never injured. The false entry or the failure to insist on an interview of these children were mistakes, the first of many in this matter.

### **First Placement After Birth**

At this point, newborn L.E. was still safely in the hospital nursery. Of course, she could not stay there long. The DCF employees still had a long history of encounters with child protective services and the criminal justice system, the hospital records showing illegal drug use by the mother that had affected the newborn, and an aggravated battery domestic violence incident within hours of birth. Based on this information, the CPI pursued an out-of-home placement of the newborn who would shortly be discharged from the hospital. DCF policy rightfully required the CPI to first see if the parents would consent to an out-of-home placement before invoking legal remedies. She discussed the issue with the parents who agreed that the newborn infant should not immediately go home with them. Per DCF policy, an out-of-home placement must first look to qualified and willing relatives, then qualified and willing friends, and, if none, then the child is placed in foster care.

The parents were unable to offer an acceptable family placement, but suggested a placement with a family friend. The family friend they offered was Cristy Cooke, Stephanie's supervisor at the Sonic drive-in restaurant in Cocoa Beach. She passed the background screening. However, Christy was

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<sup>12</sup> Deposition of Kelly Plantier, 91 (Sept. 11, 2023).

<sup>13</sup> DCF Chronological Notes Report, entry dated July 30, 2019.

<sup>14</sup> Video Exhibits 11,14, 17 and 20, (Sept. 25, 2019).

in fact not a close friend but better described as an acquaintance. She had no experience with babies, had no supplies (e.g. no crib, bottles, clothes, etc.), and she could only keep the infant for three weeks as her wife was scheduled for a surgical procedure. She also had no plan for daycare for L.E. and ended up taking L.E. to work with her at Sonic. So, instead of a quiet dark peaceful environment for the newborn to transition from the womb, L.E. spent large parts of the first few weeks of her life in a car seat at a busy loud and bright drive-in restaurant. It is important to note that the placement violated DCF policy. That policy provides that out-of-home placement with a non-relative is only appropriate when the child has a prior relationship with the caregiver.<sup>15</sup> As a newborn infant, L.E. had no close relationship to anyone other than her birth mother. The placement with Cristy Cooke was the second mistake committed by DCF. Fortunately, that placement did not appear to cause permanent harm.

### **L.E. Is Placed with Her Biological Parents**

Less than three weeks after taking custody of L.E., Cristy Cooke spoke to DCF to say that her wife's surgery was happening and that she could no longer keep L.E. This was not a surprise. At this point, Dexter and Stephanie were cooperating with the few requests of DCF. They were showing interest in the infant, and Stephanie had passed a drug test (but only because she cheated on it).<sup>16</sup> The CPI still thought that out-of-home placement was appropriate, and that the newborn was not safe if placed with the parents.<sup>17</sup>

This left foster care as the appropriate placement. Her supervisors at DCF, however, disagreed. They directed that the newborn live with Dexter and Stephanie, who would continue to receive services from the lead agency. The "lead agency" is a private entity that contracts with DCF to provide services to families. On August 21, 2019, DCF made its third and biggest mistake in this matter in ignoring the judgment of the CPI and placing the vulnerable 23-day-old infant in the full-time care of Dexter and Stephanie.

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<sup>15</sup> F.A.C. 65C-29.003(3)(a)1.c.

<sup>16</sup> In a deposition from prison, Stephanie admitted that she was still using illegal drugs at the time. She also admitted that she purchased clean urine from a local head shop prior to her drug test, and the drug test monitor did not watch the discharge of the sample and allowed Stephanie to bring her purse into the bathroom for the collection of the sample. Deposition of Stephanie Hylard, 179 (Oct. 2, 2023).

<sup>17</sup> Deposition of Kelly Plantier at 161.

It is hard to understand this decision. Barely three weeks had elapsed. Dexter and Stephanie both had a long history of abusing children. The likelihood that they would abuse L.E. should have been clear to anyone. Stephanie's drug treatment counseling was still in the evaluation stage, no treatment had been provided.<sup>18</sup> Both parents had exhibited violent behavior on numerous occasions in their lives, yet no anger management therapy or treatment had even been offered, let alone completed. The siblings had not been interviewed. Yet, it seems that DCF policy and practice, at least in this office at that time, was to prioritize family togetherness with the belief that so long as services were being provided to the family, no harm would come to a child.

One employee of the lead agency who was particularly strong in opposing shelter was not realistic in her thinking, saying that past behavior is not a good indication of future behavior.<sup>19</sup> She also thought the main need of the parents was to learn to communicate with each other.<sup>20</sup> It is clear from the record that Dexter and Stephanie were faking cooperation while continuing to exhibit dangerous behaviors. The DCF management, and the lead agency, were duped.

### **L.E. is Abused**

It did not take long for trouble to occur. The evidence shows that sometime in early September, L.E. suffered rib fractures and head trauma consistent with child abuse by shaking.<sup>21</sup> This is a mere two to three weeks after Dexter and Stephanie assumed custody of L.E. Further rib fractures occurred approximately two weeks later, together with head trauma from a "direct blow" to the head.<sup>22</sup> One sibling who witnessed

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<sup>18</sup> Deposition of Jennifer Brown, a mental health counselor. Her first counseling appointment with Stephanie was on August 28, a week after L.E. was placed with Dexter and Stephanie. At page 45.

<sup>19</sup> Deposition of Natalie Harpold, 50 (Sept. 13, 2023).

<sup>20</sup> *Id.* at page 166. Note that she said this knowing of the physical abuse! Why or how she could not see that anger management was the problem and was the needed therapy is unclear if not unbelievable.

<sup>21</sup> Deposition of Dr. Shawn Gough-Fibkins, 31-32, 36 (June 14, 2024). "So the way these fractures occur, which are classic fractures of child abuse, is the child is grabbed around the chest cavity with adult-sized hands, squeezed, lifted and shaken. And when you do that to these ribs, which are not like your ribs or my ribs, they are softer, and the way -- the relationship of the hand to the chest and the way it's squeezed and -- and thrashed essentially, the ribs don't fracture -- they -- they tend to fracture in this posterior pattern."

<sup>22</sup> *Id.* at page 28.

the abuse of L.E. said that Dexter shook L.E. because her crying interfered with his video game.<sup>23</sup>

Meanwhile, the lead agency was supposed to be providing safety services to protect L.E. The services were clearly inadequate and inappropriate. For instance, an employee of the lead agency met with Dexter and Stephanie on September 21, 2019, to give them a parenting lesson in rewards and praise for good behavior<sup>24</sup> (as opposed to punishment for bad behavior). It is unclear how this would be relevant to a newborn who does not understand language or the concepts of right and wrong.

The therapy was also wholly ineffective, as just three days later Stephanie appeared to scream at, and is shown to have physically abused Dexter's two other children by blows to the head and threatening with a closed fist. The video did not record audio, but it appears that Stephanie was angry at the children for not getting dressed fast enough.<sup>25</sup>

Believing that they saw progress, however, on September 9, 2019, the supervision level with the lead agency had been decreased from supervision by the Safety Management Team to NonJudicial In-Home Services. A discharge summary note of September 16, 2019, said that Dexter and Stephanie had "graduated" and the "family closed successfully."<sup>26</sup> Dexter and Stephanie were notified of this on September 17, 2019. Note that by that date L.E.'s ribs had been broken by abuse some one to two weeks earlier, and again on or around that day.

On Saturday, September 21, 2019, Cristy Cooke (the Sonic manager who cared for L.E. for three weeks) received a text from Stephanie that included a picture of L.E., who was at this point just shy of eight weeks old. This was the one month anniversary of L.E. living with Dexter and Stephanie. Cristy noted that L.E. appeared to have a finger-sized indent in her head. Stephanie commented about feeding issues and odd behavior. Cristy urged Stephanie to take L.E. for medical

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<sup>23</sup> Video Exhibit 20 (Sept. 25, 2019).

<sup>24</sup> Deposition of Debra Brag-Caron, 126 (Oct. 6, 2023).

<sup>25</sup> Video Exhibit 43, channel 8 (Sept. 24, 2019). This is video only, no audio was recorded. Dexter had installed video cameras throughout the home, the recordings were seized by law enforcement officials during a lawful search of the home.

<sup>26</sup> DCF Progress Notes (Sept. 16, 2019)

care.<sup>27</sup> On Monday, September 23, 2019, an employee of the lead agency visited the home and noted lethargy in L.E., but did nothing. Medical testimony was that lethargy may indicate brain damage, and thus it should have been investigated. However, it wasn't until Wednesday, September 25, 2019, that Stephanie finally took L.E. for medical treatment. Law enforcement was contacted, and Dexter and Stephanie were arrested. The four young children in the house were interviewed and two described the abuse on L.E.<sup>28</sup>

### **Injuries Found**

L.E. was brought to the local hospital emergency room at 10:34 am on September 25, 2019. She was one month and 27 days old. The primary complaint identified by Stephanie was that L.E. was “not eating right.”<sup>29</sup> Shortly after arrival, the doctors discovered head injuries and broken ribs indicative of child abuse. DCF and law enforcement were contacted.<sup>30</sup> The medical staff further discovered cerebral edema (which is fluid in the brain, usually indicating bleeding from trauma), skull fracture, and multiple rib fractures, all of which indicated “child abuse syndrome.”<sup>31</sup> L.E. started suffering seizures.<sup>32</sup>

The local hospital recognized the need for specialized care, and L.E. was transferred to Nemours Children's Hospital in Orlando. She stayed there until October 3 (eight days). The final diagnosis of medical issues found: child physical abuse, multiple rib fractures, skull fracture, retinal hemorrhage, traumatic subdural hematoma, failure to thrive, and malnutrition.<sup>33</sup> They noted that L.E. was only two ounces heavier than at birth. The lack of weight gain was unusual in a newborn and a sign of neglect.<sup>34</sup>

### **Current Status of L.E.**

L.E. currently resides in Chicago with her adoptive parents. She is enrolled in Medicaid. She receives physical therapy,

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<sup>27</sup> Deposition of Cristy (Cooke) Rall, 92 -121 (Sept. 28, 2023).

<sup>28</sup> Video Exhibits 11 and 20 (Sept. 25, 2019).

<sup>29</sup> Rockledge Regional Medical Center records, 6 (Sept. 25, 2019).

<sup>30</sup> *Id.* at page 12.

<sup>31</sup> *Id.* at page 13.

<sup>32</sup> *Id.* at page 14.

<sup>33</sup> Nemours at 14.

<sup>34</sup> *Id.* at 17.

speech therapy, nursing services and counseling through the exceptional student education (ESE) programs of the local school district.<sup>35</sup> Her adoptive mother receives payments from a special needs trust created after the recoveries from the other defendants to the action.<sup>36</sup>

L.E. appeared at the Special Master hearing in Tallahassee on February 10, 2025. She appeared cheerful with relatively normal affect for a 5-year-old. She appears small for her age, and showed minor difficulty with balance and movement. A 2024 psychological test resulted in an IQ score of 81, which is low average.<sup>37</sup> The psychologist opines that L.E., as an adult, will be able to learn basic repetitive tasks that might qualify her for low level employment, but she will not be able to live alone and her impulsive nature would make long-term employment with any one employer difficult.<sup>38</sup>

### **Measure of Damages**

At the outset, it should be noted that the Special Master did not receive an adequate presentation regarding damages. As is typical in claim bill hearings, the claimant presented a life care plan followed by an economic analysis of those costs adjusted to current levels after factoring projected investment earnings and the effects of inflation. The same evidence would be expected in a jury trial. However, in a normal jury trial the defense would cross examine the experts and would present alternatives. Typically, the competing experts would be far apart, and the jury would work it out. Here, DCF did not challenge the damages.

Additionally, the life care plan includes suspected inflated figures, excessive utilization of services, and inclusion of charges for medical services that likely will be covered by Medicaid or private insurance. These flaws are obvious and call into question the claimant's demands and the amount of the settlement. For instance, the life care plan contemplates hiring a full-time aide to follow L.E. around school. It contemplates a lifetime of 24/7 live-in help (i.e. personal care attendant). The plan charges full price for medical services, apparently ignoring Medicaid coverage. The plan includes the

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<sup>35</sup> Deposition of Colleen Estrada, 16 (Apr. 23, 2024).

<sup>36</sup> Testimony of Colleen Estrada, claim bill hearing Tallahassee (Feb. 10, 2025).

<sup>37</sup> *Confidential Psychological Evaluation*, Dr. Lisa Settles, Psy.D., 12 (June 7, 2024).

<sup>38</sup> *Id.* at 24.

cost of ordinary items like electric toothbrushes. Apparent questionable estimated expenses include a custom stroller at \$5,700 and a lifetime of tricycles.

The economist employed by the claimant estimates the present value to fund the life care plan to range between \$11.6 million and \$17.6 million.<sup>39</sup>

No evidence was presented regarding noneconomic damages.

#### LITIGATION HISTORY:

The guardian of L.E. filed a civil action against the Department of Children and Families on June 21, 2022. DCF was not the only defendant accused of negligence in the action, co-defendants were the Brevard Family Partnership (the lead agency) and Aspire Health Partners (a subcontractor of the lead agency). The claimant had settled with all defendants before trial. Aspire agreed to and has paid the sum of \$100,000. Brevard Family Partnership agreed to and has paid the sum of \$3,250,000. DCF agreed to a settlement of \$4 million, of which \$200,000 has been paid and the remaining \$3.8 million is payable at the discretion of the Legislature.

DCF agreed to not oppose this claim bill. As such, DCF did not furnish any evidence, call any witness, or make any argument against the claim.

The biological parents Dexter Williams, Sr. and Stephanie Hyland were not named as defendants in the lawsuit. They could have been named as defendants for the intentional tort of battery.

The guardianship for L.E. has already collected a total of \$3.55 million in this case, \$3.25 million from the lead agency, \$100,000 from a subcontractor of the lead agency, and \$200,000 from DCF. After attorney fees and costs, \$600,000 was used to purchase two long-term annuities, the second of which is guaranteed through the remainder of L.E.'s life. The remaining sum of just over \$1.1 million went into a special needs trust.

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<sup>39</sup> Raffa, *Economic Loss Analysis in the Matter of L.E.* (Feb. 20, 2023).

Parental rights in Dexter and Stephanie were terminated by the circuit court. L.E. was legally adopted by her maternal grandmother and her husband. The adoptive mother is Stephanie Hylard's biological mother.

The parents were convicted of aggravated child abuse and felony child neglect. Dexter Williams, Sr. is currently in the custody of the Florida Department of Corrections with an estimated release date of December 30, 2029. Stephanie Hylard is currently in the custody of the Florida Department of Corrections with an estimated release date of September 10, 2025.<sup>40</sup> Upon release she will serve 10 years drug offender probation.<sup>41</sup>

#### CONCLUSIONS OF LAW:

The Department of Children and Families is a state agency wholly controlled by the State of Florida. The state is liable for negligence by DCF, its employees and contractors, under the doctrine of *respondeat superior*. Claims against DCF are subject to the legal concept of sovereign immunity. Under sovereign immunity, the state is not liable in tort for the action (or inaction) of DCF or its employees. Pursuant to constitutional authority, however, the state has enacted a partial waiver of its sovereign immunity for actions that would be negligent if committed by a private actor. If the waiver applies, the state will pay a final judgment or settlement up to \$200,000 for a single injured party. The remainder of the judgment or settlement is only payable upon approval of a claim bill.

The waiver of sovereign immunity only applies to an action or a failure to act that is negligent if committed by a private actor. These are commonly referred to as "operational level" actions or inactions. There is no waiver, and no right to recovery, for a planning level function of government. So, for example, a decision on whether to install a stop light at an intersection is a planning level decision not subject to a tort claim, but if the light is installed a failure to maintain the light is likely operational.

The leading case sets a four part test for whether the waiver applies.<sup>42</sup>

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<sup>40</sup> <https://pubapps.fdc.myflorida.com/OffenderSearch/InmateInfoMenu.aspx>

<sup>41</sup> Sentencing Order, *State v. Stephanie Hylard*, July 17, 2020, at 2. Brevard County Case No. 2019CF47368-A.

<sup>42</sup> *Trianon Park Condominium Assn. v. City of Hialeah*, 468 So.2d 912 (Fla. 1985).

(1) Does the challenged act, omission, or decision necessarily involve a basic governmental policy, program, or objective? (2) Is the questioned act, omission, or decision essential to the realization or accomplishment of that policy, program, or objective as opposed to one which would not change the course or direction of the policy, program, or objective? (3) Does the act, omission, or decision require the exercise of basic policy evaluation, judgment, and expertise on the part of the governmental agency involved? (4) Does the governmental agency involved possess the requisite constitutional, statutory, or lawful authority and duty to do or make the challenged act, omission, or decision? If these preliminary questions can be clearly and unequivocally answered in the affirmative, then the challenged act, omission, or decision can, with a reasonable degree of assurance, be classified as a discretionary governmental process and nontortious, regardless of its un wisdom. If, however, one or more of the questions call for or suggest a negative answer, then further inquiry may well become necessary, depending upon the facts and circumstances involved.<sup>43</sup>

In the context of child abuse investigations, there are two leading Florida Supreme Court cases. In a 1988 case alleging that the agency did not place an infant in protective custody despite evidence of prior abuse, the court found that an action or inaction by a child protective investigator will nearly always be operational in nature.<sup>44</sup> In a 1995 case, however, the court found that decisions by the agency regarding which services to provide a dependent child are considered planning level, warning that “making [DCF] liable for tort damages for its mistakes in judgment in carrying out this task would considerably impair the exercise of that function. . . . the courts, through tort actions, are ill-suited to second-guess

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<sup>43</sup> *Com. Carrier Corp. v. Indian River Cnty.*, 371 So. 2d 1010, 1019 (Fla. 1979) (finding negligent maintenance of a traffic signal to be operational). See also *Trianon Park Condominium Assoc., Inc. v. City of Hialeah*, 468 So.2d 912 (Fla. 1985) (finding failure of city building inspector to discover construction flaws to be a planning level function for which no liability applies).

<sup>44</sup> *Dept. of Health and Rehabilitative Services v. Yamuni*, 529 So.2d 258 (Fla. 1985).

[DCF's] decisions as to the provision and choice of services each time there is an unsatisfactory outcome."<sup>45</sup>

In this case, DCF did not argue the issue at the trial court prior to settlement, so we can only speculate as to how the court might rule had they filed a motion to dismiss. The Special Master finds that the greater weight of case law leads to the legal conclusion that the actions and inactions by DCF in this case were operational in nature.

If a court were to find that ordinary negligence law applies, the court that would hear this matter would be required to decide whether the basic elements of negligence are proven, namely: duty, breach, causation and damages.

The duty of DCF in this regard is best stated in the first two paragraphs of the purposes and intent section of the governing statute:

39.001 Purposes and intent; personnel standards and screening.—

(1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

(a) To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; to promote the health and well-being of all children under the state's care; and to prevent the occurrence of child abuse, neglect, and abandonment.

(b) To recognize that most families desire to be competent caregivers and providers for their children and that children achieve their greatest potential when families are able to support and nurture the growth and development of their children. Therefore, the Legislature finds that policies and procedures that provide for prevention and intervention through the department's child protection system should be based on the following principles:

1. The health and safety of the children served shall be of paramount concern.

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<sup>45</sup> *Dept. of Health and Rehabilitative Services v. B.J.M.*, 656 So.2d 906, 914 (Fla. 1985).

2. The prevention and intervention should engage families in constructive, supportive, and nonadversarial relationships.

3. The prevention and intervention should intrude as little as possible into the life of the family, be focused on clearly defined objectives, and keep the safety of the child or children as the paramount concern.

4. The prevention and intervention should be based upon outcome evaluation results that demonstrate success in protecting children and supporting families.

Complying with these statements of policy is the measure of DCF's duty, and their failure to comply with the duties is evidence of breach.

In determining the legal duty that DCF owed to L.E., the Special Master looked to DCF materials outlining the standards for out-of-home placement. Section 39.301(14)(c)1., F.S, states that DCF must by rule establish “[c]riteria that are factors requiring that the department take the child into custody, petition the court as provided in this chapter, or, if the child is not taken into custody or a petition is not filed with the court, conduct an administrative review.” That requirement is over 20 years old, but no rule has ever been promulgated. Similarly, the DCF practice manual does not discuss criteria.<sup>46</sup> Because DCF has not specified the standard, a court would have to speculate as to legal duty and breach based on the broad statements in statute and the court's common sense.

What appears evident, upon review of the entire file, is that DCF in this case prioritized the family-centered goals at the expense of ensuring safety of the infant.<sup>47</sup> Safety was supposed to be the “paramount concern” of DCF. It was not. If safety had been the paramount concern, L.E. would have gone straight from the hospital to foster care. Ignoring the high likelihood that Dexter and Stephanie's past and present behavior would likely continue and thus lead to abuse of the vulnerable newborn was negligent. The only expert on child

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<sup>46</sup> CFOP 170-5 Child Protective Investigations

<sup>47</sup> The testimony of a lead agency employee is illustrative of this attitude. She testified that she had concerns about the placement, but believed that the role of the lead agency was to keep families together by providing services. Deposition of Jami White, 70 (Aug. 9, 2024).

abuse systems testified that L.E. should have been placed in foster care at birth.<sup>48</sup>

Had it gone to a jury, this negligence claim would have been subject to the comparative fault statute.<sup>49</sup>

ATTORNEY FEES:

The claimant's attorney has received fees in the amount of \$1,390,000 from settlements related to claims against private entities that were claimed to be partially responsible for L.E.'s injuries, and from the partial payment of the settlement with DCF. The claimant's attorney will limit the fees on any recovery against the State resulting from this claim bill to the statutory limit of 25%. Past court costs advanced by the plaintiff attorneys, including expert witness fees, do not appear unreasonable and have already been reimbursed from other recoveries.

RECOMMENDATIONS:

The undersigned recommends consideration of a lower claim amount that considers the substantial recoveries already paid and the insufficient proof of monetary damages.

As to liability, the undersigned recommends that the bill be reported FAVORABLY.

Respectfully submitted,

Nathan L. Bond  
Senate Special Master

cc: Secretary of the Senate

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<sup>48</sup> Deposition of Joyce Taylor, 43 (Aug. 6, 2024).

<sup>49</sup> Section 768.81, F.S.

By Senator Calatayud

38-00037-26

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1 A bill to be entitled  
 2 An act for the relief of L.E. by the Department of  
 3 Children and Families; providing an appropriation to  
 4 compensate L.E. for injuries and damages sustained as  
 5 a result of the negligence of the department;  
 6 providing a limitation on compensation and the payment  
 7 of attorney fees; providing an effective date.  
 8  
 9 WHEREAS, L.E. was born on July 29, 2019, and, at birth,  
 10 tested positive for amphetamines, and  
 11 WHEREAS, L.E.'s biological mother tested positive for  
 12 amphetamines after the delivery of L.E., and  
 13 WHEREAS, while at the hospital, L.E.'s biological mother  
 14 and father engaged in a violent altercation with each other, and  
 15 WHEREAS, shortly after L.E.'s birth, the Department of  
 16 Children and Families received two child abuse hotline reports,  
 17 one alleging intrafamily violence threatening L.E. and the other  
 18 alleging drug exposure of newborn L.E., and  
 19 WHEREAS, under s. 39.001, Florida Statutes, the department  
 20 is charged with the duty of conducting child protective  
 21 investigations to ensure child safety and prevent further harm  
 22 to children and owed L.E. a duty to ensure her safety and  
 23 prevent further harm, and  
 24 WHEREAS, the department sent a child protective  
 25 investigator to the hospital to initiate an investigation of the  
 26 reported abuse, and  
 27 WHEREAS, the department discovered that L.E.'s mother had a  
 28 history of substance abuse, untreated mental health issues, and  
 29 a criminal history involving violence, and

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

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30 WHEREAS, the department discovered that both L.E.'s mother  
 31 and father had an extensive history of involvement with the  
 32 department, including, collectively, at least 20 prior child  
 33 abuse hotline reports, and  
 34 WHEREAS, one of those prior reports involved egregious  
 35 abuse of L.E.'s biological father's other daughter when she was  
 36 not yet 6 months old, resulting in long-bone fractures, and  
 37 WHEREAS, the department removed that daughter from the  
 38 father's care, and  
 39 WHEREAS, L.E.'s mother's other two biological children had  
 40 previously been removed from her care due to verified child  
 41 abuse, and  
 42 WHEREAS, as L.E.'s mother placed her third child for  
 43 adoption, she was also planning to place L.E. for adoption and  
 44 made such arrangements before L.E.'s birth, and  
 45 WHEREAS, shortly after L.E. was born, L.E.'s mother  
 46 abandoned L.E. at the hospital and, against medical advice, left  
 47 the hospital with L.E.'s father, and  
 48 WHEREAS, an adoption specialist arrived at the hospital to  
 49 visit L.E., and  
 50 WHEREAS, while L.E. was still in the hospital following her  
 51 birth, the department determined that L.E. was in "present  
 52 danger" if left in the care of her parents and that immediate  
 53 action was necessary to protect L.E. from further abuse or  
 54 neglect, and  
 55 WHEREAS, the department contracted with a child welfare  
 56 agency and, instead of removing L.E. from her parents' care  
 57 through a judicial process, the department and its subcontractor  
 58 developed an out-of-home safety plan to place L.E. with a friend

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59 of L.E.'s mother, and

60 WHEREAS, within 3 weeks after that placement, the friend  
61 realized that she could no longer care for L.E. and informed the  
62 department of this, and

63 WHEREAS, despite a reassessment that established that there  
64 was still a "present danger" to L.E. if left in the care of her  
65 parents, the department relied upon information from its  
66 subcontracted agency, and the joint decision was made to place  
67 L.E. into her parents' care, and

68 WHEREAS, on August 21, 2019, L.E. was placed into her  
69 parents' home, and

70 WHEREAS, on or about September 17, 2019, less than 4 weeks  
71 later, the department determined that it would be closing its  
72 investigation, despite acknowledging that L.E.'s home situation  
73 was volatile and unstable and that L.E.'s mother remained  
74 violent and impulsive, and

75 WHEREAS, the subcontractor planned to decrease its  
76 monitoring of L.E. and the home upon the department closing its  
77 investigation, and

78 WHEREAS, on September 18, 2019, the subcontractor  
79 transitioned its services from safety management to nonjudicial  
80 in-home services, which inherently decreased monitoring of L.E.  
81 by child welfare professionals, and

82 WHEREAS, on September 24, 2019, the department closed its  
83 investigation, despite having no evidence of change or progress  
84 with L.E.'s parents, and

85 WHEREAS, despite the subcontractor's claims that it had  
86 provided services to the parents, the department expressly  
87 acknowledged in its own investigative summary that, at the time

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88 of closing its case, "[t]he home environment continues to be  
89 volatile and unstable on a normal basis. The fighting in the  
90 home will stabilize for a period of time but will always return  
91 to a chaotic and aggressive environment... [violent and  
92 impulsive behaviors] are clearly evident and severe... there  
93 [have] been no clear changes made to their behaviors and the  
94 patterns continue... [and] all of the children [including L.E.]  
95 are vulnerable," and

96 WHEREAS, the very next day, on September 25, 2019, L.E. was  
97 brought to Rockledge Regional Hospital in distress and  
98 experiencing seizures, and

99 WHEREAS, medical staff at Rockledge Regional Hospital found  
100 makeup covering obvious bruising across her forehead, and

101 WHEREAS, doctors determined that L.E. had suffered  
102 catastrophic injuries from child abuse which had occurred over a  
103 period of time, including a parietal calvarial skull fracture; a  
104 left frontal parietal subdural hematoma with bilateral frontal,  
105 temporal, and parietal cortical edema and encephalomalacia;  
106 healing fractures of the left sixth and seventh ribs; a healing  
107 fracture of the right eighth rib; acute fractures to the right  
108 tenth and eleventh ribs; a pelvic fracture-left acetabular  
109 cortical avulsion fracture; cortical buckling of the right  
110 proximal tibial medial metaphysis; and multiple ecchymotic  
111 lesions to the forehead, and

112 WHEREAS, L.E. was immediately transferred to Nemours  
113 Children's Hospital in Orlando and admitted in critical  
114 condition, due to severe organ system injury and dysfunction,  
115 and was diagnosed as being at risk for hypoxia, hypercarbia,  
116 hypotension, sepsis, shock, cardiorespiratory arrest,

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117 intracranial hypertension, cerebral edema, stroke, and death,  
118 and

119 WHEREAS, L.E. was diagnosed with shaken baby syndrome  
120 causing traumatic brain injury, seizures, and cerebral palsy, as  
121 well as malnourishment, and

122 WHEREAS, between August 21, 2019, and September 25, 2019,  
123 L.E. was subjected to repeated and severe child abuse and  
124 neglect while in the care of her parents, and

125 WHEREAS, L.E.'s parents were arrested, charged, and  
126 convicted of aggravated child abuse, based upon their abuse of  
127 L.E. while she was in their home between August 21, 2019, and  
128 September 25, 2019, and

129 WHEREAS, L.E. was subsequently adopted by her maternal  
130 grandmother and relocated to Chicago, where she is followed by a  
131 medical team at Lurie Children's Hospital, and

132 WHEREAS, L.E. has received, and will continue to receive,  
133 therapeutic services across a host of disciplines, including  
134 occupational, physical, speech, nutritional, vision, and  
135 cognitive therapy, and

136 WHEREAS, L.E., who just turned 6 years old, is currently  
137 under an individual educational plan at school for her  
138 disability, which has been formally classified as traumatic  
139 brain injury, and

140 WHEREAS, L.E. requires and will continue to require  
141 constant care, monitoring, supervision, various therapies,  
142 multiple specialist services, and supportive care throughout the  
143 remainder of her life, which may include admission to a skilled  
144 residential home if her adoptive parent is no longer able to  
145 care for her, and

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146 WHEREAS, the department, charged with the responsibility  
147 for operating Florida's child welfare system, failed in its  
148 duties to ensure L.E.'s safety and protect her from harm, and  
149 WHEREAS, the department's negligence, in combination with  
150 the failures of its subcontracted agency, resulted in  
151 catastrophic brain injury that will have a significant impact on  
152 L.E. for the remainder of her life, and

153 WHEREAS, the department agreed to resolve L.E.'s claims  
154 against the department through a negotiated settlement in the  
155 Circuit Court for the 18th Judicial Circuit in and for Brevard  
156 County, under case number 05-2022-CA-033685, in the total amount  
157 of \$4 million, and

158 WHEREAS, the settlement agreement required that the  
159 department make an initial payment of \$200,000, which is the  
160 maximum amount allowed under the sovereign immunity limitations  
161 imposed under s. 768.28, Florida Statutes; and that the  
162 remaining \$3.8 million be paid contingent upon the passage and  
163 funding of this claim bill, which the department has expressly  
164 agreed it does not and will not oppose, and

165 WHEREAS, on July 9, 2024, the settlement agreement was  
166 approved by the circuit court, and, with the department's  
167 agreement and consent, a final judgment was entered against the  
168 department in the amount of \$4 million pursuant to the  
169 negotiated settlement, and

170 WHEREAS, L.E.'s civil claims against the subcontracted  
171 child welfare agency remain pending, NOW, THEREFORE,

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

38-00037-26

20266\_\_

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

177 Section 2. The sum of \$3.8 million is appropriated from the  
178 General Revenue Fund to the Department of Children and Families  
179 for the relief of L.E. for injuries and damages sustained as a  
180 result of the negligence of the department.

181 Section 3. The Chief Financial Officer is directed to draw  
182 a warrant in favor of L.E., payable to the irrevocable trust  
183 which has already been created for the exclusive use and benefit  
184 of L.E., in the sum of \$3.8 million upon funds of the Department  
185 of Children and Families in the State Treasury and to pay the  
186 same out of such funds in the State Treasury.

187 Section 4. The amount paid by the Department of Children  
188 and Families pursuant to s. 768.28, Florida Statutes, and the  
189 amount awarded under this act are intended to provide the sole  
190 compensation for all present and future claims against the  
191 department arising out of the factual situation described in  
192 this act which resulted in injuries and damages to L.E. The  
193 total amount paid for attorney fees relating to this claim  
194 against the department may not exceed 25 percent of the total  
195 amount awarded under this act.

196 Section 5. This act shall take effect upon becoming a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** November 24, 2025

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I respectfully request that **Senate Bill #6**, relating to Relief of L.E. by the Department of Children and Families, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "Alexis Calatayud".

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Senator Alexis Calatayud  
Florida Senate, District 38



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

*Location*  
409 The Capitol

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5229

DATE	COMM	ACTION
1/29/26	SM	Favorable
2/3/26	JU	Fav/CS
	CA	
	RC	

February 3, 2026

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

Re: **CS/SB 18** – Committee on Judiciary and Senator Martin  
**HB 6531** – Representative LaMarca  
Relief of Estate of M.N. by the Broward County Sheriff's Office

**SPECIAL MASTER'S FINAL REPORT**

THIS IS A CONTESTED CLAIM FOR LOCAL FUNDS IN THE AMOUNT OF \$2,588,258.50 PAYABLE BY THE BROWARD SHERIFF'S OFFICE TO THE ESTATE OF M.N. THIS AMOUNT IS THE REMAINING UNPAID BALANCE OF A JURY AWARD AND ASSOCIATED AWARDED COSTS THAT AROSE FROM A LAWSUIT ALLEGING THAT THE NEGLIGENCE OF THE BROWARD SHERIFF'S OFFICE, ITS EMPLOYEES, AND OTHER DEFENDANTS RESULTED IN THE DEATH OF M.N.

UPDATE TO PRIOR REPORT: On February 3, 2025, House and Senate special masters held a de novo hearing on a previous version of this bill, SB 30 (2025). After the hearing, I, serving as the Senate special master, issued a report containing findings of fact and conclusions of law and found the requested amount of \$2,588,258.50 was reasonable. That report is attached as an addendum to this report.

Since the filing of my original report and recommendation, SB 18 has been filed for consideration during the 2026 Legislative Session. I have been assigned as Senate special master to review the records and determine whether any changes have

occurred since the hearing that, if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

Claimants have submitted a copy of the settlement executed with Ms. Keisha Walsh in the amount of \$30,000, in exchange for which, Ms. Walsh is precluded from any claim to an award made pursuant to this claim bill (or any related claim).

RECOMMENDATIONS:

I recommend that section 3 of SB 18 (2026) be amended to read instead: The governmental entity responsible for payment of the warrant shall pay to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to disbursing any funds to the claimant. The amount due the agency shall be equal to all unreimbursed medical payments paid by Medicaid up to the date upon which this bill becomes a law.

Respectfully submitted,

Jessie Harmsen  
Senate Special Master

cc: Secretary of the Senate

**CS by Judiciary**

The committee substitute does not include provision from the original bill which would have required the state to waive and pay all government liens resulting from the treatment and care of M.N.



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

*Location*  
409 The Capitol

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5229

DATE	COMM	ACTION
3/20/25	SM	Favorable
	JU	
	CA	
	RU	

March 20, 2025

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

Re: **SB 30** – Senator Martin  
**HB 6533** – Representative LaMarca  
Relief of Estate of M.N. by the Broward County Sheriff's Office

**SPECIAL MASTER'S FINAL REPORT**

FINDINGS OF FACT:

M.N. was the daughter of Keshia Walsh and Christopher Nevarez. She was born on April 20, 2016<sup>1</sup> and died on October 28, 2016.<sup>2</sup> Ms. Walsh and Mr. Nevarez are also parents to D.N., born February 2, 2012.<sup>3</sup>

From approximately January to September 14, 2016, Ms. Walsh lived in the home of Ann McClain, Mr. Nevarez's mother. D.N., and, after her birth, M.N., also lived with Ms. McClain during this timeframe.<sup>4</sup> Mr. Nevarez lived separately at his girlfriend's house.

Mr. Nevarez and Ms. Walsh split care for M.N. while the other worked. Generally, Mr. Nevarez cared for M.N. at Ms. McClain's home on certain days, and Ms. Walsh cared for M.N. on other days. If one could not provide care for M.N. on their assigned day, it fell to that person to find alternate care.<sup>5</sup>

<sup>1</sup> Claimant's Exhibit 49, M.N. Birth Certificate.

<sup>2</sup> Claimant's Exhibit 32, M.N. Death Certificate.

<sup>3</sup> Claimant's Exhibit 1 at 1, Intake Report.

<sup>4</sup> Claimant Exhibit 87 at 159-161, Christopher Nevarez Testimony at TPR Hearing.

<sup>5</sup> Claimant Exhibit 87 at 159, Christopher Nevarez Testimony at TPR Hearing.

On August 19, 2016, Ms. Walsh brought M.N. to Broward Health hospital. She reported that M.N. had fallen from a couch at Juan Santos' dwelling and received a black eye. The hospital x-rayed M.N., and did not find any fractures.

Mr. Nevarez and Ms. Walsh brought M.N. to a follow up medical appointment at Personal Care Pediatrics pursuant to follow up care instructions from Broward Health hospital.<sup>6</sup> At that visit, Mr. Nevarez questioned the doctor whether it was likely that M.N. had borne her injuries as the result of a fall, and the doctor responded that it was possible.

On September 14, 2016, Ms. Walsh and Mr. Nevarez had a conflict. Ms. Walsh, abruptly moved herself, D.N., and M.N. out of Ms. McClain's home and into the home of Ms. Walsh's co-worker, Juan Santos, and his daughter K.S.

Mr. Nevarez did not attempt to contact Ms. Walsh for approximately 2 weeks after the confrontation in order to "let her cool off." He further testified that this sort of behavior had happened before, and that he expected Ms. Walsh to return to Ms. McClain's home eventually. Ms. McClain maintained intermittent contact via text messages with Ms. Walsh, but could not discover where Ms. Walsh and the children (D.N. and M.N.) were living.

Mr. Nevarez and Ms. McClain both testified that they thereafter attempted to see M.N. and D.N. by:<sup>7</sup>

- Texting Ms. Walsh at the number previously used to contact her, although it is unclear whether the messages went through to Ms. Walsh's phone;<sup>8</sup>
- Asking for Ms. Walsh at her place of employment;
- Attempting to visit D.N. at his school;
- Having Ms. McClain and other friends attempt to follow Ms. Walsh's car home from her place of employment.

---

<sup>6</sup> Mr. Nevarez Claim Bill 30 hearing testimony. See also, Claimant Exhibit 56 at 6, Personal Care Pediatrics File for M.N.

<sup>7</sup> Mr. Nevarez, Claim Bill 30 hearing testimony.

<sup>8</sup> Mr. Nevarez testifies that he believes his phone number had been blocked by Ms. Walsh, and therefore she did not receive his messages. See also, Claimant Exhibit 87 at 171 and 192, Christopher Nevarez Testimony at TPR Hearing.

Some of Mr. Nevarez's text messages did inquire when he would next see his children. Other text messages were profane and threatening to Ms. Walsh.<sup>9</sup>

#### **October 13, 2016 Medical Diagnosis and Treatment**

On October 13, 2016, Ms. Walsh brought M.N. to Northwest Medical Center with complaints of a fever and leg pain. M.N. was admitted as a patient of Dr. Font in the ER at 3:23 pm.<sup>10</sup> When questioned about the possible cause of M.N.'s leg pain, Ms. Walsh reported that there was no recent trauma and could not provide an explanation.<sup>11</sup>

Between 3:45 and 5:00 p.m., M.N. was x-rayed and diagnosed with subacute fractures in her left proximal tibia and fibula.<sup>12</sup>

Dr. Font then initiated a call to the child abuse hotline to report M.N.'s injuries as the result of suspected abuse.<sup>13</sup> At 5:45 pm, the treating nurse entered into M.N.'s chart that the first DCF notification had been made.<sup>14</sup>

Dr. Font then disclosed the diagnosed fractures to Ms. Walsh; at this time, Ms. Walsh reported that M.N. "had a fall from a couch about 2 months ago. She was seen at North Broward Hospital and had a CAT scan off the brain and some other x-rays."<sup>15</sup> Dr. Font noted that her continued conversations with Ms. Walsh about the source of the injury were not satisfactory, and that Ms. Walsh "couldn't give [us] really good information [...] I felt like mom the whole time was trying to say something happened at the baby-sitter."<sup>16</sup>

Dr. Font reviewed M.N.'s records from her August North Broward Hospital visit and noted an x-ray was completed at that time, and no fractures were found.<sup>17</sup> She further noted

---

<sup>9</sup> Claimant Exhibit 30, Text Messages between Chris Nevarez and Keshia Walsh.

<sup>10</sup> Claimant Exhibit 55 at 1, *Northwest Medical Center Coding Summary for M.N.'s Oct. 13, 2016 visit*.

<sup>11</sup> Claimant Exhibit 68 at 33-36, Deposition of Dr. Font (May 16, 2022); and Claimant Exhibit 55 at 1, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit* ("Mom denied any recent trauma.")

<sup>12</sup> Claimant Exhibit 55 at 6-7, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit*.

<sup>13</sup> Claimant Exhibit 68 at 24-35, Deposition of Dr. Font (May 16, 2022).

<sup>14</sup> Claimant Exhibit 55 at 7, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit*.

<sup>15</sup> Claimant Exhibit 55 at 7, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit*.

<sup>16</sup> Claimant Exhibit 68 at 39-40, Deposition of Dr. Font (May 16, 2022).

<sup>17</sup> Claimant Exhibit 55 at 9, *Northwest Medical Center Emergency Provider Report for M.N.'s Oct. 13, 2016 visit*.

that the August hospital chart had noted “facial contusion/bruising.”<sup>18</sup>

At approximately 5:00 p.m., Dr. Font contacted M.N.’s pediatric office to discuss M.N.’s medical history.

At 5:20 p.m., Dr. Font consulted with an orthopedic specialist, Mark Fortney. He stated that he did not feel that the October 13th tibia fracture was related to the fall from the couch 2 months ago. Mr. Fortney stated that he suspected M.N.’s fractures to be about 3-4 weeks old, and “could be nonaccidental” and recommended reporting the injury.<sup>19</sup>

At 5:45 p.m., Dr. Matthew Buckler conducted a bone osseus survey of M.N.’s x-rays. Dr. Buckler telephonically disclosed his findings of a “partially healed left proximal tibial and fibular metaphyseal fracture with periostitis” and “additional distal left radial metaphyseal fracture” to Dr. Font at approximately 6:02 pm.<sup>20</sup>

Dr. Font’s shift ended at 7:00 p.m.; she waited an additional hour to attempt to meet with the DCF investigator but left Northwest Medical Center at 8:00 p.m. Dr. Font testifies that no child protective investigator contacted her about M.N. at any point.<sup>21</sup>

At 9:25 p.m., the treating nurse noted in M.N.’s medical file that a status update call was made to DCF.<sup>22</sup> It was subsequently determined (at 10:13 p.m.) that the “hot line keyed it in wrong earlier, and the investigator would arrive at the hospital to initiate the investigation in about three hours.

#### **October 13, 2016 Investigation by BSO**

At about 10:15 p.m., BSO dispatched child protective investigator (CPI) Henry to Northwest Medical Center to investigate Dr. Font’s report. CPI Henry’s handwritten notes detail her next investigative step as a face-to-face with M.N. and Ms. Walsh at 10:54 p.m.. CPI Henry’s chronological notes, entered at a computer the next afternoon, detail an

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<sup>18</sup> *Id.* at 8.

<sup>19</sup> *Id.* at 8-9.

<sup>20</sup> Claimant Exhibit 11, Northwest Medical Center Diagnostic Imaging Reports (October 13, 20216).

<sup>21</sup> Claimant Exhibit 68 at 64, 69-70, Deposition of Dr. Font (May 16, 2022).

<sup>22</sup> Claimant Exhibit 55 at 4, *Northwest Medical Center EDM Live Emergency Patient Record for M.N.*(Oct. 13, 2016).

intervening contact with the reporter—however, this is disputed by Dr. Font's testimony, which states that she never spoke to a CPI about M.N.

CPI Henry conducted a "face-to-face" meeting with M.N. and Ms. Walsh at 10:54 pm. During her meeting with Ms. Walsh, CPI Henry learned that:

- M.N. had been taken to North Broward Hospital in August of 2016 as a result of a fall from the couch.
- Ms. Walsh brought M.N. to the hospital on this day as a result of a fever and stiff legs.
- Ms. Walsh used several babysitters to care for M.N., including a friend named Valerie and a "Portuguese lady." Ms. Walsh provided CPI Henry with a business card that provided a phone number and that advertised "babysitting services", but did not provide a business or personal name for the "Portuguese lady."
- Ms. Walsh lived with a roommate, Juan Santos.<sup>23</sup>

CPI Henry next met with nurse Margaret Vincent at 11:05 p.m.<sup>24</sup> This implies that the face-to-face meeting with Ms. Walsh and M.N. lasted no more than 10 minutes.

CPI Henry's notes of her investigation noted M.N.'s three diagnosed fractures, her own observations of a mark under M.N.'s eye,<sup>25</sup> and of discoloration on M.N.'s left wrist.<sup>26</sup>

M.N. was discharged from Northwest Medical Center at 11:38 p.m.<sup>27</sup>

Immediately after M.N.'s discharge from Northwest Medical Center, CPI Henry visited Ms. Walsh at Mr. Santos' home. She was met there by the Broward County Sheriff's Office Law Enforcement.

Law enforcement reported in their investigation report that M.N. had "swelling and discoloration to her left eye [which] appeared to be an injury that was sustained recently." Additionally, law enforcement asked Ms. Walsh how M.N.'s

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<sup>23</sup> Claimant Exhibit 3, CPI Henry Handwritten Case Notes for Case 2016-287154.

<sup>24</sup> *Id.*

<sup>25</sup> Toniele Henry Deposition, p. 103, line 15-21, stating that, "It wasn't a black eye [...] It was just like a faint little puffy thing under her eye."

<sup>26</sup> Claimant Exhibit 2 at 5, Child Protective Investigation Chronological Record of CPI Henry on 10/13/2016.

<sup>27</sup> Claimant Exhibit 12, Northwest Medical Center Discharge Summary (Oct. 13, 2016).

fractures were sustained, to which she responded that she had no idea, but that she wouldn't be bringing her to the babysitter who she had been using any more.<sup>28</sup>

CPI Henry conducted a Child Present Danger Assessment on October 13. The report found that there was no present danger threat to M.N., and that “[t]he mother took the victim to Northwest medical center because the child was exhibiting some stiffness in her leg and she has a fever. The fever could be from the child teething. There was a[n] x-ray completed in which revealed the injuries occurred about two to three weeks ago. The mother advises the victim child fell off the couch in August and was seen at North Broward hospital. The mother advised the child goes to private babysitter when she goes to work. The mother has completed a follow up appointment with the pediatrician. CPT was contacted.”<sup>29</sup>

Of relevant note, CPI Henry's Present Danger Assessment indicated “No” to the question presented: “Child has a serious illness or injury (indicative of child abuse) that is unexplained, or the Parent/Legal Guardian/Caregiver explanations are inconsistent with the illness or injury.”

While still at Mr. Santos' home, CPI Henry developed an impending safety plan that Ms. Walsh signed. The safety plan required that Ms. Walsh would: not leave the child on the couch or bed, and would place M.N. in the pack and play when she falls asleep; enroll M.N. in a licensed daycare; not leave the children in the care of the babysitter or home where the incident occurred; notify CPI of the identity of who will be providing care to the children while she [Ms. Walsh] works.<sup>30</sup>

CPI Henry took the following actions in furtherance of the abuse investigation regarding M.N.:<sup>31</sup>

- Called the Child Protective Team to refer M.N.'s case on October 14, 2016. She was told that they would conduct a review of M.N.'s medical files.<sup>32</sup>

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<sup>28</sup> Claimant Exhibit 40, *BSO Investigative File for Case 2016-287154*.

<sup>29</sup> Claimant Exhibit 6, *Florida Safety Decision Making Methodology Child Present Danger Assessment, FSFN Case ID 101483774* (Oct. 14, 2016).

<sup>30</sup> Claimant Exhibit 7, *Child Safety Plan* (October 14, 2016). Notably, Ms. Walsh placed M.N. in the care of babysitters beginning on October 15<sup>th</sup>, 2 days after signing the safety plan, and failed to communicate this to the CPI. See Claimant Exhibit 41, *Walsh Babysitting Timeline* (Oct. 27, 2016).

<sup>31</sup> Claimant Exhibit 2, *T. Henry Chronological Notes for M.N.'s abuse investigation* (Oct. 13-Oct. 24, 2016).

<sup>32</sup> Claimant Exhibit 53 at 1, *Broward County Child Protection Team Final Case Summary Report* (Dec. 13, 2016).

- Received and uploaded M.N.'s medical files from Northwest Medical Center on October 15, 2016. CPI Henry does not remember reviewing these files.
- Attempted to call the 'Portuguese Babysitter' once on October 17, 2016. No contact was made, however.

CPI Henry did not attempt to contact Juan Santos, nor refer him to the BSO Analytical team for a background and related issues check.

CPI Henry did not attempt to contact Mr. Nevarez at any point from October 15 to October 24, 2016.

CPI Henry's investigation was subject to a supervisory review on October 18, 2016, wherein supervisor Bossous recommended that CPI Henry obtain medical file from M.N.'s August hospital visit, obtain collateral contact from neighbors, interview the [Portuguese] babysitters, and offer daycare services.<sup>33</sup> CPI Henry's chronological case notes do not reflect any activity on M.N.'s investigation after receipt of these recommendations.

#### **October 24<sup>th</sup>, 2016 Injuries**

On October 24, 2016, M.N. was brought to North Broward Medical Center in an unresponsive state and transferred via air ambulance to Broward General Medical Center. It was later determined that Juan Santos had beaten M.N. and caused significant injuries to her skull.

On October 28, 2016, M.N. died as a result of her injuries.<sup>34</sup>

On October 24, 2016, BSO placed D.N. in the care of Christopher Nevarez and implemented a safety plan preventing Ms. Walsh from having contact with D.N. Ms. Walsh's parental rights to D.N. were terminated on June 20, 2018.

#### **LITIGATION HISTORY:**

A jury trial was conducted in August 2023, wherein the claimant alleged that BSO negligently failed to protect M.N. from abuse, thereby causing her death.<sup>35</sup> On August 16, 2023,

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<sup>33</sup> Claimant Exhibit 25, *Supervisor Consultation* (Oct. 18, 2016).

<sup>34</sup> Claimant Exhibit 32, *M.N. Death Certificate* (Oct. 28, 2016).

<sup>35</sup> *Ann McClain v. Sheriff of Broward County*, CACE 18-025385(02) (Fla. 17th Cir. Ct. 2025).

the jury rendered a verdict in favor of the estate of M.N., with 36.6 percent of the fault apportioned to Christopher Nevarez, 2.7 percent of the fault apportioned to Ann McClain, and 58 percent of the fault apportioned to the BSO.<sup>36</sup> An additional cost judgment of \$88,258.50 was entered on July 16, 2024. The claimants executed two settlement agreements before the matter went to trial—the first with M.N.'s pediatricians for the payment of \$100,000, and the second with Broward County for \$90,000 payment made to the estate of M.N.

### CONCLUSIONS OF LAW:

The claim bill hearing held on February 3, 2025, was a *de novo* proceeding to determine whether BSO is liable in negligence for damages suffered by the claimant's estate, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the special master prior to, during, and after the hearing. The Legislature is not bound by jury verdicts when considering a claim bill, the passage of which would be an act of legislative grace.

In this matter, the claimant alleges negligence on behalf of an employee of the BSO. The State is liable for a negligent act committed by an employee acting within the scope of his or her employment.<sup>37</sup>

#### **Negligence**

Negligence is “the failure to use reasonable care, which is the care that a reasonably careful person would use under like circumstances,”<sup>38</sup> and “a legal cause of loss, injury or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred.”<sup>39</sup>

In a negligence action, “a plaintiff must establish the four elements of duty, breach, proximate causation, and damages.”<sup>40</sup>

#### BSO's Duty of Care

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<sup>36</sup> Claimant's Exhibit 94, *Ann McClain v. Sheriff of Broward County*, CACE 18-025385(02) (Fla. 17th Cir. Ct. 2025).

<sup>37</sup> *Iglesia Cristiana La Casa Del Senor, Inc. v. L.M.*, 783 So. 2d 353 (Fla. 3d DCA 2001).

<sup>38</sup> Florida Civil Jury Instructions 401.4 – Negligence.

<sup>39</sup> Florida Civil Jury Instructions 401.12(a) – Legal Cause, Generally.

<sup>40</sup> *Limones v. School Dist. of Lee County*, 161 So. 3d 384, 389 (Fla. 2015).

Whether a duty of care exists is a question of law.<sup>41</sup> Statute, case law, and agency policy describe the duty of care owed by a CPI during the course of an investigation of abuse. At the time of its involvement with M.N., the BSO was the contracted provider of child protective investigations for Broward County.<sup>42</sup> The BSO has a duty to reasonably investigate complaints of child abuse and neglect.<sup>43</sup>

However, where the “express intention of the legislature is to protect a class of individuals from a particularized harm, the governmental entity entrusted with the protection owes a duty to individuals within the class.”<sup>44</sup> It has been found that “HRS is not a mere police agency and its relationship with an abused child is far more than that of a police agency to the victim of a crime ... the primary duty of HRS is to immediately prevent any further harm to the child...[.]”<sup>45</sup>

Broward County, separately, was the contracted authority to perform child protective team services in Broward County, including completing medical examinations, nursing assessments, specialized and forensic interviews, providing expertise in evaluating alleged maltreatments of child abuse and neglect.

#### *BSO's Policies and Procedures Regarding Investigation*

The BSO is required to commence an investigation immediately if it appears that the immediate safety or well-being of a child is endangered, [...] or that the facts otherwise so warrant.<sup>46</sup>

#### *BSO Must Interview and Contact Relevant Individuals*

If an abuse investigation is initiated at a hospital emergency room, the CPI must consult with the attending physician to determine whether the injury is the result of maltreatment. If the physician who examined the child is not associated with

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<sup>41</sup> *McCain v. Fla. Power Corp.*, 593 So. 2d 500, 502 (Fla. 1992).

<sup>42</sup> Section 39.3065, F.S.

<sup>43</sup> *Dept. of Health and Rehabilitative Svcs. v. Yamuni*, 498 So. 2d 441, 442-43 (Fla. 3d DCA 1986) (stating that the Dept. of Health and Rehabilitative Services, a precursor to the Dept. of Children and Families, has a statutory duty of care to prevent further harm to children when reports of child abuse are received); *Dept. of Children and Family Svcs. v. Amora*, 944 So. 2d 431 (Fla. 4th DCA 2006).

<sup>44</sup> *Id.* (noting that the child was a member of the class protected under a specific statute and the [Department of Health and Rehabilitative Services] owed a statutory duty to protect him from abuse and neglect).

<sup>45</sup> *Dept. of Health and Rehabilitative Svcs. v. Yamuni*, 529 So. 2d 258, at 261 (Fla. 1988).

<sup>46</sup> Section 39.201(5), F.S. (2016).

Child Protective Team (CPT), the investigator must immediately contact the local CPT office to share the examining physician's impressions and contact information with a case coordinator. CPT will determine whether or not to respond on-site to conduct additional medical evaluation of the child and/or determine the need for follow-up CPT services.<sup>47</sup>

The BSO is separately required to contact a CPT in person or by phone to discuss all reports of fractures in a child of any age.

During an investigation, BSO's assessment of the safety and perceived needs for the child and family "must include a face-to-face interview with the child, other siblings, parents, and *other adults in the household* and an onsite assessment of the child's residence."<sup>48</sup>

The BSO must review prior criminal history of parents and caretakers. If a CPI discovers the presence of an additional adult household member who was not screened by the Florida Abuse Hotline at the time of an initial report, then the CPI must, within 24 hours of such discovery, request:

- An abuse history from the Hotline. The Hotline must endeavor to produce this history within 24 hours of the CPI's request; and
- A criminal records check, including all call-out history, from the local criminal agency. The criminal record check must be initiated within 24 hours of the individual's identity and presence in the home becoming known to the investigator.<sup>49</sup>

CPI must attempt to contact the non-offending parent, and if unsuccessful, must make daily attempts thereafter.<sup>50</sup>

#### *Present and Impending Danger Assessments*

The BSO must conduct a present danger assessment during its investigation of reported maltreatment. A discovered bone fracture is considered maltreatment pursuant to DCF/BSO

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<sup>47</sup> Claimant Exhibit 4, *CFOP 170-5, 9-8, Child Protective Team Consultations* (April 4, 2016). Claimant Exhibit 65, Deposition of Chantale Bossous at 96-97.

<sup>48</sup> Section 39.301(7), F.S.. *Emphasis added.*

<sup>49</sup> Rule 65C-29.003, Florida Administrative Code (June 5, 2016). Rule 65C-29.009, Florida Administrative Code (2014).

<sup>50</sup> Claimant Exhibit 65, Deposition of Chantale Bossous at 54-55.

policy, but “accidental bone fractures that are not alleged to be inflicted or the result of inadequate supervision do not constitute “Bone Fracture” as maltreatment.”<sup>51</sup>

Present danger which occurs during ongoing services may involve the parent or legal guardian in an in-home case, a relative or non-relative caregiver. The CPI should find a threatening family condition where there is a serious injury to an infant with no plausible explanation, and/or the perpetrator is unknown.<sup>52</sup>

In conducting the maltreatment index assessment, the CPI must verify his or her findings to establish by a preponderance of credible evidence that the broken bone was or was not the result of a willful act by a parent or caregiver. Such evidence can be documented through:<sup>53</sup>

- Interview of the Parents/Legal Guardians/Alleged Perpetrator
- Interview of Household Members/Witnesses/Collaterals (which include nonmaltreating parent)
- Analysis of reports and interviews from law enforcement.
- Assessment of the CPT.
- Obtaining and analyzing any medical reports to assess for prior injuries, location of the fracture, the number of fractures and the aging of fractures.

The CPI is required to conduct a separate Focus of Family Assessment of each family that reside together and share caregiving responsibilities, regardless of the household that is responsible for the maltreatment.<sup>54</sup>

### BSO's Breach of Duty

Once a duty is found to exist, whether a defendant was negligent in fulfilling that duty is a question for the finder of fact.<sup>55</sup> A fact finder must decide whether a defendant exercised the degree of care that an ordinarily prudent

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<sup>51</sup> CFOP-4: Bone Fracture.

<sup>52</sup> CFOP 170-1, 2-2

<sup>53</sup> CFOP-4: Bone Fracture.

<sup>54</sup> CFOP 170-1, 2-3(4). (May 2016).

<sup>55</sup> *Yamuni*, 529 So. 2d at 262.

person, or child protective investigator in this instance, would have under the same or similar circumstances.<sup>56</sup>

The BSO failed to take the following steps, that a reasonable and prudent person would have:

- Contact CPT immediately (while at the hospital for M.N.'s investigation). Rather, CPI Henry contacted the CPT the next afternoon.
- Conduct a face-to-face interview with Mr. Santos, a known adult housemate. Additionally, CPI Henry did not seek to obtain Mr. Santos' abuse or criminal history.
- Contact or interview Mr. Nevarez.
- Interview any third-party witnesses, including Mr. Santos, any of the babysitters whose names Ms. Walsh provided, any of Ms. Walsh's friends or neighbors, or Ms. McClain.
- Speak directly with the reporting physician, Dr. Font. In particular, the BSO CPI was required to provide her name and contact information to the professionally mandated reporter within 24 hours of being assigned to the investigation.<sup>57</sup>
- Review M.N.'s medical file.

It would have been prudent, and in fact was required by Departmental policy and regulation, for the CPI to follow-up on these steps to shed more light on the incident and gather more information about the unexplained injuries to M.N. Instead, CPI Henry appears to have accepted Ms. Walsh's explanation of the significant injuries that the "Portuguese babysitters" were the perpetrators of the injury without attempting to verify that finding through additional investigation.

Even though DCF has up to 60 days to complete an investigation,<sup>58</sup> the DCF failed to take precursory and required steps that an ordinary prudent CPI would have taken in this instance. For these reasons, I find that the DCF breached its duty of care.

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<sup>56</sup> *Russel v. Jacksonville Gas Corp.*, 117 So. 2d 29, 32 (Fla 1st DCA 1960) (defining negligence as, "the doing of something that a reasonable and prudent person would not ordinarily have done under the same or similar circumstances, or the failure to do that which a reasonable and prudent person would have done under the same or similar circumstances").

<sup>57</sup> CFOP 170-5, Chapter 18-2, *Interviewing Collateral Contacts: Procedures*.

<sup>58</sup> Section 39.301(17), F.S. (2010).

Ms. Walsh contributed to this breach by failing to give Mr. Nevarez's contact information to CPI Henry. Additionally, Ms. Walsh contributed to this breach by failing to give a full accounting of who she left M.N. with for babysitting, specifically by failing to name Mr. Santos as one of M.N.'s caretakers.

#### Proximate Cause

In order to prove negligence, the claimant must show that the breach of duty caused the specific injury or damage to the plaintiff.<sup>59</sup> Proximate cause is generally concerned with "whether and to what extent the defendant's conduct foreseeably and substantially caused the specific injury that actually occurred."<sup>60</sup> To prove proximate cause, the plaintiff generally must submit evidence that "there is a natural, direct, and continuous sequence between BSO's negligence and [M.N.'s] death such that it can be reasonably said that but for BSO's negligence, the abuse to and death of [M.N.] would not have occurred."<sup>61</sup>

The undersigned finds that Ms. Walsh contributed to the BSO's negligent investigation of M.N.'s abuse by failing to be upfront with the CPI about (1) her children's relationship with their father; (2) her knowledge of Mr. Nevarez's contact information; and (3) her reliance on Mr. Santos for childcare. However, this misinformation could, and should have been overcome by adherence to the required investigative policies and procedures.

There is competent substantial evidence in the record to support a finding that BSO had a duty to reasonably investigate the complaint of child abuse. The BSO owed this duty to M.N. Specifically, BSO failed to appropriately identify the present danger to M.N. in home situation by failing to have a criminal background check run on Mr. Santos within 24 hours of the CPI's knowledge of his presence in M.N.'s household. If CPI Henry had , then the CPI would have been legally required to remove M.N. from Ms. Walsh and Mr. Santos' home, and Mr. Santos would not have had opportunity to inflict the injuries that ultimately caused M.N.'s death.

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<sup>59</sup> *Stahl v. Metro Dade Cnty.*, 438 So. 2d 14 (Fla. 3<sup>rd</sup> DCA 1983).

<sup>60</sup> *Amora*, 944 So. 2d at 431.

<sup>61</sup> *Id.*

This failure foreseeably and substantially caused the injuries that resulted in M.N.'s death. The claimants presented evidence that there is a natural, direct, and continuous sequence between BSO's negligence and M.N.'s death such that it can reasonably be said that but for BSO's negligence, the injuries that resulted in M.N.'s death would not have occurred.

In the civil matter filed in the interest of M.N.'s estate, a jury found that BSO's inactions proximately caused M.N.'s death. "[T]he issue of proximate cause is generally a question of fact concerned with 'whether and to what extent the defendant's conduct foreseeably and substantially caused the specific injury that actually occurred.'"<sup>62</sup> In cases against the Department of Children and Families (DCF) having some similarities to this matter, the appellate court determined that "[t]he plaintiffs presented evidence that there is a natural, direct, and continuous sequence between DCF's negligence and [a child's] injuries such that it can be reasonably said that but for DCF's negligence, the abuse to [the child] would not have occurred."<sup>63</sup>

### Damages

Finally, M.N.'s surviving parent suffered damages because of the BSO's negligence. Through the provision of personal testimony by Mr. Nevarez and Ms. McClain, supporting evidence and similar case law, claimants established that the jury verdict and final judgment of \$2.61 million, and awarded costs of \$88,258.50 for the Mr. Nevarez's mental pain and suffering,<sup>64</sup> as the father of M.N., is reasonable.

The jury award and cost judgment awarding taxable costs in this matter is not excessive compared to jury verdicts in similar cases.

### **Sovereign Immunity**

Although it appears that the BSO had insurance coverage at the time of the event, it is alleged by the BSO that their insurance coverage for this event has been denied, but no formal communication of the denial has been received from the insurance company. According to testimony provided at

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<sup>62</sup> *Amora*, 944 So. 2d at 431.

<sup>63</sup> *Id.*

<sup>64</sup> Section 768.21, F.S., authorizes damages for wrongful death.

the hearing, the BSO has offered payment of \$110,000 of the jury award to the claimant, but claimant had not received said payment as of the date of the hearing. Broward County has paid its share, \$90,000 of the \$2.61 million jury award. Therefore, if this bill passes, the BSO owes the claimant a total of \$2,608,258.50.

**Settlement with Personal Care Pediatrics**

The claimants settled their claim against the doctors of Personal Care Pediatrics through a confidential settlement made before the trial. During the special master hearing, claimant's counsel testified that the settlement was for \$100,000, which is being held in the claimant's trust account and has not been released to the claimants.

**Settlement with Keisha Walsh**

At the hearing conducted, the undersigned asked claimant's attorneys to detail the legal issues relating to Ms. Walsh's right to a portion of M.N.'s estate. The claimant's attorneys represented that the probate matter was ongoing, but that they would provide their pleadings as evidence of their position in the matter. Claimant provided the pleadings on February 14, 2025. The undersigned subsequently discovered that claimant's attorneys had entered into a settlement with Ms. Walsh, and asked that claimant's attorneys provide a copy of the settlement and any related documents. Claimant's attorneys responded with a narrative detailing that the party had settled with Ms. Walsh in the probate matter to pay Ms. Walsh \$30,000, but no copy of the settlement agreement.

ATTORNEY FEES:

Section 768.28(8), of the Florida Statutes, states that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment or settlement.

The claimant's attorneys have submitted an affidavit to limit attorney fees to 20 percent of the total amount awarded under the claim bill and lobbying fees to 5 percent of the total amount awarded under the claim bill.<sup>65</sup>

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<sup>65</sup> Claimant Exhibit 97, Sworn Affidavit of Stacie Schmerling.

RECOMMENDATIONS:

Based upon the foregoing, the undersigned recommends that SB 30 be reported FAVORABLY.

Respectfully submitted,

Jessie Harmsen  
Senate Special Master

cc: Secretary of the Senate



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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The Committee on Judiciary (Martin) recommended the following:

- 1        **Senate Amendment**
- 2
- 3        Delete lines 171 - 174.

By Senator Martin

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A bill to be entitled

An act for the relief of the Estate of M.N. by the Broward County Sheriff's Office; providing an appropriation to compensate the estate for injuries sustained by M.N. and her subsequent death as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, Keshia Walsh and Christopher Nevarez were parents to M.N., born on April 20, 2016, and to D.N., born on February 2, 2012, and

WHEREAS, on August 19, 2016, Ms. Walsh brought M.N., then 3 months old, to Broward Health Medical Center reporting that M.N. had fallen from a couch and sustained a black eye while they were at the home of Juan Santos, where Ms. Walsh and M.N. were living at the time, and

WHEREAS, Mr. Nevarez and Ms. Walsh brought M.N. to a follow-up pediatrician appointment pursuant to follow-up care instructions from Broward Health Medical Center, and

WHEREAS, at the follow-up visit, Mr. Nevarez questioned the doctor as to whether M.N. could have sustained her injuries as the result of a fall, and the doctor responded that it was possible, and

WHEREAS, on October 13, 2016, Ms. Walsh brought 5-month-old M.N. to Northwest Medical Center, in Broward County, with a fever and intermittent leg pain, and

WHEREAS, diagnostic imaging revealed that M.N. had multiple fractures in her upper and lower extremities which were in

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

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different stages of healing, including fractures to her left tibia, left fibula, and left radius, which Ms. Walsh had no explanation for, and

WHEREAS, the treating physician consulted with a pediatric orthopedic specialist who, upon reviewing M.N.'s diagnostic imaging, advised that the fractures appeared to be non-accidental and recommended that her injuries be reported to the Florida Abuse Hotline overseen by the Department of Children and Families, and

WHEREAS, a report was made to the Florida Abuse Hotline and was assigned to the Broward County Sheriff's Office (BSO), the agency responsible for child protective investigations in Broward County, and

WHEREAS, a BSO child protective investigator (CPI) responded to the hospital, observed the injuries, learned that they were unexplained and occurred under the care of Ms. Walsh while living with Mr. Santos, and noted that Ms. Walsh had previously taken M.N. to multiple facilities for treatment for various injuries, including the prior black eye, and

WHEREAS, Mr. Nevarez had been an active parent in M.N.'s life; however, Ms. Walsh cut off contact with Mr. Nevarez in mid-September 2016, and refused to tell him where she and M.N. were living, and

WHEREAS, Mr. Nevarez was the non-offending parent, meaning he had no role in causing or failing to prevent M.N.'s injuries, Mr. Nevarez was required to be the first person contacted by the BSO during the investigation, and, if contact was initially unsuccessful, the BSO was required to make daily attempts to contact Mr. Nevarez, and

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59 WHEREAS, the BSO failed to contact Mr. Navarez immediately,  
60 failed to notify him that M.N. had multiple unexplained  
61 fractures in different stages of healing, failed to immediately  
62 place M.N. with Mr. Navarez for her protection, and failed to  
63 make daily attempts to contact Mr. Navarez, and

64 WHEREAS, when an abuse investigation is initiated at a  
65 hospital emergency room, the CPI is required to consult with the  
66 attending physician to determine whether the injury is the  
67 result of maltreatment and immediately contact the Child  
68 Protective Team (CPT) in person or by phone to discuss all  
69 reports of fractures in a child of any age; however, the BSO  
70 failed to consult with the attending physician and failed to  
71 contact the CPT from the hospital, and

72 WHEREAS, during an abuse investigation, the BSO's  
73 assessment of the safety and perceived needs of the child and  
74 family must include a face-to-face interview with the child,  
75 other siblings, parents, and other adults in the household;  
76 however, the BSO failed to interview Mr. Santos, and

77 WHEREAS, the BSO is required to review the prior criminal  
78 history of parents and caregivers and complete a criminal  
79 history check within 24 hours of an individual's identity and  
80 presence in the home becoming known to the investigator;  
81 however, the BSO failed to complete a background check on Mr.  
82 Santos, and

83 WHEREAS, despite the BSO's actual knowledge of a pattern of  
84 unexplained injuries to M.N., M.N.'s three unexplained diagnosed  
85 fractures, and the CPI's personal observations of bruising  
86 around M.N.'s eye and discoloration on M.N.'s left wrist, the  
87 CPI did not suspect abuse, found that there was no present

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

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88 danger or threat to M.N., allowed M.N. to be discharged from the  
89 hospital into Ms. Walsh's custody, and implemented a Safety Plan  
90 for M.N. to remain in Ms. Walsh's care with no further  
91 investigation into how M.N. sustained her injuries, and

92 WHEREAS, on October 18, 2016, the BSO supervisor instructed  
93 the CPI to obtain the medical file from M.N.'s August hospital  
94 visit, obtain collateral information from neighbors, and refer  
95 daycare services to Ms. Walsh, and

96 WHEREAS, the CPI's chronological case notes do not reflect  
97 any activity on the investigation into M.N.'s injuries after  
98 these directives, and

99 WHEREAS, the BSO also failed to review M.N.'s medical file,  
100 have M.N. seen by CPT, interview any third-parties, including  
101 family, friends, and neighbors, and ensure M.N. was enrolled in  
102 daycare, and

103 WHEREAS, Ann McClain, M.N.'s paternal grandmother, with  
104 whom M.N. and Ms. Walsh previously resided until Ms. Walsh  
105 abruptly left the home in mid-September 2016 with M.N.,  
106 maintained some contact via text messages with Ms. Walsh, but  
107 could not discover where Ms. Walsh and M.N. were living, and

108 WHEREAS, Mr. Navarez repeatedly tried to see M.N. and find  
109 out where she was living by texting Ms. Walsh, going to Ms.  
110 Walsh's place of employment, contacting Ms. Walsh's relatives  
111 and friends, and going to D.N.'s daycare, but Ms. Walsh ignored  
112 his repeated requests to see M.N., and

113 WHEREAS, on October 24, 2016, while the BSO's child  
114 protective investigation was still open, M.N. sustained life-  
115 threatening injuries including a parietal skull fracture, brain  
116 and spinal cord trauma, retinal hemorrhages, and two femur

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

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117 fractures due to abuse while in the care of Ms. Walsh and Mr.  
118 Santos, and

119 WHEREAS, M.N. was transported to the hospital and declared  
120 brain dead that same day, placed on life support, and died on  
121 October 28, 2016, and

122 WHEREAS, the BSO closed its investigation into M.N.'s abuse  
123 on July 17, 2017, with verified findings of bone fractures,  
124 internal injuries, threatened harm, and death, and

125 WHEREAS, the BSO placed D.N. in Mr. Nevarez's care,  
126 implemented a safety plan preventing Ms. Walsh from having  
127 contact with D.N., and Ms. Walsh's parental rights to D.N. were  
128 terminated on June 20, 2018, at the BSO's request, and

129 WHEREAS, but for the BSO's negligence in failing to  
130 reasonably investigate allegations of abuse of M.N., and failing  
131 to remove M.N. from Ms. Walsh and Mr. Santos' care, the injuries  
132 sustained during the BSO's investigation and M.N.'s death would  
133 not have occurred, and

134 WHEREAS, in August 2023, the case was tried in the 17th  
135 Judicial Circuit Court of Broward County, and

136 WHEREAS, the BSO admitted negligence at trial, and the jury  
137 found that M.N.'s death and Mr. Nevarez's loss were due to BSO's  
138 failure to conduct a thorough child protective investigation and  
139 ensure M.N.'s safety, and

140 WHEREAS, the court awarded \$4.5 million to Mr. Nevarez,  
141 M.N.'s non-offending father, for his pain and suffering, of  
142 which \$2.61 million, or 58 percent of the fault, was attributed  
143 to BSO, and

144 WHEREAS, the BSO has paid \$110,000 and Broward County has  
145 paid \$90,000 for claims against the County related to CPT, which

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146 has exhausted the sovereign immunity limits set forth in s.  
147 768.28, Florida Statutes, and

148 WHEREAS, the court entered a cost judgment awarding taxable  
149 costs in the amount of \$88,258.50 to the Estate of M.N., to be  
150 paid by the BSO, and

151 WHEREAS, the Estate of M.N. is responsible for payment of  
152 attorney fees and all remaining costs and expenses relating to  
153 this claim, subject to the limitations set forth in this act,  
154 and

155 WHEREAS, the sum of \$2,588,258.50, representing the  
156 judgment from the verdict against the BSO in the amount of \$2.61  
157 million plus the cost judgment entered against the BSO in the  
158 amount of \$88,258.50, less BSO's payment of \$110,000 in  
159 satisfaction of its portion of the sovereign immunity limits,  
160 remains unpaid by the BSO, NOW, THEREFORE,

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

162  
163  
164 Section 1. The facts stated in the preamble to this act are  
165 found and declared to be true.

166 Section 2. The Broward County Sheriff's Office is  
167 authorized and directed to appropriate from funds not otherwise  
168 encumbered and to draw a warrant in the sum of \$2,588,258.50  
169 payable to the Estate of M.N. as compensation for injuries and  
170 damages sustained.

171 Section 3. It is the intent of the Legislature that all  
172 government liens, including Medicaid liens, resulting from the  
173 treatment and care of M.N. for the occurrences described in this  
174 act be waived and paid by the state.

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175 Section 4. The amount paid by the Broward County Sheriff's  
176 Office pursuant to s. 768.28, Florida Statutes, and the amount  
177 awarded under this act are intended to provide the sole  
178 compensation for all present and future claims arising out of  
179 the factual situation described in this act which resulted in  
180 injuries and damages to the Estate of M.N. The total amount paid  
181 for attorney fees relating to this claim may not exceed 25  
182 percent of the total amount awarded under this act.

183 Section 5. This act shall take effect upon becoming a law.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

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

**SENATOR JONATHAN MARTIN**  
33rd District

January 30th, 2026

**RE: SB 18: Relief of The Estate of M.N. By The Broward County Sheriff's Office**

Dear Chair Yarborough,

Please allow this letter to serve as my respectful request to place SB 18 on the next committee agenda.

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

Sincerely,

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

Jonathan Martin  
Senate District 33

REPLY TO:

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

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

The Florida Senate

# APPEARANCE RECORD

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

SB 18

Bill Number or Topic

2/3/20

Meeting Date

Sen. Judiciary

Committee

Amendment Barcode (if applicable)

Name LaToya Sheals

Phone

Address

Email

Street

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

Broward County  
Sheriff's Office

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

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

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

S-001 (08/10/2021)



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

**Location**  
409 The Capitol

**Mailing Address**  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-52229

DATE	COMM	ACTION
1/29/26	SM	Favorable
2/3/26	JU	Favorable
	ATD	
	AP	

January 29, 2026

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

Re: **SB 26** – Senator McClain and Senator Massullo  
**HB 6509** – Representative Grow  
Relief of the Estate of Mark LaGatta by the Department  
of Transportation

**SPECIAL MASTER'S FINAL REPORT**

THIS IS AN UNCONTESTED CLAIM FOR STATE FUNDS IN THE AMOUNT OF \$2.2 MILLION, PAYABLE BY THE DEPARTMENT OF TRANSPORTATION BASED ON A SETTLEMENT AGREEMENT BETWEEN MARK LAGATTA AND THE D.O.T. THE SETTLEMENT AGREEMENT RESOLVED A CIVIL ACTION THAT AROSE FROM THE ALLEGED NEGLIGENCE OF EMPLOYEES OF D.O.T. THAT CAUSED INJURY TO MARK LAGATTA AND HIS DAUGHTER FAITH LAGATTA. MR. LAGATTA RECENTLY PASSED AWAY APPARENTLY DUE TO NATURAL CAUSES, AND HIS ESTATE OWNS THE RIGHT TO RECOVERY.

FINDINGS OF FACT:

**General Overview of the Accident**

On Monday, July 27, 2020, Mark LaGatta, a 56 year old resident of Lecanto (Citrus County), Florida, went on a motorcycle ride with his 18 year old daughter Faith LaGatta as passenger. He was lawfully operating a 2010 Harley Davidson motorcycle. They travelled from Lecanto to Cedar Key for a seafood lunch on the water on what they described as a Daddy-Daughter Lunch Date. It was a perfect Florida day

for a Florida resident to become a Florida tourist with a trip to the coast on a bright and sunny day.

Prior to the accident, Mr. LaGatta was a physically active father of five children and husband to his wife who is the mother of their children. He was honorably discharged from the United States Army and had been an Army contractor in the Middle East after his discharge. He enjoyed time with his wife and children, fixing his home, and riding his motorcycle. In his early adulthood in New York state, he was arrested three times for DUI. He has not had any brushes with the law in his many years as a citizen of Florida.<sup>1</sup> Mr. LaGatta has an unremarkable Florida driving history and had a motorcycle endorsement on his driver's license.<sup>2</sup>

On the day of the accident the Florida Department of Transportation was undertaking repairs to the westbound lane of State Road 24. SR 24 runs from Cedar Key in the west to Waldo in the east, travelling through Rosewood, Archer and Gainesville. In a rural area approximately 0.2 miles east of the intersection with SW 95th Avenue, Cedar Key (and approximately 0.4 miles east of the Rosewood memorial marker), a small sinkhole had opened in the westbound lane of the roadway. A DOT-owned tractor with a box blade attached on the rear, operated by a DOT employee, was being used to make temporary repairs to the roadway. The westbound lane was cordoned off with cones, and flagmen were stationed at either end of the open travel lane with radio communication to manage the one-lane traffic using the eastbound lane. Contrary to normal procedure, there was no spotter being used to assist the tractor driver in operating the tractor. Also, DOT service trucks were parked near the sinkhole and in a manner that partially blocked the tractor driver's view of vehicles that were in the travel lane. The tractor driver testified that the design of the cab caused blind spots that interfered with his views during backing up maneuvers. The highway at the location of the accident is two lane, relatively straight and flat, with a wide shoulder that tapers off from the road, rural and lined with mature pine trees, and has a normal speed limit of 60 mph.

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<sup>1</sup> Given the history of DUIs, the Special Master felt compelled to request the blood test results from the emergency room medical records. The test result for alcohol was 0, showing that Mr. LaGatta was not under the influence of alcohol at the time of the accident.

<sup>2</sup> FHSMV driver record of Mark LaGatta, dated September 26, 2023.

Leaving Cedar Key, around 2:15 p.m., Mr. LaGatta and his daughter Faith were travelling eastbound when Mr. LaGatta slowed as he approached the construction zone. As directed by the flagman, he followed another vehicle into the construction zone. The tractor operator saw the other vehicle pass and proceeded to back into the eastbound travel lane, assuming that the vehicle was the only one sent through by the flagmen and thus not seeing the motorcycle. A nearby witness foresaw the imminent collision and immediately honked his horn, but to no avail. The witness testified that Mr. LaGatta appeared to apply brakes and attempted to steer away from the box blade, although pictures from the scene do not show skid marks. There was no evidence as to whether the construction zone had a special speed limit. The witness estimated the motorcycle was travelling at 30 miles per hour when the tractor with box blade entered the travel lane, which would appear to be a safe and appropriate speed for the conditions.

The motorcycle struck the box blade, causing Mr. LaGatta and his daughter to be thrown from the motorcycle. Both were injured, the more serious injuries being suffered by Mr. LaGatta.

The DOT employee at fault in the accident was issued a citation. The traffic court found him guilty and assessed a \$500 fine with 3 months driver license suspension and a requirement to attend the Advanced Defensive Driving School.<sup>3</sup>

#### **Mr. LaGatta's Injuries and Immediate Care**

Mr. LaGatta was not wearing a helmet but fortunately did not suffer a head injury that required treatment. Mr. LaGatta was taken by ambulance from the accident site to Shands Hospital in Gainesville, approximately 45 miles from the accident scene. He does not recall the ride, but medical records show that he was administered multiple doses of strong pain medications during the lengthy ride. Upon arrival at Shands it was noted that he had left leg open fractures<sup>4</sup> of the tibia and fibula<sup>5</sup>, arterial bleeding at the injury site of the left leg, closed fractures of the right tibia and fibula, multiple facial

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<sup>3</sup> Levy County Clerk of Court records of Russell Dunn.

<sup>4</sup> An "open" fracture refers to a severe fracture where the skin is cut or otherwise open, exposing the bone.

<sup>5</sup> The tibia and fibula are the two long bones of the lower leg, the tibia being the larger of the two and the one that bears most of the body's weight. Breaking both is commonly referred to as a "tib-fib fracture," and is an unfortunately common result of motorcycle collisions.

lacerations, and a transoral laceration of the mandibular fold. He was awake and alert. The facial lacerations were treated in the emergency room and the right leg fractures were set. The left leg injuries, however, would require significantly more medical attention.

In the emergency room, Mr. LaGatta required immediate orthopedic and vascular surgery including 4 compartment fasciotomies and external fixation. He was admitted to the intensive care unit for management of his pain, fractures and severe rhabdomyolysis requiring CVVH therapy.<sup>6</sup> He was intubated and placed in an induced coma. Over the next five days the lower leg injuries required multiple debridements that were unsuccessful in saving the leg from necrosis, and on August 2, 2020 (five days after the accident) the left leg was amputated at the mid-femur. The next day, another surgery was performed for further debridement of the left leg stump, pinning of the right tibia, and a tracheostomy to replace the intubation.

By August 15 (18 days post-accident), Mr. LaGatta was off the ventilator, his tracheostomy had been removed, his renal function was normal, and he was eating a normal diet. He transitioned in stable condition from the ICU to a regular hospital room. The next day he was discharged from Shands and transferred to a rehabilitation facility.

### **Faith LaGatta**

Mr. LaGatta's daughter Faith was 18 years old on the date of the accident. She was wearing a helmet. She suffered unspecified serious injuries in the accident, but her injuries appear far less serious than those of her father. Her claims have been settled in full within the sovereign immunity limits.

### **Follow up Medical Care**

Mr. LaGatta had follow-up care for his injuries. Significantly, he has received post-traumatic stress disorder (PTSD) care from the Veteran's Administration (VA). He was fitted for a basic prosthetic leg, which he considered unusable. He paid out-of-pocket for an advanced prosthetic leg which allowed him to walk short distances.

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<sup>6</sup> Rhabdomyolysis is kidney failure, which can be caused by severe trauma to other parts of the body. CVVH therapy is the temporary use of a mechanical external machine that simulates the functions of the kidneys.

Mr. LaGatta anticipated continuing PTSD treatment through the VA.

Mr. LaGatta lost numerous teeth because of the accident. He could not afford dental treatment and had not sought an estimate of the cost or feasibility of dental work. Had this claim bill passed during his lifetime it seems likely that he would have pursued extensive dental work.

The claimant furnished an economic report that he would have relied on had the case gone to a jury. The report estimated lifetime medical expenses related to the accident for Mr. LaGatta would be in the range of \$4.4 million to \$5.3 million.<sup>7</sup> However, this estimate assumed that the claimant would utilize several medical procedures and therapies that were not actually being pursued and did not appear to be planned in the future. For instance, the plan proposed a dorsal column stimulator for pain relief (as much as \$158,179), a procedure that was not done. The plan contemplated lifetime costs for a prosthetic leg at between \$2.2 million and \$2.8 million, yet Mr. LaGatta bought his prosthesis for \$40,000. The plan proposed a lifetime of home health aides at a cost of \$1.8 million to \$1.9 million, no home health aides were employed. Mr. LaGatta died August 14, 2024, of natural causes at the age of 60. The evidence is sparse, but the Special Master estimates that unpaid medical expenses related to the immediate aftermath of the accident plus those incurred afterwards through his lifetime, and not covered by Medicaid or the VA, are perhaps \$200,000.

### **Mr. LaGatta's Employment and Lost Wages**

At the time of the accident, Mr. LaGatta earned approximately \$35,000 annually as a maintenance engineer at a local golf course. He previously worked in maintenance at a hotel. These maintenance jobs required extensive physical exertion encompassing mobility, lifting and climbing. He maintained that due to the left leg amputation together with continued right leg pain and instability he was unable to work as a maintenance engineer. He further contended that due to age and injuries he was unable to work in or train for a sedentary career.

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<sup>7</sup> Kirby, *Analysis of Economic Damages*, RE: Mark LaGatta, page 2.

Mr. LaGatta had been evaluated by an expert in rehabilitative care who had assigned a 37% whole body permanent impairment rating.<sup>8</sup>

Given the impairment rating, his history of active physical labor, his age, his overall health, and the continuing effects of his injuries, it is reasonable to find that Mr. LaGatta has suffered a total loss of income, which loss cannot be reasonably mitigated. Thus, a jury may have awarded 11 years of lost wages totaling approximately \$385,000.<sup>9</sup> His widow should have benefited from that lost income, and the loss has likely negatively impacted her future federal benefits as a surviving spouse. It appears equitable to award this lost income despite Mr. LaGatta's early demise.

### **Collateral Sources**

Mr. LaGatta had the minimum personal injury protection (PIP) coverage (\$10,000), and he received \$25,000 in uninsured motorist coverage from his own policy. Medicaid paid \$166,604.23 for medical bills related to the accident.<sup>10</sup> The VA provided some care without charge. While technically not a collateral source, Mr. LaGatta has already received \$120,000 from the State DOT in partial satisfaction of this claim.

### **Noneconomic Damages**

Mr. LaGatta suffered significant noneconomic damages in the form of pain and suffering damages. He was likely to continue to suffer the rest of his life, the missing leg a painful reminder of an accident he should never have had to suffer. In addition to his actual pain, he continued to blame himself for the injuries to his daughter Faith, even though there is no apparent legal or moral fault on him and the DOT appears to be 100 percent at fault in the collision.

No amount of money can truly compensate an accident victim for his or her pain and suffering, but money is the only tangible thing that can be awarded to an accident victim. As this is a settlement without the benefit of a jury trial, and because there is no formula or fixed criteria for an award, we don't know how

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<sup>8</sup> Lichtblau, *Comprehensive Rehabilitation Evaluation of Mark LaGatta*, page 54.

<sup>9</sup> He was 56 at the time of the accident, and full retirement age for Social Security purposes for a person of his age at the time of the Special Master hearing, before his passing, is 67. In a trial, the plaintiff can argue for anticipated future inflationary increases in salaries, and the defense can argue that a judgment is paid today and that investment earnings should be considered. Given that the parties settled and did not present evidence in either regard, the Special Master considered this a "wash" and utilized a straight-line calculation of lost wages.

<sup>10</sup> The charged amount was \$770,354.04.

much a jury might have been awarded had this matter gone to trial.

### **Litigation History and Settlement:**

#### *Litigation History*

The underlying case was filed on April 13, 2021, as a civil action in Levy County. The plaintiffs were Mark LaGatta, the claimant now being his estate, his wife Margaret LaGatta, and his daughter Faith LaGatta.

The plaintiff alleged that DOT was negligent in the operation of a tractor with box blade attachment, and that such negligence resulted in permanent injuries to Mr. LaGatta, permanent injuries to Faith LaGatta, and a loss of consortium claim by Margaret LaGatta. The defendant DOT denied all allegations of negligence.

#### *Settlement*

The parties entered into a settlement agreement resolving all claims that had been or could have been raised by claimants. The agreement paid Faith LaGatta the sum of \$150,000, and paid Margaret LaGatta the sum of \$30,000, both in full payment of their claim. The agreement also paid the remaining \$120,000 of the immunity limit to Mark Lagatta in partial payment of the settlement. From the \$120,000, there was a partial payment of the Medicaid lien as required by the applicable statutes, reducing the Medicaid lien by \$32,846.47.<sup>11</sup>

The total settlement between the DOT and Mr. LaGatta is for \$2.32 million, \$120,000 of which was paid upon execution of the settlement. DOT has agreed to support a claim bill payable to the Estate of Mark LaGatta for the additional sum of \$2.2 million.

### CONCLUSIONS OF LAW:

A *de novo* hearing was held on October 30, 2023. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Section 768.28, of the Florida Statutes, waives the state's sovereign immunity for tort liability up to \$200,000 per person and \$300,000 for all claims or judgments arising out of the

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<sup>11</sup> The current outstanding balance is \$133,757.76.

same incident. Sums exceeding these amounts are payable by the State and its agencies or subdivisions only by further act of the Legislature.

### **Agency Liability**

There are three main types of agency liability in which a principal is responsible for the tortious conduct of its agent: *respondeat superior*, actual authority, and apparent authority.

#### *Respondeat Superior*

Under the doctrine of *respondeat superior*, an employer is liable for acts of employees performed within the course of their employment.<sup>12</sup>

In this case, the tractor driver and the employees on site were all employees of DOT. The flagmen were not DOT employees but were under the direction and control of DOT.<sup>13</sup> The undersigned finds that all individuals liable for this accident and injuries fall under the concept of *respondeat superior*. The DOT is legally liable for the negligent acts of its employees and agents performed within the course of their employment.

Because *respondeat superior* applies, there is no cause to examine actual authority or apparent authority.

### **Negligence**

There are four elements to a negligence claim: (1) duty—where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach—which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation—where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages—actual harm.<sup>14</sup>

#### *Duty*

An operator of any vehicle generally has a duty to operate the vehicle safely and in a manner that is not harmful to other vehicles, pedestrians, or property.

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<sup>12</sup> *Dieas v. Assoc. Loan Co.*, 99 So.2d 279, 280-281 (Fla. 1957); *Stinson v. Prevatt*, 94 So. 656, 657 (Fla. 1922).

<sup>13</sup> The flagmen were state prisoners assigned to DOT. If asked to assign liability to them, the Special Master would find that the flagmen acted appropriately and should not be assigned any liability. It is unclear why DOT did not ask for a third inmate to act as a spotter for the tractor driver. A spotter is common in the construction industry and it was negligent not to have one. If there had been a spotter it is far less likely that this accident would have occurred.

<sup>14</sup> *Williams v. Davis*, 974 So.2d 1052, at 1056–57 (Fla. 2007).

*Breach*

The DOT breached its duty by driving a tractor directly in front of a vehicle that was lawfully and safely operating on the highway. Mr. LaGatta had the right-of-way. The DOT also breached its duty by not assigning a spotter, parking large vehicles that partially blocked the views of the tractor operator, and not providing a radio to the tractor driver so that he could listen to the flagmen.

*Causation*

The breaches directly caused the accident.

*Damages*

Through the provision of medical records and supporting evidence, the claimant has established that he suffered significant and permanent injuries. A jury that would have heard this case is likely to have resulted in an award of significant damages for past and future medical expenses, past and future lost income, and past and future noneconomic (pain and suffering) damages.

Note that the settlement appears to have contemplated that Mr. LaGatta would live approximately twenty years longer than he did. A considerable amount of the settlement amount was apparently intended as compensation for anticipated future medical expenses that now are not needed. This would not be considered post-trial in a private action but is an equitable factor that the Legislature may consider in determining an equitable amount to award.

*Comparative Fault*

The damages award to a plaintiff in a personal injury action may be reduced if the finder of fact determines that the plaintiff was partially liable for his or her own injuries.

**Conclusion**

DOT was clearly negligent in several ways that led to the tragic outcome of this accident. The tractor driver was negligent in backing up into the travel lane without ensuring that the lane was clear, which liability is legally imposed upon DOT. DOT was also negligent in improperly training and supervising the tractor driver, in not assigning one of the employees on site to act as a spotter, in not giving the tractor driver a radio to listen to the flagmen, and in parking support vehicles in a manner that partially obscured the tractor operator's view of the travel lane. All the while, Mr. LaGatta

was driving in a reasonable manner and at a safe speed for conditions. It is reasonable and likely that a jury would find 100 percent of fault attributable to DOT and no comparative fault on the part of Mr. LaGatta. The special master therefore recommends a finding that Mr. LaGatta did not contribute to his injuries, and thus recommends a finding that DOT is legally 100 percent at fault in this accident.

As to the appropriate measure of compensation, the Legislature may decide whether the claim bill should accept the settlement with DOT or should equitably reduce the claim amount to take into consideration Mr. LaGatta's untimely death. The amount paid by this claim bill will be reduced before payment to the family by attorney's fees and the existing Medicaid lien.<sup>15</sup>

ATTORNEY FEES:

Language in the bill states that attorney fees may not exceed 25 percent of the amount awarded. Correspondence from the attorney for the claimant confirms that the attorney will comply with this limit should the claim bill be enacted.

RECOMMENDATIONS:

**Recommended Amendments**

No technical amendments are recommended.

**Recommendation on the Merits**

Based upon the arguments and documents provided before, during, and after the special master hearing, I find that the claimant met the burden of proving that the State of Florida (Florida Department of Transportation) was negligent, resulting in injuries to Mark LaGatta. The equitable right to the claim passed to the estate. I recommend that Senate Bill 78 (2025) be reported FAVORABLY as amended in the discretion of the Legislature.

Respectfully submitted,

Nathan L. Bond  
Senate Special Master

cc: Senator McClain  
Tracey Cantella, Secretary of the Senate

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<sup>15</sup> Attorney fees are 25% of the award. The outstanding Medicaid lien is \$133,757.76.

Counsel of Record

By Senator McClain

9-00081-26

202626\_\_

A bill to be entitled

An act for the relief of the Estate of Mark LaGatta; providing an appropriation to compensate the estate for injuries and damages sustained by Mr. LaGatta as a result of the negligence of the Department of Transportation; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, on July 27, 2020, Mark LaGatta and his daughter, Faith LaGatta, were lawfully riding on Mr. LaGatta's motorcycle and traveling eastbound on State Road 24 near the intersection with SW 95th Avenue in Cedar Key in Levy County, and

WHEREAS, Mr. LaGatta, 57 years old at the time, was operating the motorcycle, and Faith LaGatta was a passenger, and

WHEREAS, the Department of Transportation was in the process of roadwork on State Road 24 to repair sinkhole damage, and

WHEREAS, the department created a work zone, marking the closed westbound lane with cones, leaving only the eastbound lane open for travel, and

WHEREAS, the department's work zone had flaggers present to direct the flow of traffic, and a flagger directed Mr. LaGatta to proceed eastbound through the work zone, and

WHEREAS, an employee of the department was operating a tractor with a box blade attachment in the westbound travel lane, and

WHEREAS, the employee backed up into the eastbound travel lane, directly in front of Mr. LaGatta, causing a collision

Page 1 of 3

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

9-00081-26

202626\_\_

between the tractor's box blade and Mr. LaGatta's motorcycle, and

WHEREAS, as a result of the accident, Mr. LaGatta sustained severe injuries to his legs which resulted in the amputation of his left leg, and

WHEREAS, Mr. LaGatta was hospitalized for several weeks as a result of the accident, underwent seven surgeries and a tracheotomy, and was placed in an induced coma, and

WHEREAS, Mr. LaGatta was hospitalized when COVID-19 protocols were enforced, and none of his five children were allowed to visit him in the hospital, and

WHEREAS, Mr. LaGatta was medically unable to return to his career as a maintenance engineer, and

WHEREAS, on February 28, 2023, in resolving the civil action brought in the Circuit Court for the Eighth Judicial Circuit, in and for Levy County, Case No. 38-2021-CA-54, a final judgment was entered in favor of Mr. LaGatta against the Department of Transportation, in the amount of \$2.32 million, and

WHEREAS, in August 2024, Mr. LaGatta passed away after suffering bodily injury resulting in pain and suffering; disability; disfigurement; mental anguish; lost capacity for the enjoyment of life; the expense of hospitalization and medical and nursing care and treatment; lost earnings; and lost earning capacity following his accident, and

WHEREAS, the department paid \$120,000 to Mr. LaGatta under s. 768.28, Florida Statutes, before his passing, with the remainder of the judgment now payable to his estate, and

WHEREAS, the department has agreed to support this claim

Page 2 of 3

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

9-00081-26

202626\_\_

59 bill, NOW, THEREFORE,

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. The facts stated in the preamble to this act are  
64 found and declared to be true.

65 Section 2. The sum of \$2.2 million is appropriated from the  
66 General Revenue Fund to the Department of Transportation for the  
67 relief of the Estate of Mark LaGatta for injuries and damages  
68 sustained by Mr. LaGatta.

69 Section 3. The Chief Financial Officer is directed to draw  
70 a warrant in favor of the Estate of Mark LaGatta in the amount  
71 of \$2.2 million upon funds of the Department of Transportation  
72 in the State Treasury and to pay the same out of such funds in  
73 the State Treasury.

74 Section 4. The amount paid by the Department of  
75 Transportation pursuant to s. 768.28, Florida Statutes, and the  
76 amount awarded under this act are intended to provide the sole  
77 compensation for all present and future claims arising out of  
78 the factual situation described in this act which resulted in  
79 injuries and damages to Mark LaGatta. The total amount paid for  
80 attorney fees relating to this claim may not exceed 25 percent  
81 of the total amount awarded under this act.

82 Section 5. This act shall take effect upon becoming a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 29, 2026

---

I respectfully request that **Senate Bill #26**, relating to Relief of the Estate of Mark LaGatta by the Department of Transportation, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Stan McClain".

---

Senator Stan McClain  
Florida Senate, District 9

2/3/26

Meeting Date

# The Florida Senate APPEARANCE RECORD

26

Bill Number or Topic

Judiciary

Committee

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

Amendment Barcode (if applicable)

Name

Todd Lewis

Phone

(727) 644-8448

Address

3101 SW 34<sup>th</sup> Ave

Email

Street

Ocala

FL

34474

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

Rywant, Alvarez, Jones, Russo & Guyton, PA

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

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

S-001 (08/10/2021)



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

*Location*  
409 The Capitol

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
1/29/26	SM	Favorable
2/3/26	JU	Favorable
	CA	
	RC	

January 29, 2026

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

Re: **SB 28** – Senator Rouson  
Relief of Reginald Jackson by the City of Lakeland  
**HB 6525** – Representative Franklin

**SPECIAL MASTER'S FINAL REPORT**

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$312,500 BASED ON A JURY AWARD FOR THE CLAIMANT REGINALD JACKSON AND AGAINST THE CITY OF LAKE LAND FOR INJURIES SUSTAINED BY THE CLAIMANT WHEN HE WAS SHOT IN THE NECK BY A LAKE LAND POLICY OFFICER AFTER A TRAFFIC STOP.

CURRENT STATUS:

This claim bill was previously filed with the Legislature for the 2010 Legislative Session. At the time, it was heard by Bram D.E. Canter, an administrative law judge from the Division of Administrative Hearings, serving as a Senate Special Master. After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported FAVORABLY.

This claim bill was also previously filed with the Legislature for the 2017 Legislative Session. At the time, Senate Special Master Thomas C. Cibula issued a report that attached and relied on Judge Canter's report from SB 66 (2010). Judge Canter's and Mr. Cibula's special master reports from SB 66 (2010) and SB 298 (2017), respectively, are attached.

SPECIAL MASTER'S FINAL REPORT – SB 28

January 29, 2026

Page 2

RECOMMENDATION:

I concur with the findings made in SB 298 (2017) and recommend that SB 28 (2026) be reported FAVORABLY.

Respectfully submitted,

Jacqueline M. Moody  
Senate Special Master

cc: Secretary of the Senate



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

*Location*  
302 Senate Office Building

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
1/29/17	SM	Favorable
03/22/17	JU	<b>Fav/CS</b>
	CA	
	RC	

March 16, 2017

The Honorable Joe Negron  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **CS/SB 298** – Judiciary Committee and Senator Darryl Rouson  
**HB 6517** – Representative Ramon Alexander  
Relief of Reginald Jackson

**SPECIAL MASTER'S FINAL REPORT**

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$312,500 BASED ON A JURY AWARD FOR THE CLAIMANT REGINALD JACKSON AND AGAINST THE CITY OF LAKELAND FOR INJURIES SUSTAINED BY THE CLAIMANT WHEN HE WAS SHOT IN THE NECK BY A LAKELAND POLICE OFFICER AFTER A TRAFFIC STOP.

CURRENT STATUS:

This claim bill was previously filed with the Legislature for the 2010 Legislative Session. At that time, it was heard by Bram D. E. Canter, an administrative law judge from the Division of Administrative Hearings, serving as a Senate Special Master. After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported FAVORABLY. Judge Canter's special master report from SB 66 (2010), the latest report available, is attached.

Respectfully submitted,

Thomas C. Cibula  
Senate Special Master

cc: Secretary of the Senate

**CS by Judiciary:**

The committee substitute, in conformity with a recent opinion of the Florida Supreme Court, does not include limits on the amount of lobbying fees, costs, and similar expenses that may be paid from the proceeds of the bill.



**THE FLORIDA SENATE**  
**SPECIAL MASTER ON CLAIM BILLS**

*Location*  
402 Senate Office Building

*Mailing Address*  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
12/04/09	SM	Favorable

December 4, 2009

The Honorable Jeff Atwater  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 66 (2010)** – Senator Chris Smith  
Relief of Reginald Jackson

**SPECIAL MASTER'S FINAL REPORT**

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$312,500 BASED ON A JURY AWARD FOR THE CLAIMANT REGINALD JACKSON AND AGAINST THE CITY OF LAKE LAND FOR INJURIES SUSTAINED BY THE CLAIMANT WHEN HE WAS SHOT IN THE NECK BY A LAKE LAND POLICE OFFICER AFTER A TRAFFIC STOP.

FINDINGS OF FACT:

On October 18, 2001, around midnight, Reginald Jackson, then 24 years old, was driving home on Memorial Boulevard in Lakeland after picking up his girlfriend's 18-month-old brother from a relative's house. Officer Michael Cochran of the Lakeland Police Department was behind Jackson in a marked patrol car. Officer Cochran entered Jackson's tag number in his computer which indicated that there was a discrepancy. Officer Cochran turned on his flashing lights and pulled Jackson over. Officer Cochran asked Jackson for his license and vehicle registration. When Jackson's registration looked in order, Officer Cochran returned to his patrol car and ran the tag number again. There was no problem with Jackson's vehicle tag. Officer Cochran realized that he had initially entered the wrong tag number.

However, Officer Cochran had observed that Jackson had a child in the front passenger seat who was not in a child car seat. Officer Cochran proceeded to write Jackson a citation for transporting a child without a car seat. He told Jackson that Jackson could not drive home without a car seat and would have to get someone to bring a car seat for the child. Jackson asked Officer Cochran if he could follow the officer to Jackson's home, which was nearby, but Officer Cochran declined. Officer Cochran then drove away.

Jackson tried to use a pay phone close to where his car had been pulled over, but the phone was not working. Jackson saw another pay phone in the parking lot of a lounge a block away, so he got back into his car and drove to the lounge. Meanwhile, Officer Cochran had lingered nearby in an alleyway, apparently to observe Jackson because Officer Cochran suspected that Jackson would not obey the instruction not to drive anywhere unless the child was in a car seat. When Officer Cochran saw Jackson drive away, he immediately followed Jackson and pulled into the parking lot of the lounge with the intent to arrest Jackson.

Officer Cochran exited his patrol car and approached Jackson, who was at or near the pay phone, telling Jackson that he was under arrest. Jackson replied that he was just using the pay phone and he walked quickly to his car, got in, started it up, backed up a short distance, and then put the vehicle in "drive" with the intent to drive away. Jackson explained his reaction as caused by his being startled and confused. It was also asserted by his attorneys that, because Jackson is an African American and Officer Cochran is white, Jackson believed that Officer Cochran was acting out of racism. Jackson did not say that he feared he would be physically harmed by Officer Cochran.

Officer Cochran drew his handgun and positioned himself in front of Jackson's car, on the driver's side, with his body to the side of the front right tire and his left hand on the fender of the car. As Jackson slowly moved the car forward, Officer Cochran was yelling for Jackson to "stop or I'll shoot." Officer Cochran then shot through the windshield, striking Jackson in the neck. The bullet passed through Jackson's neck and came out of his back. The shot fired by Officer Cochran was reasonably calculated to kill Jackson. Jackson momentarily lost consciousness and his car continued forward and crossed

all lanes of Memorial Boulevard. Jackson regained consciousness in time to apply the brakes and prevent the car from crashing into a storefront.

The written policies of the Lakeland Police Department regarding the use of firearms by police officers state that their use “shall be limited to those situations in which lethal defensive action is warranted,” and firearms are not to be drawn or displayed unless there is a “reasonable suspicion of a threat of death or great bodily harm to an officer or another person.”

Officer Cochran claimed that he feared for his life because he believed Jackson was attempting to run him over with the car. The more persuasive evidence indicates that, if Officer Cochran feared for his life, it was an unreasonable fear. The car was rolling forward slowly. The evidence is ambiguous as to whether Officer Cochran was positioned to the side of the car or slightly in front of the car. However, even if he was positioned slightly in front of the car, the more persuasive evidence indicates he could have side-stepped or dodged the car by moving to his right. His decision to end the “threat” by shooting to kill Jackson was not a reasonable act. Although Jackson’s actions in returning to his car and beginning to drive away indicated that he was going to resist arrest and flee, his actions did not give rise to a reasonable belief that he intended to kill or cause serious bodily harm to Officer Cochran.

The gunshot wound left Jackson with a permanent brachial plexus injury which is an injury to nerves that control shoulder, arm, and hand movements. There is no surgery or treatment that can repair the damage. As a result of the injury, Jackson has intermittent pain, numbness, or tingling in his right arm and hand. His right arm is also weaker.

LITIGATION HISTORY:

Jackson filed a lawsuit in 2005 against the City in the circuit court for Polk County. Following a three-day trial, the jury determined that the City was 75 percent at fault and Jackson was 25 percent at fault. The jury verdict was \$550,000. Applying the 75/25 split, the circuit court issued a final judgment against the City for \$412,500. The City paid the sovereign immunity limit of \$100,000, leaving a balance of \$312,500 to seek through a claim bill.

CLAIMANT'S POSITION: Officer Cochran was negligent in the use of his firearm and the jury award is fair and reasonable.

THE CITY'S POSITION: Officer Cochran's actions were reasonable under the circumstances. Jackson is solely responsible for his injury.

CONCLUSIONS OF LAW: The claim bill hearing was a *de novo* proceeding for the purpose of determining, based on the evidence presented to the Special Master, whether the City is liable in negligence for the injuries suffered by Jackson and, if so, whether the amount of the claim is reasonable.

It was claimed that Officer Cochran violated Police Department policy when he first drew his firearm. However, because Jackson quickly returned to his car when he was told he was under arrest, Jackson created a reasonable suspicion in the mind of Officer Cochran that Jackson might be going to get a weapon. Therefore, Officer Cochran did not violate Police Department policy when he drew his firearm. Thereafter, however, it was apparent to Officer Cochran that Jackson had not returned to the car to get a weapon and that Jackson did not have a weapon. Officer Cochran was not justified in shooting Jackson for resisting and fleeing from an attempted arrest for transporting a child without a car seat. See Light v. State, 796 So. 2d 610 (Fla. 2d DCA 2001)(police officers had no authority to use deadly force to arrest a person who had committed only a misdemeanor).

To state a claim for negligence under Florida law, a plaintiff must allege that the defendant owed the plaintiff a duty of care, that the defendant breached the duty, and that the breach caused the plaintiff to suffer damages. Paterson v. Deeb, 472 So. 2d 1210, 1214 (Fla. 1985).

Although the decision to make an arrest is a discretionary governmental function which does not give rise to a duty of care that can be breached, the actions of law enforcement officers in conducting an arrest can create a duty to exercise reasonable care. See, generally, Wallace v. Dean, 3 So. 3d 1035 (Fla. 2009). In Lewis v. City of St. Petersburg, 260 F. 3d 1260 (11th Cir. 2001), it was held that when a police officer draws his or her firearm, the officer owes a duty to act with reasonable care to all persons that are within the zone of risk associated with the discharge of the firearm. The court stated that Florida law clearly recognizes a cause of action for the

negligent handling of a firearm and the negligent decision to use a firearm.

In City of Miami v. Sanders, 672 So. 2d 46 (Fla. 3d DCA 1996), the appellate court reversed the trial court's judgment for the plaintiff for negligent use of excessive force by a police officer during an arrest, stating that "there is no such thing as a negligent commission of an intentional tort." The court stated that the proper action would be for the intentional tort of battery in which the analysis would focus on whether the force used was reasonable under the circumstances. The court went on to say that there can be a distinct cause of action for negligence brought against a police officer separate from the claim of excessive force, but "the negligence component must pertain to something other than the actual application of force during the course of the arrest." Id., at 48.

Ansley v. Heinrich, 925 F. 2d 1339 (11th Cir. 1991) involved several claims against two deputy sheriffs for shooting a man who was carrying a handgun, but had not been observed to have committed a crime. The appellate court did not address the negligence claim, but mentioned that the trial court entered a judgment against the Hillsborough County Sheriff for negligence. Mazzilli v. Doud, 485 So. 2d 477 (Fla. 3d DCA 1986) involved the review of a trial court's judgment against the City of Hialeah for assault and battery and negligence by a Hialeah police officer who shot a federal drug enforcement officer, believing that the federal officer was a felon. The appellate court found "ample evidence" to support the jury's conclusion that the police officer was negligent. These cases do not remove all doubt about the proper application of the law of negligence to a law enforcement officer's use of his or her firearm, but these cases along with the Jackson case make three known cases where a judgment of negligence was entered. Accordingly, my recommendation is based on the premise that negligence is a proper cause of action.

Jackson was within the zone of risk created when Officer Cochran drew his weapon and, therefore, Officer Cochran owed Jackson a duty to act with reasonable care. Officer Cochran did not act with reasonable care when he fired his weapon. Contributing to the finding that Officer Cochran did not act with reasonable care is the fact that the discharge of his firearm endangered the life of the child sitting next to Jackson. Officer Cochran breached his duty to Jackson and

the breach was the proximate cause of Jackson's injuries. Officer Cochran was acting within the course and scope of his employment at the time of the incident. Therefore, the City, as his employer, is be liable for Officer Cochran's negligence and the damages that resulted.

The jury award is reasonable for the injuries that Jackson suffered.

ATTORNEY'S FEES AND LOBBYIST'S FEES:

In compliance with s. 768.28(8), F.S. Jackson's attorneys agreed to limit their fees to 25 percent of any amount awarded by the Legislature. They have not acknowledged the requirement of the claim bill that costs and lobbyist's fees be included in the 25 percent figure.

LEGISLATIVE HISTORY:

This is the first claim bill filed for Reginald Jackson.

RECOMMENDATION:

For the reasons set forth above, I recommend that Senate Bill 66 (2010) be reported FAVORABLY.

Respectfully submitted,

Bram D. E. Canter  
Senate Special Master

cc: Senator Chris Smith  
R. Philip Twogood, Secretary of the Senate  
Counsel of Record

By Senator Rouson

16-00102-26

202628\_\_

A bill to be entitled

An act for the relief of Reginald Jackson by the City of Lakeland; providing an appropriation to compensate Mr. Jackson for injuries and damages sustained as a result of the negligence of Mike Cochran, a police officer with the Lakeland Police Department; providing a limitation on the payment of compensation and attorney fees; providing an effective date.

WHEREAS, on October 18, 2001, Officer Mike Cochran of the Lakeland Police Department stopped Reginald Jackson for driving with an invalid license tag after the officer incorrectly typed the tag number into his computer and the tag number was, therefore, identified as invalid, and

WHEREAS, Officer Cochran then issued a citation to Mr. Jackson for transporting his girlfriend's 18-month-old brother without a child safety seat and forbade Mr. Jackson to move the vehicle without properly restraining the child, and

WHEREAS, Mr. Jackson asked if Officer Cochran could escort his vehicle to his home a short distance away, but the officer refused and directed Mr. Jackson to use an immediately adjacent pay phone to call someone to bring a car seat for the child, and

WHEREAS, after the stop, Officer Cochran drove away and positioned himself in an alley parallel to the site of the initial stop and observed Mr. Jackson drive to a pay phone on the next block, which Mr. Jackson did after determining that the immediately adjacent pay phone was not operational, and

WHEREAS, while Mr. Jackson attempted to use the second pay phone, Officer Cochran approached him and told him that he was

Page 1 of 3

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

16-00102-26

202628\_\_

under arrest for disobeying a law enforcement officer, and  
 WHEREAS, Mr. Jackson was startled by the officer and ran back to his vehicle, got inside, backed up a short distance, and then drove forward without pressing the gas pedal, and  
 WHEREAS, when Officer Cochran told Mr. Jackson to stop the vehicle or he would shoot, Mr. Jackson then pumped his brakes twice, and the officer fired a .45 caliber bullet through the windshield which struck Mr. Jackson in the neck and exited through his back, and  
 WHEREAS, Mr. Jackson was unarmed and seated next to an 18-month-old child, and  
 WHEREAS, after the shooting, the police transported the child to the police station in a marked vehicle without a child safety seat, and  
 WHEREAS, as a result of his injury, Mr. Jackson will suffer pain and be disabled for the rest of his life, and  
 WHEREAS, Officer Cochran, as an employee of the Lakeland Police Department acting within the scope of employment, owed a duty to Mr. Jackson to conduct himself in a reasonable manner and exercise reasonable care, but he breached that duty by discharging his firearm through Mr. Jackson's windshield in a careless and negligent manner, and  
 WHEREAS, a jury in the Circuit Court of the Tenth Judicial Circuit in and for Polk County awarded Mr. Jackson \$412,500 in damages, and  
 WHEREAS, due to the limits of s. 768.28, Florida Statutes, at the time of the incident, Mr. Jackson has collected only \$100,000 of his judgment against the City of Lakeland, and the remainder may be recovered only through passage of a claim bill

Page 2 of 3

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

16-00102-26

202628\_\_

59 by the Legislature, NOW, THEREFORE,

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. The facts stated in the preamble to this act are  
64 found and declared to be true.

65 Section 2. The City of Lakeland is authorized and directed  
66 to appropriate from funds of the city not otherwise encumbered  
67 and to draw a warrant in the sum of \$312,500 payable to Reginald  
68 Jackson as compensation for injuries and damages sustained.

69 Section 3. The amount paid by the City of Lakeland pursuant  
70 to s. 768.28, Florida Statutes, and the amount awarded under  
71 this act are intended to provide the sole compensation for all  
72 present and future claims arising out of the factual situation  
73 resulting in the shooting of Reginald Jackson as described in  
74 this act. The total amount paid for attorney fees relating to  
75 this claim may not exceed 25 percent of the amount awarded under  
76 this act.

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

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

### JOINT COMMITTEE:

Joint Legislative Budget Commission

### SENATOR DARRYL ERVIN ROUSON

16th District

January 30, 2025

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

Dear Chairman Yarborough,

I am respectfully requesting SB 28, Relief of Reginald Jackson by the City of Lakeland, be added to the agenda of a forthcoming meeting of the Committee on Judiciary for consideration.

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

Sincerely –

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

Senator Darryl E. Rouson  
Florida Senate District 16

#### REPLY TO:

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

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

SB 28

Bill Number or Topic

2/3/24

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name LAToya Sheals

Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Street

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Reginald Jackson

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Judiciary

---

BILL: CS/SB 50

INTRODUCER: Criminal Justice Committee and Senator Gaetz

SUBJECT: Veterans Affairs

DATE: February 3, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	<b>Fav/CS</b>
2.	Bond	Cibula	JU	<b>Favorable</b>
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 50 repeals the exclusive authority of a state attorney to approve or deny admission of a defendant or offender into a veterans treatment court program. The bill gives the authority to the court or to a multidisciplinary team.

The bill also gives a sentencing court the authority to place an offender into a postadjudicatory veterans treatment court program if he or she was convicted of a misdemeanor or a nonviolent felony and if the offender otherwise meets the program requirements.

The bill may have an indeterminate fiscal impact on the Office of the State Courts Administrator. See *Section V. Fiscal Impact Statement*.

The bill takes effect on July 1, 2026.

**II. Present Situation:**

Veterans have unique experiences and face unique challenges. As a result, they have unique needs. Veterans treatment court programs are but one form of state aid provided to veterans.

## Background

### *Specialty Courts In General*

The court system has developed several specialty courts to address certain problems in society and to assist certain populations. The concept of a veterans treatment court program is a combination of features found in the drug court programs and the mental health court programs. Each of these problem-solving courts is administratively assisted by the Office of the State Courts Administrator's Office of Court Improvement.<sup>1</sup>

### *Veterans Treatment Courts in General*

Veterans treatment courts are designed to assist justice-involved defendants with the complex treatment needs associated with substance abuse, mental health, and other issues unique to the traumatic experiences that may result from military service. Some veterans returning home from service find it difficult to integrate back into the community. It is the intent of the Legislature to encourage and support the judicial circuits of the state and other agencies, local governments, interested public and private entities, and individuals to create and maintain a veterans treatment court program in each judicial circuit.<sup>2</sup> A court having jurisdiction over criminal cases may create and administer a veterans treatment court program that may adjudicate misdemeanors and felonies.<sup>3</sup>

A veterans treatment court program is typically administered by a multidisciplinary team. Current law does not specify who is appointed to these teams, thus its composition is a matter of local rule and custom at the direction of the chief judge of the circuit. Veterans treatment court programs typically involve cooperation and collaboration with traditional partners found in the similar drug court programs, such as the judge, state attorney, public defender, case manager, treatment provider, probation, and law enforcement agencies. Added to this interdisciplinary team are representatives of the Veterans Health Administration and the Veterans Benefit Administration – as well as State Departments of Veteran Affairs, Veteran Centers, Veterans Service Organizations, Department of Labor, volunteer veteran mentors, and other veteran support groups.<sup>4</sup>

The following are key components of a veterans treatment court program:<sup>5</sup>

- Integration of alcohol, drug treatment, and mental health services into justice system case processing;<sup>6</sup>
- Non-adversarial approach;<sup>7</sup>

---

<sup>1</sup> Office of the State Court Administrator, Veterans Resource Guide, *Office of the State Courts Administrator*, pp 13 and 17, available at: [https://flcourts-media.flcourts.gov/content/download/2450937/file/VETERANS\\_RESOURCE\\_GUIDE\\_ADA-Compliant.pdf](https://flcourts-media.flcourts.gov/content/download/2450937/file/VETERANS_RESOURCE_GUIDE_ADA-Compliant.pdf) (last visited January 26, 2026).

<sup>2</sup> Section 394.47891(1), F.S.

<sup>3</sup> Section 394.47891(3)(a)-(b), F.S.

<sup>4</sup> Florida Courts, Veteran Courts, *Background*, available at: <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts> (last visited January 6, 2026).

<sup>5</sup> Florida Courts, Veteran Courts, *Current Status*, available at: <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts> (last visited January 6, 2026).

<sup>6</sup> Required by s. 394.47891(6)(a)1., F.S.

<sup>7</sup> Required by s. 394.47891(6)(a)2., F.S.

- Early identification of eligible participants;<sup>8</sup>
- Continuum of services;
- Alcohol and drug testing for abstinence;<sup>9</sup>
- Coordinated strategy for responses to participants' compliance;
- Ongoing judicial interaction;<sup>10</sup>
- Monitoring and evaluation for program effectiveness;
- Interdisciplinary education; and,
- Partnerships with stakeholders.<sup>11</sup>

### ***Veterans Treatment Courts – Currently***

As of October 2025, Florida has 33 veterans treatment court programs in operation. Florida veterans treatment courts admitted 683 participants in 2024.<sup>12</sup>

### **Referral to a Veterans Treatment Court Program**

Referral to a veterans treatment court program is governed by numerous overlapping statutes:

#### ***Referral to Veterans Treatment Court Program Under s. 394.47891, F.S.***

Section 394.47891, F.S., provides that any criminal defendant who meets the eligibility requirements may be admitted to a veterans treatment court program at any stage of a criminal proceeding.<sup>13</sup> Veterans and servicemembers alike may apply. A veteran does not have an enforceable right to participate in a veterans treatment court program.<sup>14</sup>

A defendant seeking to participate in a veterans treatment court program must apply to the state attorney and the state attorney must review each application to determine whether the defendant meets the eligibility requirements. A defendant may participate in the program if he or she is approved by the state attorney, in consultation with the court, and meets the following criteria:<sup>15</sup>

- The defendant has a service-related mental health condition, service-related traumatic brain injury, service-related substance use disorder, or service-related psychological problem or has experienced military sexual trauma.<sup>16</sup>
- The defendant's participation in the veterans treatment court program is in the interest of justice and of benefit to the defendant and the community.

<sup>8</sup> Required by s. 394.47891(6)(a)3., F.S.

<sup>9</sup> Required by s. 394.47891(6)(a)4., F.S.

<sup>10</sup> Required by s. 394.47891(6)(a)5., F.S.

<sup>11</sup> Required by s. 394.47891(6)(a)7., F.S.

<sup>12</sup> Office of the State Courts Administrator, *Veterans Courts*, at <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts>.

<sup>13</sup> Section 394.47891(4), F.S. This statute and other laws discussed in this analysis may apply also to someone convicted of a crime and serving a term of probation or community control, where the technical reference to a would be to an "offender."

<sup>14</sup> Section 394.47891(10), F.S.

<sup>15</sup> Section 394.47891(8)(a), F.S.

<sup>16</sup> "Military sexual trauma" means psychological trauma that results from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while a servicemember or veteran was serving on active duty, active duty for training, or inactive duty training. Section 394.47891(2)(b), F.S.

In making the determination, the state attorney, in consultation with the court, must consider:<sup>17</sup>

- The nature and circumstances of the offense charged.
- The special characteristics or circumstances of the defendant and any victim or alleged victim, including any recommendation of the victim or alleged victim.
- The defendant's criminal history and whether the defendant previously participated in a veterans treatment court program or similar program.
- Whether the defendant's needs exceed the treatment resources available to the veterans treatment court program.
- The impact on the community of the defendant's participation and treatment in the veterans treatment court program.
- Recommendations of any law enforcement agency involved in investigating or arresting the defendant.
- If the defendant owes restitution, the likelihood of payment during the defendant's participation in the veterans treatment court program.
- Any mitigating circumstances.
- Any other circumstances reasonably related to the defendant's case.

The chief judge and state attorney of the judicial circuit have the exclusive authority to determine whether veterans who have been dishonorably discharged may participate in the program.<sup>18</sup> This appears to be a limitation on whether a program in general may admit dishonorably discharged veterans.

***Referral to a Veterans Treatment Court Program under s. 948.08(7)(a), F.S.  
(Pretrial Intervention)***

A veteran or a servicemember charged with a misdemeanor or felony offense may be referred to a veterans treatment court program as pretrial intervention.<sup>19</sup> However, this statute prohibits referral if the defendant is charged with any of these felony offenses:<sup>20</sup>

- Kidnapping or attempted kidnapping under s. 787.01, false imprisonment of a child under the age of 13 under s. 787.02(3), F.S., or luring or enticing a child under s. 787.025(2)(b) or (c), F.S.
- Murder or attempted murder under s. 782.04, F.S., attempted felony murder under s. 782.051, F.S., or manslaughter under s. 782.07, F.S.
- Aggravated battery or attempted aggravated battery under s. 784.045, F.S.
- Sexual battery or attempted sexual battery under s. 794.011(2), (3), (4), or (8)(b) or (c), F.S.
- Lewd or lascivious battery or attempted lewd or lascivious battery under s. 800.04(4), F.S., lewd or lascivious molestation under s. 800.04(5)(b) or (c)2., F.S., lewd or lascivious conduct under s. 800.04(6)(b), F.S., lewd or lascivious exhibition under s. 800.04(7)(b), F.S., or lewd or lascivious exhibition on computer under s. 847.0135(5)(b), F.S.
- Robbery or attempted robbery under s. 812.13, F.S., carjacking or attempted carjacking under s. 812.133, F.S., or home invasion robbery or attempted home invasion robbery under s. 812.135, F.S.

<sup>17</sup> Section 394.47891(8)(b), F.S.

<sup>18</sup> Section 394.47891(3)(d), F.S.

<sup>19</sup> Section 948.08(7)(a), F.S.

<sup>20</sup> The statute refers to the list at s. 948.06(8)(c), F.S.

- Lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person under s. 825.1025, F.S.
- Sexual performance by a child or attempted sexual performance by a child under s. 827.071, F.S.
- Computer pornography under s. 847.0135(2) or (3), F.S., transmission of child pornography under s. 847.0137, F.S., or selling or buying of minors under s. 847.0145, F.S.
- Poisoning food or water under s. 859.01, F.S.
- Abuse of a dead human body under s. 872.06, F.S.
- Any burglary offense or attempted burglary offense that is either a first degree felony or second degree felony under s. 810.02(2) or (3), F.S.
- Arson or attempted arson under s. 806.01(1), F.S.
- Aggravated assault under s. 784.021, F.S.
- Aggravated stalking under s. 784.048(3), (4), (5), or (7), F.S.
- Aircraft piracy under s. 860.16, F.S.
- Unlawful throwing, placing, or discharging of a destructive device or bomb under s. 790.161(2), (3), or (4), F.S.
- Treason under s. 876.32, F.S.
- Any offense committed in another jurisdiction which would be an offense listed if that offense had been committed in this state.

***Referral to a Veterans Treatment Court Program under s. 948.16(2), F.S. (Pretrial Intervention)***

A veteran or a servicemember charged with only misdemeanor offenses may be referred to a veterans treatment court program as a pretrial intervention.<sup>21</sup>

***Referral to a Veterans Treatment Court Program under s. 948.21(4), F.S. (Sentencing)***

Current law implies that incarceration is the appropriate sentence for the commission of a crime unless the sentencing court finds that probation or community control is appropriate.<sup>22</sup> As a part of probation or community control ordered at sentencing, a trial court adjudicating an offense may order the offender to participate in a veterans treatment court program if the offense was committed on or after July 1, 2021.<sup>23</sup> Offenses committed by a veteran on or after July 1, 2012 and prior to July 1, 2021 may be referred to an unspecified treatment program.

***Referral to a Veterans Treatment Court Program under s. 948.01, F.S. (Sentencing)***

Section 948.01, F.S., governs referrals to mental health treatment court<sup>24</sup> and referrals to drug court,<sup>25</sup> but does not specifically have any provision for referrals to a veterans treatment court program.

<sup>21</sup> Section 948.16(2), F.S.

<sup>22</sup> Sections 921.0024 and 948.01(2), F.S.

<sup>23</sup> Section 948.21(4), F.S.

<sup>24</sup> Section 948.01(8)(a), F.S.

<sup>25</sup> Section 948.01(7)(a), F.S.

***Referral to a Veterans Treatment Court Program under s. 948.06(2)(k) (Violation of Probation or Community Control)***

If the offense was committed on or after July 1, 2016, an offender who has been found guilty of, or who admits to, violating his or her community control or probation may be ordered to successfully complete a veterans court treatment program.<sup>26</sup> The court may only refer the violation to a veterans treatment court program if the underlying offense is a nonviolent felony. For purposes of this statute, a nonviolent felony is any felony other than the following:

- A second degree or higher felony related to burglary or trespass.
- Treason.
- Murder.
- Manslaughter.
- Sexual battery.
- Carjacking.
- Home-invasion robbery.
- Robbery.
- Burglary.
- Arson.
- Kidnapping.
- Aggravated assault.
- Aggravated battery.
- Aggravated stalking.
- Aircraft piracy.
- Unlawful throwing, placing, or discharging of a destructive device or bomb.
- Any other felony which involves the use or threat of physical force or violence against any individual.

***Inconsistencies in the Current Law***

There are two inconsistencies in the current statutory law:

***Control Over Admission to the Program***

Section 394.47891, F.S., provides that admission to a veterans treatment court program requires application to the state attorney and the subsequent consent of the state attorney. However, the remaining statutes listed above provide that the court controls admission, and thus may refer an otherwise qualifying defendant to a veterans treatment court program with or without the consent of the state attorney. Case law resolved this conflict in favor of control by the state attorney, pursuant to s. 394.47891, F.S.<sup>27</sup>

***Disqualification for Admission to a Program***

One statute above provides that all felonies are disqualifying, two statutes have a list of disqualifying felonies, and two allow referral regardless of the charges. These inconsistencies are unresolved.

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<sup>26</sup> Section 948.06(2)(k), F.S.

<sup>27</sup> *State v. Mancuso*, 355 So.3d 942 (Fla. 4<sup>th</sup> DCA 2023).

### III. Effect of Proposed Changes:

#### Amendment of s. 394.47891, F.S.

The bill amends s. 394.47891, F.S., to revise the admissions process for veterans treatment court programs.

The bill amends the process for admission in s. 394.47891(4), F.S., to authorize the court, at any stage of the criminal case, to refer a defendant to a veterans treatment court program. The court's decision must be based upon its assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

The current requirement in subsection (4) for a defendant to apply to the state attorney and giving the state attorney the right to approve or deny entry into a veterans treatment court program are repealed. The bill also amends subsection (8) to repeal the authority of the state attorney to determine eligibility. Instead, the bill gives the authority to determine whether the defendant is eligible to participate in the veterans treatment court program to a "multidisciplinary team."

#### Creation of s. 948.01(9), F.S.

The bill amends s. 948.01, F.S., creating subsection (9) to authorize a sentencing court to place an offender into a postadjudicatory veterans treatment court program if:

- The offense is a nonviolent felony committed on or after July 1, 2026;
- The offender is a servicemember or veteran; and
- The offender is otherwise eligible to participate, which eligibility is by reference to s. 394.47891(8), F.S.

The disqualifying felonies for this subsection (9) are the same as those that are disqualifying under s. 948.06(2)(k), F.S., relating to referral to a veterans treatment court program after violation of probation or community control.

The offender must be fully advised of the purpose of the veterans treatment court program and agree to enter the program. The sentencing court must relinquish jurisdiction to the veterans treatment court program until:

- The offender is no longer active in the program;
- The case is returned to the sentencing court due to the offender's termination from the program for failure to comply with the terms of the program; or,
- The offender's sentence is completed.

An offender sentenced to postadjudicatory veterans treatment court program who violates probation or community control will have the violation heard by the judge presiding over the postadjudicatory veterans treatment court program. The judge must dispose of any such violation, after a hearing or admission of the violation, as he or she deems appropriate if the resulting sentence or conditions are lawful.

Satisfactory completion of the program must be a condition of the offender's probation or community control.

**Effective Date**

The bill takes effect on July 1, 2026.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Funding for problem solving treatment courts is generally received by legislative appropriation, grants, and local community resources funded by other entities.

The Office of the State Courts Administrator agency analysis provided the following statement regarding expenditures:

“The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting in revising approval requirements for veterans treatment court admissions.... However, legislation that may increase participation in veterans treatment court programs could result in a fiscal impact to the trial courts problem-solving courts special funding category.”<sup>28</sup>

Potential cost incurred by an increase in participants may be offset by applicable offenders being diverted from detention or incarceration.

## **VI. Technical Deficiencies:**

The bill appears inconsistent on the authority to admit a defendant or offender into a veterans treatment court program, at one point indicating that the court must approve, at another point indicating that the multidisciplinary team alone may approve.

The bill references a “multidisciplinary team” without providing who is on the team. While teams appear to exist and operate today, their authority to exist is not clear. Ideally, the bill would provide the membership (who appoints, who qualifies, who removes, do the members have fixed terms, are they paid, are they reimbursed for expenses, and who provides administrative support). At a minimum, the bill could defer those decisions to a local authority.

The current statutes regarding veterans treatment court programs appear to have conflicting requirements and conditions for referral to a program and conflicting disqualifiers. The bill does not appear to resolve those conflicts, and indeed adds a new statute at s. 948.01(9)(a), F.S. that appears to continue with the inconsistencies.

## **VII. Related Issues:**

None.

## **VIII. Statutes Affected:**

This bill substantially amends sections 394.47891 and 948.01 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 Criminal Justice on January 12, 2026:**

This Committee Substitute:

- Allows for a multidisciplinary team to consider the eligibility of a defendant for a veterans treatment court program.

<sup>28</sup> Office of the State Courts Administrator, *Agency Bill Analysis for SB50*, (on file with the Senate Committee on Criminal Justice).

- Requires for entry into the program to be based upon the sentencing court's assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, and the defendant's agreement to enter the program.
- Modifies the date provided for offenses eligible for a postadjudicatory veterans treatment court from July 1, 2016, to July 1, 2026.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Gaetz

591-01879A-26

202650c1

A bill to be entitled

An act relating to veterans affairs; amending s. 394.47891, F.S.; revising the admissions process for veterans treatment court programs; authorizing the multidisciplinary team to determine eligibility for veterans treatment court programs; amending s. 948.01, F.S.; authorizing sentencing courts to divert defendants to veterans treatment court programs under certain circumstances; requiring that a defendant's satisfactory completion of the program be a condition of the defendant's probation or community control; defining the term "nonviolent felony"; requiring that certain notice be provided to defendants; providing for disposition of probation or community control violations by program participants; providing an effective date.

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

Section 1. Subsections (4) and (8) of section 394.47891, Florida Statutes, are amended to read:

394.47891 Veterans treatment court programs.—

(4) ADMISSION.—A defendant who meets the eligibility requirements provided in ~~under~~ subsection (8) may be admitted to a veterans treatment court program at any stage of a criminal proceeding. Entry into a veterans treatment court program must be based upon the sentencing court's assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence

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591-01879A-26

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points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program. A defendant seeking to participate in a veterans treatment court program must submit an application to the state attorney. The state attorney must review each application and determine whether the defendant meets the eligibility requirements in subsection (8).

(8) ELIGIBILITY.—

(a) A defendant may participate in a veterans treatment court program if he or she is approved by the multidisciplinary team state attorney, in consultation with the court, and meets the following criteria:

1. The defendant has a service-related mental health condition, service-related traumatic brain injury, service-related substance use disorder, or service-related psychological problem or has experienced military sexual trauma.

2. The defendant's participation in the veterans treatment court program is in the interest of justice and of benefit to the defendant and the community.

(b) In making the determination under subparagraph (a)2., the multidisciplinary team the state attorney, in consultation with the court, must consider:

1. The nature and circumstances of the offense charged.

2. The special characteristics or circumstances of the defendant and any victim or alleged victim, including any recommendation of the victim or alleged victim.

3. The defendant's criminal history and whether the defendant previously participated in a veterans treatment court program or similar program.

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59 4. Whether the defendant's needs exceed the treatment  
60 resources available to the veterans treatment court program.

61 5. The impact on the community of the defendant's  
62 participation and treatment in the veterans treatment court  
63 program.

64 6. Recommendations of any law enforcement agency involved  
65 in investigating or arresting the defendant.

66 7. If the defendant owes restitution, the likelihood of  
67 payment during the defendant's participation in the veterans  
68 treatment court program.

69 8. Any mitigating circumstances.

70 9. Any other circumstances reasonably related to the  
71 defendant's case.

72 Section 2. Subsection (9) is added to section 948.01,  
73 Florida Statutes, to read:

74 948.01 When court may place defendant on probation or into  
75 community control.—

76 (9) (a) Notwithstanding s. 921.0024 and effective for  
77 offenses committed on or after July 1, 2026, the sentencing  
78 court may place the defendant into a postadjudicatory veterans  
79 treatment court program if the offense is a nonviolent felony,  
80 the defendant is a servicemember or veteran as those terms are  
81 defined in s. 394.47891(2), and the defendant is otherwise  
82 qualified to participate in a veterans treatment court program  
83 under s. 394.47891(8). Satisfactory completion of the program  
84 must be a condition of the defendant's probation or community  
85 control. As used in this subsection, the term "nonviolent  
86 felony" means a third degree felony violation under chapter 810  
87 or any other felony offense that is not a forcible felony as

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591-01879A-26

202650c1

88 defined in s. 776.08.

89 (b) The defendant must be fully advised of the purpose of  
90 the veterans treatment court program, and the defendant must  
91 agree to enter the program. The original sentencing court shall  
92 relinquish jurisdiction of the defendant's case to the  
93 postadjudicatory veterans treatment court program until the  
94 defendant is no longer active in the program, the case is  
95 returned to the sentencing court due to the defendant's  
96 termination from the program for failure to comply with the  
97 terms of the program, or the defendant's sentence is completed.

98 (c) A defendant sentenced to a postadjudicatory veterans  
99 treatment court program who, while a veterans treatment court  
100 program participant, is the subject of a violation of probation  
101 or community control under s. 948.06 shall have the violation of  
102 probation or community control heard by the judge presiding over  
103 the postadjudicatory veterans treatment court program. The judge  
104 shall dispose of any such violation, after a hearing on or  
105 admission of the violation, as he or she deems appropriate if  
106 the resulting sentence or conditions are lawful.

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

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The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 12, 2026

---

I respectfully request that **Senate Bill #50**, relating to Veterans Affairs, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

  
\_\_\_\_\_  
Senator Don Gaetz  
Florida Senate, District 1

The Florida Senate

**APPEARANCE RECORD**

SB 50

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

2/3/26  
Meeting Date

Sen Judiciary  
Committee

Bill Number or Topic

Amendment Barcode (if applicable)

Name Michelle Combs

Phone 202-549-6257

Address 242 Madison St  
Street

Email michelle.combs@

Freeport, FL 32439  
City State Zip

gmail.com

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

CHRISTIAN COALITION

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

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

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S-001 (08/10/2021)

2/3/20

The Florida Senate  
**APPEARANCE RECORD**

SB50

Meeting Date

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Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Jeff DeMunn

Phone

618 917 9322

Address

4437 SW 13<sup>th</sup> Ave

Email

the grateful veteran@gmail.com

Street

CAPE CORAL

FL

33914

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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S-001 (08/10/2021)

2/3/26

Meeting Date

# The Florida Senate APPEARANCE RECORD

50

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name ARNALDO DONADO

Phone 305 205 3781

Address 102 SW 59th St

Email DONADOAC@GMAIL.COM

Street

CAPE CORAL FL 33914

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

2/3/26  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

50  
Bill Number or Topic

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

Committee  
Name STUART SCOTT (AMERICAN LEGION) Phone 850 443 8769  
Amendment Barcode (if applicable)

Address 950 ALACHUA AVE Email \_\_\_\_\_  
Street

TALLAHASSEE FL 32308  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

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

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

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The Florida Senate

APPEARANCE RECORD

SB 50

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

Sen Judiciary

Meeting Date

2/3/26

Committee

Amendment Barcode (if applicable)

Name

Katie J. Bonnett

Phone

850.339.9599

Address

2273 Seminole DR

Email

kbonnetta@safeandjust.org

Street

City

State

Zip

TLH, FL 32307

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Alliance for Safety & Justice, representing Crime Survivors Speak

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

SB 50

Bill Number or Topic

Amendment Barcode (if applicable)

2/3/2026

Meeting Date

Judiciary

Committee

Name

United Way Broward

Phone

954 600 9624

Address

1300 S Andrews Ave

Email

jheaton@unitedwaybroward.org

Street

Ft. Lauderdale

FL

33316

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3 FEB 2026

Meeting Date

SB 50, Veterans Affairs

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Christian Cochran

Phone 850-519-7257

Address 448 Tillis Ln

Email CCochran@RightonCrime.com

Street

Crawfordville

FL

32327

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Texas Public Policy Foundation Right on Crime

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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7/13/26  
Meeting Date

CS/SB-50  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name KURT GIES Phone 407 701-9416

Address 409 E. HENSCHEN AVE Email KURT GIES@GMAIL.COM  
Street

ORLANDO FL 32760  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

February 3, 2026

Meeting Date

Judiciary

Committee

Name Dan Hendrickson, Tallahassee Veterans Legal Collaborative

Phone 850/570-1967

Address 319 E Park Ave

Email danbhendrickson@comcast.net

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

SB 50

February 3, 2026

Meeting Date

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

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Susie Caplowe, Tallahassee Veterans Legal Collaborative

Phone 850/567-2448

Address 319 E Park Ave

Email susiecaplowe@comcast.net

Street

Tallahassee

FL

32301

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/2026

Meeting Date

50

Bill Number or Topic

Judicial

Committee

Amendment Barcode (if applicable)

Name

Bruce Carl

Phone

352-942-7998

Address

4369 Mariner Blvd

Email

bruce1955@yahoo.com

Street

Spring Hill

FL

34609

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26 Meeting Date

SB 50 Bill Number or Topic

JUDICIAL Committee

Amendment Barcode (if applicable)

Name CYNTHIA CAMERON Phone

Address 12734 Colonnade Cir Email harriscynthiaj@gmail.com

Clermont, FL 34711 City State Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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2-3-26

# The Florida Senate APPEARANCE RECORD

50

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

LENA HEREDIA FERRER

Phone

904.449.10318

Address

11504 YOUNG RD

Email

hpfamily3@yahoo.com

Street

JACKSONVILLE, FL 32218

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SR 50

Bill Number or Topic

Judiciary  
Committee

Amendment Barcode (if applicable)

Name SEAN GOLDER - VIEW

Phone 850-210-2586

Address 215 LEVY BAY RD  
Street

Email seangolder@gmail.com

PANACEA  
City

FL  
State

32346  
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

February 3, 2026

Meeting Date

Judiciary

Committee

Name

William D (Bill) Kelly Jr

Phone

9046738435

Address

5686 Wolf Creek Drive

Email

KellyJRWmd@gmail.com

Street

Jacksonville FL

32222-1387

City

State

Zip

SB 50

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/3/2026

Meeting Date

50

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name **Andrew Rutledge**

Phone **8506816788**

Address **199 S Monroe ST**

Email **andrew@rutledge.com**

Street

**Tallahassee**

**fl**

**32303**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Florida Association of Criminal Defense Lawyers**

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Judiciary

---

BILL: CS/CS/SB 178

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

SUBJECT: Athletics in Public K-12 Schools

DATE: February 3, 2026

REVISED: \_\_\_\_\_

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

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 178 requires the Florida High School Athletic Association (FHSAA) to adopt bylaws allowing head coaches of athletics teams to support the welfare of the students they coach using personal funds. Coaches may, in good faith, provide assistance in the form of food, transportation, and recovery services. The maximum amount of personal funds a coach may use per athletic team per year is \$15,000. The bill also authorizes any other organization governing interscholastic athletic competition in Florida to adopt similar bylaws.

The bill takes effect July 1, 2026.

**II. Present Situation:**

**The Florida High School Athletic Association (FHSAA)**

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

The FHSAA must adopt bylaws that:

---

<sup>1</sup> Section 1006.20(1), F.S.

- Establish eligibility requirements.
- Prohibit recruiting.
- Require all students to pass a medical evaluation each year.
- Regulate people who conduct investigations on behalf of the FHSAA.
- Establish sanctions for coaches who have committed major violations of the FHSAA bylaws.
- Establish the process and standards by which FHSAA determines eligibility.
- Adopt guidelines to educate athletic coaches, officials, administrators, and student athletes and their parents about the risk of concussion and head injury.
- Adopt bylaws that require each student athlete who is suspected of sustaining a concussion or head injury in a practice or competition to be immediately removed from the activity.
- Adopt bylaws for the establishment and duties of a sports medicine advisory committee.<sup>2</sup>

Each year, the FHSAA sponsors over 3,500 championship series games, through which 144 teams and 294 individuals are crowned state champions in 32 sports. Over 800,000 students annually participate in these athletic programs.<sup>3</sup>

### ***Florida High School Athletic Association Impermissible Benefits***

According to the FHSAA's bylaws, "[n]o school employee, athletic department staff member, representative of the school's athletic interests or third parties, such as an independent person, business, or organization, may be involved, directly or indirectly, in giving an impermissible benefit to any student or any member of his [or] her family for the purpose of participating in interscholastic athletics, or to any student-athlete who already attends a school."<sup>4</sup>

Specifically prohibited arrangements, assistance, or benefits include the following:

- School-based financial assistance of any kind that exceeds the amount for which a student has been approved by an independent financial needs assessment company or is otherwise in excess of any supplemental assistance provided by a school to each and every student who qualifies for financial assistance.
- Cash or like items, such as credit cards, debit cards, gift cards, gift certificates, coupons, or vouchers.
- Gifts of clothing, equipment, merchandise, or other tangible items.
- Loans or assistance in securing a loan of any kind.
- Payment for any work or service that is not performed or that is in excess of the amount normally paid for such work or service.
- Free or reduced-cost transportation.
- Living on a full- or part-time basis, regardless of whether rent is paid, with any school employee, athletic department staff member, or representative of the school's athletic interests, unless legal guardianship appointed by a court has been obtained.
- Free or reduced-cost rent for housing, vehicles, or other items.

---

<sup>2</sup> Section 1006.20(2), F.S.

<sup>3</sup> Florida High School Athletic Association, *About FHSAA*, <https://fhsaa.com/sports/2020/1/16/About.aspx> (last visited Jan. 28, 2026).

<sup>4</sup> Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.*, 97 (Bylaw 36.4.1) (2025-26 Ed.), available at [https://fhsaa.com/documents/2025/11/21/2526\\_handbook\\_revised\\_10925.pdf?id=7098](https://fhsaa.com/documents/2025/11/21/2526_handbook_revised_10925.pdf?id=7098).

- Full or partial payment of moving expenses or assistance of any kind with an actual physical move.
- Employment or assistance in securing employment or contractual arrangement of any kind for which compensation may be paid.
- Free or reduced costs to attend a sport or skills camp.
- Allowing a student who has not started the enrollment process to participate prior to being fully enrolled.
- Any other form of arrangement, assistance, discount, or benefit that is not generally available to other students in the school or their families or that is based in any way on athletic ability.<sup>5</sup>

### **Incidents with Impermissible Benefits**

In July 2025, Teddy Bridgewater, who was head football coach of Miami Northwestern Senior High School at the time, posted on social media asking for donations to assist his team. In the same post, Coach Bridgewater explained that he was providing Uber rides and meals to members of the football team.<sup>6</sup>

Soon after the social media post, Miami Northwestern self-reported the impermissible benefits provided to members of the football team. After investigating, the FHSAA determined that FHSAA bylaws 36.4.1 and 36.4.2.6 had been violated. As part of the corrective action, Miami Northwestern deemed Coach Bridgewater ineligible to coach for the 2025-2026 school year and Miami Northwestern was fined \$2,500, but \$2,250 of the fine amount is being held in abeyance provided there are no other violations of FHSAA Policy 36 during the 2025-2026 school year.<sup>7</sup>

### **III. Effect of Proposed Changes:**

CS/CS/SB 178 amends s. 1006.20, F.S., which governs athletics in public K-12 schools, to require the Florida High School Athletic Association (FHSAA) to adopt bylaws authorizing head coaches of athletics teams to support the welfare of the students they coach using personal funds. Coaches may, in good faith, provide assistance in the form of food, transportation, and recovery services.

The bill requires coaches who provide assistance using personal funds to report it to the FHSAA in a manner provided by FHSAA bylaw. If a coach uses personal funds, it is presumed not to be an impermissible benefit unless the use of personal funds is:

- Not reported;
- Reported and deemed not to be in good faith by the FHSAA; or
- Used for recruiting purposes.

The maximum amount of personal funds a coach may use per athletic team per year is \$15,000.

---

<sup>5</sup> *Id.* (Bylaw 36.4.2).

<sup>6</sup> Doug Samuels, *Teddy Bridgewater is seeking donations to help cover unconventional expenses for his Florida state champion program*, Footballscoop, Jul. 9, 2025, <https://footballscoop.com/2025/07/09/teddy-bridgewater-florida-high-school-football-miami-northwestern-state-champions-donations-uber-rides-recovery-trucks-unconventional>.

<sup>7</sup> Email from Ashton Moseley to Kedler Pouca regarding “Miami Northwestern – Self Report – Football – Bridgewater – 07-14-25,” Sept. 12, 2025 (on file with the Senate Committee on Judiciary).

The bill also authorizes any other organization governing interscholastic athletic competition in Florida to adopt similar bylaws.

The bill takes effect July 1, 2026.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1006.20, 768.135, 1002.20, 1006.165, and 1012.468.

**IX. Additional Information:**

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

**CS/CS by Judiciary on February 3, 2026:**

The committee substitute revises the bill to clarify that it applies to head coaches of athletics teams only, not all coaches, and that the amount of personal funds a head coach may use per athletic team per year is a maximum of \$15,000. It also provides that other organizations governing interscholastic athletic competition in Florida, not just the FHSAA, may adopt bylaws similar to those required by the bill.

**CS by Education Pre-K - 12 on January 20, 2026:**

The committee substitute amends s. 1006.20, F.S., to limit the amount of personal funds a coach may use to provide assistance such as food, transportation, and recovery services, to \$15,000 per athletic team per year.

- B. **Amendments:**

None.



611846

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

---

The Committee on Judiciary (Jones) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present paragraphs (c) through (n) of subsection  
(2) of section 1006.20, Florida Statutes, are redesignated as  
paragraphs (d) through (o), respectively, and a new paragraph  
(c) is added to that subsection, to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(c) The FHSAA shall adopt bylaws that authorize the head



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12 coach of an athletic team to support the welfare of a student he  
13 or she coaches only by using personal funds to provide, in good  
14 faith, effects such as food, transportation, and recovery  
15 services.

16 1. A head coach who uses personal funds to provide such  
17 effects must report such use to the FHSAA in a manner provided  
18 by FHSAA bylaw.

19 2. Such use of personal funds is presumed not to be an  
20 impermissible benefit, unless such use of personal funds is:

21 a. Not reported;

22 b. Reported and deemed not to be in good faith by the  
23 FHSAA; or

24 c. Used for recruiting purposes.

25 3. The maximum amount of personal funds a head coach may  
26 use per athletic team per year is \$15,000.

27  
28 Any other organization governing interscholastic athletic  
29 competition in this state may adopt bylaws similar to those  
30 required by this paragraph.

31 Section 2. Subsection (3) of section 768.135, Florida  
32 Statutes, is amended to read:

33 768.135 Volunteer team physicians; immunity.—

34 (3) A practitioner licensed under chapter 458, chapter 459,  
35 chapter 460, or s. 464.012 or registered under s. 464.0123 who  
36 gratuitously and in good faith conducts an evaluation pursuant  
37 to s. 1006.20(2)(d) ~~s. 1006.20(2)(e)~~ is not liable for any civil  
38 damages arising from that evaluation unless the evaluation was  
39 conducted in a wrongful manner.

40 Section 3. Paragraph (b) of subsection (17) of section



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41 1002.20, Florida Statutes, is amended to read:

42 1002.20 K-12 student and parent rights.—Parents of public  
43 school students must receive accurate and timely information  
44 regarding their child’s academic progress and must be informed  
45 of ways they can help their child to succeed in school. K-12  
46 students and their parents are afforded numerous statutory  
47 rights including, but not limited to, the following:

48 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

49 (b) *Medical evaluation and electrocardiogram.*—Before  
50 participating in athletics, students must:

51 1. Satisfactorily pass a medical evaluation each year,  
52 unless the parent objects in writing based on religious tenets  
53 or practices, in accordance with s. 1006.20(2)(e) ~~s.~~  
54 ~~1006.20(2)(d)~~; and

55 2. As applicable under s. 1006.20, receive an  
56 electrocardiogram, unless the parent objects in writing based on  
57 religious tenets or practices or secures a certificate of  
58 medical exception in accordance with s. 1006.20(2)(e) ~~s.~~  
59 ~~1006.20(2)(d)~~ or the school district is unable to obtain a  
60 public or private partnership for the provision of an  
61 electrocardiogram pursuant to s. 1006.165.

62 Section 4. Subsection (3) of section 1006.165, Florida  
63 Statutes, is amended to read:

64 1006.165 Well-being of students participating in  
65 extracurricular activities; training.—

66 (3) Each school district must pursue public and private  
67 partnerships to provide low-cost electrocardiograms to the  
68 student. A student athlete is exempt from the requirement in s.  
69 1006.20(2)(d)4. ~~s. 1006.20(2)(e)4.~~ if he or she resides in a



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70 school district that is unable to obtain a public or private  
71 partnership to provide an electrocardiogram at a rate of less  
72 than \$50 per student.

73 Section 5. Paragraph (g) of subsection (2) of section  
74 1012.468, Florida Statutes, is amended to read:

75 1012.468 Exceptions to certain fingerprinting and criminal  
76 history checks.-

77 (2) A district school board shall exempt from the screening  
78 requirements set forth in ss. 1012.465 and 1012.467 the  
79 following noninstructional contractors:

80 (g) An investigator for the Florida High School Athletic  
81 Association (FHSAA) who meets the requirements under s.  
82 1006.20(2)(f) ~~s. 1006.20(2)(e)~~.

83 Section 6. This act shall take effect July 1, 2026.

84

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

86 And the title is amended as follows:

87 Delete everything before the enacting clause  
88 and insert:

89 A bill to be entitled  
90 An act relating to athletics in public K-12 schools;  
91 amending s. 1006.20, F.S.; requiring the Florida High  
92 School Athletic Association to adopt bylaws  
93 authorizing a head coach to support the welfare of a  
94 student by using personal funds to provide certain  
95 effects to the student; requiring the head coach to  
96 report such use of personal funds to the association;  
97 providing that such use of personal funds is presumed  
98 not to be an impermissible benefit; providing



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99 exceptions; providing a limitation on the annual  
100 amount of personal funds a head coach may use per  
101 athletic team; authorizing other athletic associations  
102 to adopt similar bylaws; amending ss. 768.135,  
103 1002.20, 1006.165, and 1012.468, F.S.; conforming  
104 cross-references; providing an effective date.

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

581-02043-26

2026178c1

1 A bill to be entitled  
 2 An act relating to athletics in public K-12 schools;  
 3 amending s. 1006.20, F.S.; requiring the Florida High  
 4 School Athletic Association to adopt bylaws  
 5 authorizing a coach to support the welfare of a  
 6 student by using personal funds to provide certain  
 7 effects to the student; requiring the coach to report  
 8 such use of personal funds to the association;  
 9 providing that such use of personal funds is presumed  
 10 not to be an impermissible benefit; providing  
 11 exceptions; providing a limitation on the annual  
 12 amount of personal funds a coach may use per athletic  
 13 team; amending ss. 768.135, 1002.20, 1006.165, and  
 14 1012.468, F.S.; conforming cross-references; providing  
 15 an effective date.  
 16  
 17 Be It Enacted by the Legislature of the State of Florida:  
 18  
 19 Section 1. Present paragraphs (c) through (n) of subsection  
 20 (2) of section 1006.20, Florida Statutes, are redesignated as  
 21 paragraphs (d) through (o), respectively, and a new paragraph  
 22 (c) is added to that subsection, to read:  
 23 1006.20 Athletics in public K-12 schools.—  
 24 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—  
 25 (c) The FHSAA shall adopt bylaws that authorize a coach to  
 26 support the welfare of a student he or she coaches by using  
 27 personal funds to provide, in good faith, effects such as food,  
 28 transportation, and recovery services.  
 29 1. A coach who uses personal funds to provide such effects

Page 1 of 4

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

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30 must report such use to the FHSAA in a manner provided by FHSAA  
 31 bylaw.  
 32 2. Such use of personal funds is presumed not to be an  
 33 impermissible benefit, unless such use of personal funds is:  
 34 a. Not reported;  
 35 b. Reported and deemed not to be in good faith by the  
 36 FHSAA; or  
 37 c. Used for recruiting purposes.  
 38 3. The amount of personal funds a coach may use per  
 39 athletic team per year is \$15,000.  
 40 Section 2. Subsection (3) of section 768.135, Florida  
 41 Statutes, is amended to read:  
 42 768.135 Volunteer team physicians; immunity.—  
 43 (3) A practitioner licensed under chapter 458, chapter 459,  
 44 chapter 460, or s. 464.012 or registered under s. 464.0123 who  
 45 gratuitously and in good faith conducts an evaluation pursuant  
 46 to s. 1006.20(2)(d) ~~s. 1006.20(2)(e)~~ is not liable for any civil  
 47 damages arising from that evaluation unless the evaluation was  
 48 conducted in a wrongful manner.  
 49 Section 3. Paragraph (b) of subsection (17) of section  
 50 1002.20, Florida Statutes, is amended to read:  
 51 1002.20 K-12 student and parent rights.—Parents of public  
 52 school students must receive accurate and timely information  
 53 regarding their child's academic progress and must be informed  
 54 of ways they can help their child to succeed in school. K-12  
 55 students and their parents are afforded numerous statutory  
 56 rights including, but not limited to, the following:  
 57 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—  
 58 (b) *Medical evaluation and electrocardiogram.*—Before

Page 2 of 4

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59 participating in athletics, students must:

60 1. Satisfactorily pass a medical evaluation each year,  
61 unless the parent objects in writing based on religious tenets  
62 or practices, in accordance with s. 1006.20(2)(e) ~~s.~~  
63 ~~1006.20(2)(d)~~; and

64 2. As applicable under s. 1006.20, receive an  
65 electrocardiogram, unless the parent objects in writing based on  
66 religious tenets or practices or secures a certificate of  
67 medical exception in accordance with s. 1006.20(2)(e) ~~s.~~  
68 ~~1006.20(2)(d)~~ or the school district is unable to obtain a  
69 public or private partnership for the provision of an  
70 electrocardiogram pursuant to s. 1006.165.

71 Section 4. Subsection (3) of section 1006.165, Florida  
72 Statutes, is amended to read:

73 1006.165 Well-being of students participating in  
74 extracurricular activities; training.—

75 (3) Each school district must pursue public and private  
76 partnerships to provide low-cost electrocardiograms to the  
77 student. A student athlete is exempt from the requirement in s.  
78 1006.20(2)(d)4. ~~s. 1006.20(2)(e)4.~~ if he or she resides in a  
79 school district that is unable to obtain a public or private  
80 partnership to provide an electrocardiogram at a rate of less  
81 than \$50 per student.

82 Section 5. Paragraph (g) of subsection (2) of section  
83 1012.468, Florida Statutes, is amended to read:

84 1012.468 Exceptions to certain fingerprinting and criminal  
85 history checks.—

86 (2) A district school board shall exempt from the screening  
87 requirements set forth in ss. 1012.465 and 1012.467 the

Page 3 of 4

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88 following noninstructional contractors:

89 (g) An investigator for the Florida High School Athletic  
90 Association (FHSAA) who meets the requirements under s.  
91 1006.20(2)(f) ~~s. 1006.20(2)(e)~~.

92 Section 6. This act shall take effect July 1, 2026.

Page 4 of 4

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The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 20, 2026

---

I respectfully request that **Senate Bill #178**, relating to Athletics in Public K-12 Schools, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Shev Jones".

---

Senator Shevrin D. "Shev" Jones  
Florida Senate, District 34

## Collazo, Mike

---

**From:** Ashton Moseley <amoseley@fhsaa.org>  
**Sent:** Friday, September 12, 2025 2:26 PM  
**To:** POUCA, KEDLER  
**Cc:** Craig Damon; Jordanne Stark; Scott Jamison; Robbie Lindeman; Jessica Eley; Matt Baranyk; Williams, Andre K.; Latoya Williams; Leonard Ireland; klawre@dadeschools.net  
**Subject:** FW: Miami Northwestern - Self-Report - Football - Bridgewater - 07-14-25 REVISED

Dear Mr. Pouca,


I apologize; policy number was incorrect in the first sentence. Please see the revised version below with the correct policy number.

Sincerely,

---

### ASHTON MOSELEY ADMINISTRATOR OF ELIGIBILITY & COMPLIANCE

---

 1801 NW 80<sup>th</sup> Blvd., Gainesville, FL 32606

 352.681.1792

 amoseley@fhsaa.org

 www.fhsaa.com

---

*BUILDING LEADERS THROUGH TEAMWORK, SPORTSMANSHIP AND CITIZENSHIP.*



LIKE AND FOLLOW US @FHSAA



---

**From:** Ashton Moseley  
**Sent:** Friday, September 12, 2025 2:23 PM  
**To:** POUCA, KEDLER <kedler.pouca@dadeschools.net>  
**Cc:** Craig Damon <cdamon@fhsaa.org>; Jordanne Stark <jstark@fhsaa.org>; Scott Jamison <sjamison@fhsaa.org>; Robbie Lindeman <rlindeman@fhsaa.org>; Jessica Eley <jeley@fhsaa.org>; Matt Baranyk <mbaranyk@fhsaa.org>; Williams, Andre K. <akwilliams@dadeschools.net>; Latoya Williams <lwoliver@dadeschools.net>; Leonard Ireland <Lireland@clayton-johnston.com>; 'klawre@dadeschools.net' <klawre@dadeschools.net>  
**Subject:** Miami Northwestern - Self-Report - Football - Bridgewater - 07-14-25



**FHSAA School ID:** 313

Dear Mr. Kedler Pouca:

**Subject: Miami Northwestern – Self-Report – Football - REVISED**

This office received communication from Miami Northwestern, self-reporting a violation of FHSAA Policy 36.4.2.6.

The Florida High School Athletic Association appreciates your efforts to make sure the student-athletes in our state all receive equal and fair opportunities.

The following information is organized as follows:

- I. Findings of Fact**
- II. Specific Violations of Florida Statutes, Bylaws, Policies, and/or Administrative Procedures**
- III. Conclusions**
- IV. Sanctions**
- V. Corrective Actions**
- VI. Appeals**

**I. Findings of Fact**

Based on the preponderance of evidence, we find the following facts (who, what, where, when) to be controlling:

- *On July 14, 2025, Miami Northwestern self-reported violations of FHSAA policies on Impermissible Benefits as a result of a social media post made by Miami Northwestern football coach, Teddy Bridgewater.*
  - *In the post, Teddy claims to have spent \$700 a week on Uber rides.*

**II. Specific Violations of Florida Statutes, Bylaws, Policies, and/or Administrative Procedures**

The facts set forth in paragraph I. above violate the following Florida Statutes, Bylaws, Policies, and/or Administrative Procedures:

- Policy 36.4.1 General Regulation.** No school employee, athletic department staff member, representative of the school’s athletic interests or third parties, such as an independent person, business, or organization, may be involved, directly or indirectly, in giving an impermissible benefit to any student or any member of his/her family for the purpose of participating in interscholastic athletics, or to any student-athlete who already attends a school.*
- Policy 36.4.2 Specific Prohibitions.** Specifically prohibited arrangements, assistance or benefits include, but are not limited to, the following:*
  - 36.4.2.6 Free or reduced-cost transportation.***

**III. Conclusions**

By applying the above stated Finding of Facts to the above stated Florida Statutes, Bylaws, Policies, and/or Administrative Procedures, we reach the following conclusions:

*Miami Northwestern’s football coach, Teddy Bridgewater, provided free transportation to student-athletes, violating FHSAA Policy 36.4.2.6.*

**IV. Sanctions**

Based on the above conclusions, **Miami Northwestern** is assessed the following:

1. In accordance with FHSAA Policy 36.7.3.1, **Miami Northwestern** is reprimanded.
2. In accordance with FHSAA Policy 36.7.3.2, **Miami Northwestern** is assessed a monetary penalty of \$2500. However, \$2,250 will be held in abeyance given there are no other violations of FHSAA Policy 36 during the 2025-26 school year.
3. In accordance with FHSAA Policy 36.7.3.3, **Miami Northwestern** is placed on Administrative Probation for one calendar year beginning **July 14, 2025**, and concluding **July 13, 2026**.

**Summary of Monetary Sanctions: \$250.**

Based on the above conclusions, Coach Teddy Bridgewater is assessed the following:

1. *Miami Northwestern has suspended Coach Bridgewater from coaching for the 2025-26 school year, ending June 4, 2026. The FHSAA accepts these sanctions.*

**V. Corrective Actions**

**Miami Northwestern** has reported the following corrective actions:

*“Please be advised that Miami Northwestern Senior High School has deemed Mr. Theodore Bridgewater ineligible to coach and season for 2025-2026 school year.”*

***Based on the corrective actions reported by the school, the FHSAA has reduced the sanctions above. Should the FHSAA become aware that the corrective actions reported above were not executed, additional sanctions and/or monetary amounts held in abeyance may be assessed.***

**VI. Appeals**

The decision by this office may be appealed to the Florida High School Athletic Association Sectional or Infraction Appeals Committee as directed under Bylaws 10.4.7 and 10.6.4:


- ***Bylaw 10.4.7 Appeals of Executive Director’s Findings.*** *The principal of a member school or his/her designee, or any other individual, who is found to be in violation of the rules of this Association by the Executive Director, whether or not such finding results in the imposition of penalty, may appeal the finding of the Executive Director if he/she takes issue with it, or may appeal the penalty imposed, if any, if he/she, while not disagreeing with the finding, believes the penalty to be too severe.*
- ***Bylaw 10.6.4 Appeals of the Executive Director’s Findings.*** *To appeal the finding of the Executive Director, the appeal must be filed so that it is received in the office of this Association within ten (10) business days of the receipt of the Executive Director’s finding and/or notification of the imposition of penalty. Failure to file an appeal so that it is received in the office of this Association within the ten (10) business days allowed shall be deemed a waiver of the right to appeal as granted herein.*

***The information contained in this letter is being provided to the FHSAA member school. It is the responsibility of the FHSAA member school to notify and provide a copy of this letter to all parties mentioned regarding their sanction.***

Sincerely,

## ASHTON MOSELEY ADMINISTRATOR OF ELIGIBILITY & COMPLIANCE

---

 1801 NW 80<sup>th</sup> Blvd., Gainesville, FL 32606

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 amoseley@fhsaa.org

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---

*BUILDING LEADERS THROUGH TEAMWORK, SPORTSMANSHIP AND CITIZENSHIP.*



LIKE AND FOLLOW US @FHSAA



cc: Craig Damon, Executive Director, FHSAA  
Jordanne Stark, Associate Executive Director of Eligibility & Compliance, FHSAA  
Scott Jamison, Associate Executive Director of Athletic Services, FHSAA  
Robbie Lindeman, Coordinator of Athletics, FHSAA  
Jessica Eley, Administrator of Public Relations, FHSAA  
Matt Baranyk, Administrator of School Finance, FHSAA  
Andre Williams, Athletic Director, Miami Northwestern  
Latoya Williams, Athletic Director, Miami-Dade County  
Kevin Lawrence, Administrative Director, Miami-Dade County  
Leonard Ireland, General Counsel, FHSAA

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Judiciary

---

BILL: CS/SB 326

INTRODUCER: Judiciary Committee and Senator Burgess

SUBJECT: Curators of Estates

DATE: February 3, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	Fav/CS
2.			BI	
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 326 amends s. 733.501, F.S., regarding curators of estates, to expand the role of curators in probate proceedings. A curator is a person appointed by the court for a limited time to protect the interests of a decedent's estate when a personal representative has not yet been appointed or must be replaced.

Specifically, the bill:

- Increases the number of situations when a court may appoint a curator and gives the court greater discretion regarding the giving of notice.
- Requires curators, except for banks and trust companies serving as curators, to post a reasonable bond unless waived by the court.
- Requires curators to file reports with the court detailing their actions taken in estate management, but only when the court deems it necessary.

The bill takes effect July 1, 2026.

## II. Present Situation:

The Florida Probate Code (“Probate Code”)<sup>1</sup> outlines the state’s probate process, which is the court-supervised process<sup>2</sup> for identifying and gathering a decedent’s assets, paying the decedent’s debts, and distributing the decedent’s remaining assets to his or her beneficiaries.<sup>3</sup> The probate process is also known as “estate administration.”<sup>4</sup> Whenever a decedent dies leaving a valid will,<sup>5</sup> estate administration generally proceeds in accordance with the will’s terms, with estate assets being distributed to the named beneficiaries;<sup>6</sup> however, where a decedent dies intestate, which means the decedent died and did not leave a valid will, asset distribution generally occurs by operation of Florida’s intestate succession laws.<sup>7</sup>

### Personal Representatives

Regardless of whether a decedent had a will or died intestate, when an estate is probated, the court appoints a personal representative<sup>8</sup> to oversee the estate’s administration and grants that person letters of administration.<sup>9</sup> A personal representative’s primary purpose is to ensure that the administration of the decedent’s estate proceeds in accordance with the decedent’s wishes (as outlined in a will) or, if there is no will, in accordance with state law; however, Florida law imposes numerous other, specific duties and obligations on personal representatives.

### Qualifications

In determining who may serve as a personal representative for a particular estate, Florida law establishes an order of preference that generally must be observed, as follows:

- In testate estates (i.e. where there is a will):
  - The personal representative named in the will.
  - The person selected by a majority in interest of the persons entitled to the estate.
  - A devisee under the will (or the most qualified of such devisees, as chosen by the court, if there is more than one).<sup>10</sup>
- In intestate estates (i.e. where there is no will):
  - The surviving spouse.

---

<sup>1</sup> Chapters 731-735, F.S.; *see also* s. 731.005, F.S. (providing the short title).

<sup>2</sup> In Florida, the circuit courts have jurisdiction over probate proceedings. Office of the State Courts Administrator, *Trial Courts-Circuit*, <https://www.flcourts.gov/Florida-Courts/Trial-Courts-Circuit> (last visited Jan. 28, 2026).

<sup>3</sup> “Beneficiary” means an heir at law in an intestate estate and a devisee in a testate estate. Section 731.201(2), F.S. Note that probate is not initiated in every circumstance in which a person dies leaving assets; in some instances, other asset distribution mechanisms (such as a trust or a pay-on-death clause) transfer asset ownership without court intervention. In other circumstances, a decedent’s assets may be held jointly with a surviving person, requiring no asset ownership transfer and, thus, no court intervention.

<sup>4</sup> “Estate” means the property of a decedent that is the subject of administration. Section 731.201(14), F.S.

<sup>5</sup> A “will” means a testamentary instrument executed by a person in the manner provided in the Florida Probate Code, which disposes of a person’s property on or after his or her death. Section 731.201(40), F.S. Until admitted to probate, a will is ineffective to prove title to, or the right to possession of, the testator’s property. Section 733.103(1), F.S.

<sup>6</sup> *See generally* Parts V, VI, and IX, ch. 732, F.S. (governing wills, rules of will construction, and will production, respectively).

<sup>7</sup> *See generally* Part I, ch. 732, F.S. (governing intestate succession).

<sup>8</sup> “Personal representative” means the fiduciary appointed by the court to administer the estate and refers to what has been known as, among other things, an executor. Section 731.201(28), F.S.

<sup>9</sup> Letters of administration convey the legal authority to manage a decedent’s estate. Section 731.201(24), F.S.

<sup>10</sup> Section 733.301(1)(a), F.S.

- The person selected by a majority in interest of the heirs.
- The heir nearest in degree (or the most qualified of such heirs, as chosen by the court, if there is more than one).<sup>11</sup>

To qualify to act as a personal representative, the person must have full legal capacity to act on his or her own behalf and be a Florida resident at the time of the relevant decedent's death;<sup>12</sup> or if the person is not a Florida resident, the person must be:

- The decedent's legally adopted child or adoptive parent;
- Related by lineal consanguinity to the decedent;
- The decedent's sibling, uncle, aunt, nephew, or niece, or someone related by lineal consanguinity to any such person; or
- The spouse of any such person.<sup>13</sup>

Florida law also provides that a person is not qualified to act as a personal representative if he or she:

- Is a convicted felon;
- Has been convicted of abuse, neglect, or exploitation of an elderly person or a disabled adult;
- Is mentally or physically unable to perform the duties of a personal representative; or
- Is a minor.<sup>14</sup>

### ***Duties and Powers***

A personal representative is a fiduciary who must observe the standard of care applicable to trustees of express trusts<sup>15</sup> and who is liable to interested persons for damage or loss resulting from the breach of his or her fiduciary duty.<sup>16</sup> Such duty generally begins upon appointment<sup>17</sup> and includes a duty to:

- Settle and distribute the estate in accordance with the decedent's will (if any) and applicable law.<sup>18</sup>
- Expeditiously proceed with the settlement and distribution of the decedent's estate.<sup>19</sup>
- Act in the best interests of interested persons, including creditors.<sup>20</sup>
- File a verified inventory of estate property, subject to statutory requirements.<sup>21</sup>
- Take all steps reasonably necessary for the estate's management, protection, and preservation.<sup>22</sup>

---

<sup>11</sup> Section 733.301(1)(b), F.S.

<sup>12</sup> Section 733.302, F.S.

<sup>13</sup> Section 733.304, F.S.

<sup>14</sup> Section 733.303, F.S.

<sup>15</sup> An "express trust" is a trust created with the settlor's express intent, usually declared in writing. *Byrne Realty Co. v. South Florida Farms Co.*, 89 So. 318, 326-27 (Fla. 1921).

<sup>16</sup> Section 733.609(1), F.S.

<sup>17</sup> Section 733.601, F.S.

<sup>18</sup> Section 733.602(1), F.S.

<sup>19</sup> Section 733.603, F.S.

<sup>20</sup> Section 733.602(1), F.S.

<sup>21</sup> Section 733.604, F.S.

<sup>22</sup> Section 733.607(1), F.S.

To assist in the exercise of such duties, the personal representative also has statutorily enumerated rights and powers. Specifically, the personal representative may (and in some cases, must), among other things:

- Take possession and control of the decedent's property.
- Perform or, when proper, refuse to perform the decedent's contracts.
- Invest the estate's funds.
- Acquire or dispose of assets, including, in certain circumstances, by sale or abandonment.
- Enter into leases.
- Pay taxes, assessments, and other expenses incident to estate administration.
- Continue any unincorporated business or venture in which the decedent was engaged at the time of death.
- Prosecute or defend claims or proceedings for the protection of the estate or the decedent's property.
- Employ persons, including attorneys, accountants, auditors, appraisers, investment advisers, and others to advise or assist the personal representative in estate administration.<sup>23</sup>

### ***Fiduciary Bonds***

Unless the bond requirement has been waived by the will or by the court, every personal representative (other than a bank or a trust acting as a personal representative) must execute and file a bond with surety, payable to the Governor and the Governor's successors in office, conditioned on the performance of all personal representative duties.<sup>24</sup> All such bonds must be in an amount that the court deems sufficient after considering the estate's gross value, the relationship of the personal representative to the beneficiaries, exempt property and any family allowance, the type and nature of assets, known creditors, and any liens or other encumbrances on the assets.<sup>25</sup>

### ***Reporting Requirements***

Florida law requires a personal representative to file certain reports with the court during various stages of the estate's administration, which the court may then review to ensure that the personal representative is properly managing the administration and meeting his or her fiduciary duties. These reports include:

- An inventory report detailing all of the decedent's assets and their respective market values.<sup>26</sup>
- A report detailing all claims filed against the estate.
- Any interim or supplemental accountings ordered by the court.<sup>27</sup>
- A final accounting with a petition for discharge stating, among other things:
  - That all claims filed against the estate have been paid, settled, or otherwise disposed of.
  - The amount of compensation paid or to be paid to the personal representative, attorneys, and others who aided the personal representative in account administration.

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<sup>23</sup> See generally s. 733.612, F.S.

<sup>24</sup> Section 733.402(1), F.S.

<sup>25</sup> Section 733.403, F.S.

<sup>26</sup> Section 733.604(1), F.S.

<sup>27</sup> The personal representative may also choose to file interim accountings at any time, although such interim accountings are voluntary unless the court directs their filing. See Fla. Prob. R. 5.345(a) (providing that the fiduciary "may elect to file an interim accounting at any time, or the court may require an interim or supplemental accounting").

- A schedule of all prior estate asset distributions.
- An inventory of the estate assets remaining in the hands of the personal representative.
- A plan for the distribution of all remaining estate assets.<sup>28</sup>

### ***Compensation***

A personal representative is entitled to reasonable compensation for ordinary service, payable from the estate's assets, without a court order.<sup>29</sup> Such compensation must be based on the estate's compensable value, which is the inventory value of the estate's assets and the income the estate earns during administration, and Florida law provides that such compensation is presumed to be reasonable if calculated at statutorily-specified rates.<sup>30</sup> However, the court may increase or decrease the personal representative's compensation for ordinary services upon petition of any interested parties.<sup>31</sup>

A personal representative is also entitled to reasonable compensation for any extraordinary services, which the court may award upon petition of any interested person.<sup>32</sup> Extraordinary services may include:

- The sale of real or personal property.
- Litigating on behalf of the estate.
- Involvement in proceedings for the adjustment or payment of any taxes.
- The carrying on of the decedent's business.
- Dealing with protected homestead.
- The rendering of legal services in connection with estate administration, if the personal representative is a Florida Bar member.<sup>33</sup>
- Any other special services that may be necessary for the personal representative to perform.<sup>34</sup>

Further, if a will provides that a personal representative's compensation must be based on specific criteria, other than a general reference to compensation allowed by law, the personal representative is entitled to compensation in accordance with that provision; however, the personal representative may renounce the provision and receive compensation as provided in law, unless a contract with the decedent would prohibit such renunciation.<sup>35</sup>

### ***Resignation***

A personal representative generally has the right to resign and the court may, after notice to all interested persons, accept the resignation and then revoke the letters of the resigning personal representative if the resignation does not jeopardize the estate's interests.<sup>36</sup> Once the court

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<sup>28</sup> Fla. Prob. R. 5.400.

<sup>29</sup> Section 733.617(1), F.S.

<sup>30</sup> Those rates are 3 percent for the first \$1 million; 2.5 percent for all above \$1 million and not exceeding \$5 million; 2 percent for all above \$5 million and not exceeding \$10 million; 1.5 percent for all above \$10 million. Section 733.617(2), F.S.

<sup>31</sup> Section 733.617(7), F.S.

<sup>32</sup> Section 733.617(3), F.S.

<sup>33</sup> Section 733.617(6), F.S. The Florida Supreme Court regulates the practice of law in Florida, through The Florida Bar. The Florida Bar, *About the Bar*, <https://www.floridabar.org/about/> (last visited Jan. 15, 2026); FLA. CONST. art. V, s. 15.

<sup>34</sup> Section 733.617(3), F.S.

<sup>35</sup> Section 733.617(4), F.S.

<sup>36</sup> Section 733.502, F.S.

accepts the resignation, the court must then appoint a successor personal representative or, as discussed below, a curator to serve until a successor personal representative is appointed.<sup>37</sup>

Further, the resigning personal representative must:

- Surrender to the successor fiduciary all estate assets, records, documents, papers, and other property of or concerning the estate in the resigning personal representative's possession or control.<sup>38</sup>
- File and serve a final accounting of the personal representative's administration.<sup>39</sup>

Ultimately, a resigning personal representative may be discharged only after:

- Determination of the liability, if any, of such resigning personal representative.
- Compensation of the resigning personal representative and the attorney and other persons employed thereby.
- Receipt of evidence that undistributed estate assets have been delivered to the successor fiduciary.<sup>40</sup>

### ***Removal***

The court must remove and revoke the letters of a personal representative if the personal representative was not qualified to act at the time of appointment.<sup>41</sup> Further, the court may remove and revoke the letters of a personal representative for any of the following reasons:

- An adjudication of the personal representative's incapacity.
- Physical or mental incapacity.
- Failure of the personal representative to comply with any court order.
- Failure of the personal representative to account for the sale of property or to produce and exhibit estate assets when so required.
- Wasting or maladministration of the estate.
- Failure of the personal representative to give bond or security.
- The personal representative's felony conviction.
- The insolvency of, or the appointment of a receiver or liquidator for, a corporate personal representative.
- Holding or acquiring conflicting or adverse interests against the estate that will or may interfere with the administration of the estate as a whole.
- Revocation of the probate of the decedent's will that authorized or designated the personal representative's appointment.
- Termination of Florida residence, if such residence was a requirement of initial appointment.
- The personal representative was qualified to act at the time of appointment but would not now qualify.<sup>42</sup>

A removal proceeding may begin upon the petition of an interested person, or the court may begin such a proceeding upon its own initiative.<sup>43</sup> In either case, the court must revoke the letters

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<sup>37</sup> Section 733.503, F.S.

<sup>38</sup> Section 733.5035, F.S.

<sup>39</sup> Section 733.5036(1), F.S.

<sup>40</sup> Section 733.5036(2), F.S.

<sup>41</sup> Section 733.504, F.S.

<sup>42</sup> *Id.*

<sup>43</sup> Section 733.506, F.S.

of a removed personal representative and appoint a successor personal representative or, as discussed below, a curator to serve until a successor personal representative is appointed.<sup>44</sup>

### Curators

State law provides that, when necessary, the court may appoint<sup>45</sup> a “curator”<sup>46</sup> after formal notice to the person apparently entitled to letters of administration (that is, to the personal representative, or the person likely to be so appointed); however, where there is great danger that any of the decedent’s property is likely to be wasted, destroyed, or removed beyond the court’s jurisdiction, and if a curator’s appointment would be delayed by giving notice, the court may appoint a curator without giving notice.<sup>47</sup>

In either case, curators may be authorized to perform any duty or function of a personal representative, may be subject to removal and surcharge, and may be required to post a bond as the court deems necessary; however, no bond may be required of a bank or trust company acting as a curator. Further, curators are entitled to reasonable compensation for their services, and the court may consider the provisions applicable to personal representative compensation in awarding such compensation.<sup>48</sup>

Though the necessity for which a curator’s appointment might arise is not specified in Florida law, Florida courts have recognized that such necessity may include a delay in a personal representative’s appointment, or in the appointment of a successor personal representative where the original personal representative resigns or otherwise becomes unwilling or unable to oversee the estate’s administration.<sup>49</sup> However, Florida courts have also found that it is legally improper to simultaneously have a curator and a personal representative acting on behalf of an estate; thus, a court would likely need to remove any appointed personal representative before appointing a curator.<sup>50</sup> This comports with the general understanding, acknowledged by the courts, that a curator is usually only appointed as a temporary expedient to take possession of and preserve an estate’s assets until a qualified personal representative may be appointed to manage the estate’s administration.<sup>51</sup>

### III. Effect of Proposed Changes:

The bill amends s. 733.501, F.S., regarding curators of estates, to expand the role of curators in state probate proceedings.

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<sup>44</sup> *Id.*; s. 733.5061, F.S.

<sup>45</sup> Curator appointment may occur upon the filing of a sufficient petition for such appointment, which petition must include, among other things, a statement as to why a curator should be appointed. A court may also appoint a curator on its own initiative. Fla. Prob. R. 5.122.

<sup>46</sup> “Curator” means a person appointed by the court to take charge of the estate of a decedent until letters of administration are issued. Section 731.201(8), F.S.

<sup>47</sup> Section 733.501(1), F.S.

<sup>48</sup> Section 733.501, F.S.

<sup>49</sup> *Gordin v. Estate of Maisel*, 179 So. 3d 518, 520-21 (Fla. 4<sup>th</sup> DCA 2015); *In re Estate of Miller*, 568 So. 2d 487, 488-90 (Fla. 1<sup>st</sup> DCA 1990).

<sup>50</sup> *Gordin*, 179 So. 3d at 521.

<sup>51</sup> *In re Sale’s Estate*, 227 So. 2d 199, 202 (Fla. 1969).

## **Appointment of a Curator**

The bill changes when a court may appoint a curator. Current law provides that the court may appoint a curator in only two situations:

- If it is necessary after formal notice to the person apparently entitled to letters of administration.
- If there is great danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court and without giving notice if the appointment of a curator would be delayed by giving notice.

Under the bill, the court may appoint a curator in any of the following circumstances:

- At any time with notice to interested persons as the court deems appropriate.
- There is significant danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court, and without giving notice to other interested persons if the appointment of a curator would be delayed by giving notice.
- In any other proper case, if deemed necessary to protect the interests of the estate or a decedent's heirs.

Accordingly, the bill increases the number of situations when a court may appoint a curator and gives the court greater discretion regarding the giving of notice.

## **Bond Requirements**

Current law provides that a bond "shall be required of the curator as the court deems necessary." Similarly, under the bill, curators must post a reasonable bond in an amount to be determined by the court, but the court may waive this requirement. Bonds are not required for banks and trust companies that serve as curators.

## **Court Review**

The bill requires curators to file reports with the court as the court deems necessary. The reports must detail the actions taken by the curator in managing the estate. The court must review the reports to ensure that the curator is effectively managing the estate and fulfilling its duties. The court may require more frequent reporting or additional documentation as it deems necessary to protect the interests of the estate.

## **Reenactment of s. 90.5021(1), F.S.**

The bill reenacts s. 90.5021(1), F.S., to incorporate the amendments to s. 733.501, F.S., made by the bill.

## **Effective Date**

The bill takes effect July 1, 2026.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The bill requires curators to file reports with the court as the court deems necessary. These reports must detail the actions taken by the curator in managing the estate. This requirement may impose additional costs on the decedent's estate, which will now have to compensate curators for preparing and filing these reports with the court.

## C. Government Sector Impact:

The bill requires courts to review the reports submitted by curators to ensure that the curator is effectively managing the estate and fulfilling his or her duties. However, the court can control how often curators submit reports for review. Accordingly, the bill may impose some additional costs on courts associated with reviewing curator's reports but these additional costs, if any, are likely to be minimal.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 733.501 of the Florida Statutes.

This bill reenacts section 90.5021 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Judiciary on February 3, 2026:**

The committee substitute deletes the provisions in the bill regarding the authority and duties of curators and only requires curators to file reports with the court if the court deems it necessary.

- B. **Amendments:**

None.



908348

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

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The Committee on Judiciary (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 40 - 70  
and insert:

(2) BOND REQUIREMENTS.—Unless waived by the court, curators must post a reasonable bond in an amount to be determined by the court. However, bonds are not required for banks and trust companies that serve as curators ~~Bond shall be required of the curator as the court deems necessary. No bond shall be required of banks and trust companies as curators.~~

(3) COMPENSATION.—Curators are ~~shall be~~ allowed reasonable



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12 compensation for their services, and the court may consider ~~the~~  
13 ~~provisions of~~ s. 733.617.

14 (4) REMOVAL AND SURCHARGE.—Curators are ~~shall be~~ subject to  
15 removal and surcharge by the court.

16 (5) COURT REVIEW.—

17 (a) The curator shall file reports with the court when the  
18 court deems it necessary. Such

19

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

21 And the title is amended as follows:

22 Delete lines 4 - 9

23 and insert:

24 to appoint a curator of estates; revising bond  
25 requirements for a curator of estates; clarifying who  
26 may subject a curator of estates to removal and  
27 surcharge; requiring a curator to file reports with  
28 the court in specified circumstances;

By Senator Burgess

23-00290A-26

2026326\_\_

A bill to be entitled

An act relating to curators of estates; amending s. 733.501, F.S.; revising the requirements for a court to appoint a curator of estates; providing authority and duties of a curator; requiring a curator to post a reasonable bond, determined by the court; providing an exception; providing that a curator is subject to removal and surcharge by the court; requiring a curator to file periodic reports with the court; requiring that certain details be included in such reports; requiring the court to review such reports; authorizing the court to require more frequent reporting or additional documents under certain circumstances; reenacting s. 90.5021(1), F.S., relating to fiduciary lawyer-client privilege, to incorporate the amendment made to s. 733.501, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 733.501, Florida Statutes, is amended to read:

733.501 Curators.—

(1) APPOINTMENT OF A CURATOR.—When it is necessary, the court may appoint a curator after formal notice to the person apparently entitled to letters of administration as follows:

(a) The court may appoint a curator at any time with notice to other interested persons as the court deems appropriate. The curator may be authorized to perform any duty or function of a

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

23-00290A-26

2026326\_\_

personal representative.

(b) If there is significant ~~great~~ danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court and if the appointment of a curator would be delayed by giving notice, the court may appoint a curator without giving notice to other interested persons.

(c) In any other proper case, the court may appoint a curator when deemed necessary to protect the interests of the estate or a decedent's heirs.

(2) AUTHORITY AND DUTIES OF THE CURATOR.—

(a) The curator has the same authority and powers as set forth in this part.

(b) Within a reasonable time after the curator's appointment by the court, the curator must take possession and control of the estate of the decedent in any of the following circumstances:

1. When a decedent dies intestate in the county without heirs.

2. When a decedent dies leaving a will, and the personal representative named is absent or fails to qualify.

3. When an unknown decedent dies or is found dead in the county.

4. For any other cause in which the court finds it necessary to protect the estate from injury, waste, theft, loss, or mismanagement.

(c) The curator shall act as trustee when appointed by the court. ~~Bond shall be required of the curator as the court deems necessary. No bond shall be required of banks and trust~~

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

23-00290A-26

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59 ~~companies as curators.~~

60 (3) BOND REQUIREMENTS.—Unless waived by the court, curators  
61 must post a reasonable bond in an amount to be determined by the  
62 court. However, bonds are not required for banks and trust  
63 companies that serve as curators.

64 (4) COMPENSATION.—Curators ~~are shall be~~ allowed reasonable  
65 compensation for their services, and the court may consider ~~the~~  
66 ~~provisions of~~ s. 733.617.

67 (5)(4) REMOVAL AND SURCHARGE.—Curators ~~are shall be~~ subject  
68 to removal and surcharge by the court.

69 (6) PERIODIC COURT REVIEW.—

70 (a) The curator shall file reports with the court. Such  
71 reports must detail the actions taken by the curator in managing  
72 the estate. The court shall review such reports to ensure that  
73 the curator is effectively managing the estate and fulfilling  
74 its duties.

75 (b) The court may require more frequent reporting or  
76 additional documentation as it deems necessary to protect the  
77 interests of the estate.

78 Section 2. For the purpose of incorporating the amendment  
79 made by this act to section 733.501, Florida Statutes, in a  
80 reference thereto, subsection (1) of section 90.5021, Florida  
81 Statutes, is reenacted to read:

82 90.5021 Fiduciary lawyer-client privilege.—

83 (1) For the purpose of this section, a client acts as a  
84 fiduciary when serving as a personal representative or a trustee  
85 as defined in ss. 731.201 and 736.0103, an administrator ad  
86 litem as described in s. 733.308, a curator as described in s.  
87 733.501, a guardian or guardian ad litem as defined in s.

Page 3 of 4

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

23-00290A-26

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88 744.102, a conservator as defined in s. 710.102, or an attorney  
89 in fact as described in chapter 709.

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

Page 4 of 4

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** November 24, 2025

---

I respectfully request that **Senate Bill #326**, relating to Curators of Estates, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

---

Senator Danny Burgess  
Florida Senate, District 23

CC: Tom Cibula, Staff Director  
CC: Lisa Larson, Committee Administrative Assistant

The Florida Senate

APPEARANCE RECORD

326

2-2-26

Meeting Date

Bill Number or Topic

Judiciary

Committee

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

Amendment Barcode (if applicable)

Name

Ray Contreras

Phone

352-665-7397

Address

4 Palm Ln

Email

Street

Ponte Vedra FL 32608

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/2024

Meeting Date

326

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name JAN GORRIE

Phone 813-334-5288

Address 2511 S. Ysabella Ave.

Email jan@ballardpartners.com

Street

Tampa

City

FL

State

33629

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/CS/SB 538

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

SUBJECT: Extracurricular Activities

DATE: February 3, 2026

REVISED: \_\_\_\_\_

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

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 538 revises student eligibility and participation requirements for interscholastic and intrascholastic extracurricular activities, including athletics, by defining key terms and establishing an “eligible student” framework for home education, charter, private, Florida Virtual School, alternative, and traditional public-school students.

Among other things, the bill:

- Authorizes public schools to assess an activity fee on homeschool students who wish to participate in interscholastic or intrascholastic extracurricular activities at the public school.
- Restricts participation in the same sport at different schools within the same school year unless the student meets specified criteria.
- Creates timelines for the appeals process for eligibility determinations.
- Requires annual participation in the Presidential Youth Fitness Program as part of school districts’ physical education curriculum.
- Authorizes school districts, in their sole discretion, to determine and approve compensation for athletic coaches, assistant coaches, athletic program supervisors, and activity sponsors of extracurricular activities.

The bill takes effect July 1, 2026.

**II. Present Situation:**

The present situation corresponding to each relevant portion of the bill is provided in Section III, Effect of Proposed Changes.

**III. Effect of Proposed Changes:****Interscholastic and Intrascholastic Extracurricular Activities***Present Situation*Student Eligibility

Interscholastic extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. Florida law defines the term “extracurricular” as meaning any school-authorized or education-related activity occurring during or outside the regular instructional school day.<sup>1</sup>

To be eligible to participate in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests, a student must:

- Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in certain courses.
- Execute and fulfill the requirements of an academic performance contract if the student’s cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in certain courses.
- Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in certain courses during his or her junior or senior year.
- Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct policies. Student participation after a felony conviction is contingent upon established and published district school board policy.<sup>2</sup>

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<sup>1</sup> Section 1006.15(2), F.S.

<sup>2</sup> Section 1006.15(3)(a), F.S.

Where Student Participation Can Occur

The table below provides an overview of where students may participate based on their school choice:<sup>3</sup>

<b>Educational Setting</b>	<b>Where they can participate</b>
Home Education Student	A home education student may participate at any public school in the school district in which he/she resides for athletics. For all other extracurricular activities, the home education student may participate at the student's zoned school, or the public school he/she could choose to attend in accordance with the district's controlled open enrollment procedures (including a charter or lab school) in another school district. The home education student may also develop an agreement to participate at a private school, or at a home education cooperative.
Personalized Education Program (PEP) Student	A PEP student may participate at any public school in the school district in which he/she resides for athletics. For all other extracurricular activities, the PEP student may participate at the student's zoned school, or the public school he/she could choose to attend in accordance with the district's controlled open enrollment procedures (including a charter or lab school) in another school district. The PEP student may also develop an agreement to participate at a private school, or at a home education cooperative.
Charter School Student	A charter school student may participate at his/her home-zoned public school, the public school he/she could choose to attend in accordance with the district's controlled open enrollment procedures (including another charter or lab school). The charter school student may also develop an agreement to participate at a private school.
Special or Alternative School Student	A special or alternative school student may participate at another school only if his/her special or alternative school is operated by the school district and offers NO athletic program. The special or alternative school must also be authorized by the district superintendent each year.
Private School Student	A private school student may participate at another school only if his/her private school is not a member of the FHSAA or does NOT offer the sport in which he/she wishes to participate.
Virtual School Student	A virtual school student may participate at any public school in the school district in which he/she resides, the public school he/she could choose to attend in accordance with the district's controlled open enrollment procedures (including a charter or lab school) in another school district. A virtual school student may also develop an agreement to participate at a private school.
Traditional Public-School Student	A traditional public-school student may participate at another school in the district (or at a private school) only if his/her public school does NOT offer the sport in which he/she wishes to participate.

<sup>3</sup> Section 1006.15, F.S.; *see also* Florida High School Athletic Association, *Non-Traditional Students*, [https://fhsaa.com/sports/2020/3/11/Nontraditional\\_Students.aspx](https://fhsaa.com/sports/2020/3/11/Nontraditional_Students.aspx) (last visited Jan. 28, 2026).

The student standards for participation in interscholastic extracurricular activities must be applied beginning with the student's first semester in the 9<sup>th</sup> grade. Each student must meet such other requirements for participation as may be established by the district school board; however, a district school board may not establish requirements for participation in interscholastic extracurricular activities which make participation in such activities less accessible to home education students than to other students.<sup>4</sup>

A home education student must be covered by any insurance provided by the district school board for extracurricular activity participants. If an additional premium is required for such coverage, the participating home education student must pay the premium.<sup>5</sup>

Several school districts in Florida require public school students to pay to participate in their sports clubs. For example, in the Pasco County School District, students in middle school are required to pay \$80.00 for the first sport and \$50.00 for the second sport, with an individual student being capped at \$130.00. Students are not charged a fee to tryout for a sport.<sup>6</sup>

### School Responsibilities

The athletic director for each participating FHSAA member school must maintain the student records necessary for eligibility, compliance, and participation in the program. Any private school that has a student who wishes to participate in this program must make all student records including academic, financial, disciplinary, and attendance records available upon request to the FHSAA.<sup>7</sup>

### Student Transfers

A student who transfers to a school during the school year may seek to immediately join an existing team if the roster for the specific interscholastic or intrascholastic extracurricular activity has not reached the activity's identified maximum size and if the coach for the activity determines that the student has the requisite skill and ability to participate. The FHSAA and school district or charter school may not declare such a student ineligible because the student did not have the opportunity to comply with qualifying requirements.<sup>8</sup>

A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets one of the following criteria:

- Dependent children of active-duty military personnel whose move resulted from military orders.
- Children who have been relocated due to a foster care placement in a different school zone.
- Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
- Authorized for good cause in district or charter school policy.<sup>9</sup>

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<sup>4</sup> Section 1006.15(4), F.S.

<sup>5</sup> Section 1006.15(7), F.S.

<sup>6</sup> Pasco County Schools Athletics, *Athletic Fees 2025-26*, available at [https://www.pasco.k12.fl.us/library/athletics/Athletic\\_Fees\\_2025-26.pdf](https://www.pasco.k12.fl.us/library/athletics/Athletic_Fees_2025-26.pdf) (last visited Jan. 28, 2026).

<sup>7</sup> Section 1006.15(8)(d)(e), F.S.

<sup>8</sup> Section 1006.15(9)(a), F.S.

<sup>9</sup> Section 1006.15(9)(b), F.S.

A student who participates in an interscholastic or intrascholastic activity at a public school and who transfers from that school during the school year must be allowed to continue to participate in the activity at the school for the remainder of the school year if:

- The student continues to meet the standard eligibility requirements in statute.
- The student continues to meet the same standards of acceptance, behavior, and performance which are required of other students participating in the activity, except for the enrollment requirements at the school at which the student participates.
- The parents of the student participating in the activity provide for the transportation of the student to and from the school at which the student participates. The school the student attends, the school at which the student participates in the activity, and the district school board are exempt from civil liability arising from any injury that occurs to the student during such transportation.<sup>10</sup>

### *Effects of Proposed Changes*

The bill makes substantial changes to high school and middle school athletics in Florida regarding student eligibility, transfers, and costs for students to play sports.

### Student Eligibility

The bill amends s. 1006.15, F.S., to define the following terms:

- “Eligible student” means a home education student, charter school student, private school student, Florida Virtual School student, alternative school student, or traditional public-school student who wishes to participate in an interscholastic or intrascholastic extracurricular activity.
- “Governing Organization” means any organization that governs the athletic activities of a school, including, but not limited to, the Florida High School Athletic Association.

The bill revises the eligibility requirements for home education program students by no longer requiring them to satisfy the same residency requirements as other students in the school in which they participate.

### Where Student Participation Can Occur

The bill deletes the existing options for where and how a student can participate in extracurricular activities. It also aligns student eligibility for all students, regardless of the educational setting, by specifying that students are eligible to participate in an interscholastic or intrascholastic extracurricular activity at the school in which he or she is enrolled.

An eligible student may participate in an interscholastic or intrascholastic extracurricular activity at a school other than the school in which the student is enrolled if:

- The school in which the student is enrolled does not offer the same interscholastic or intrascholastic extracurricular activity or the student is in a home education program; and
- The school at which the student will participate in the interscholastic or intrascholastic extracurricular activity is located in the school district in which the student resides.

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<sup>10</sup> Section 1006.15(10), F.S.

The bill provides that if a public or charter school in the district in which the student resides does not offer the interscholastic or intrascholastic extracurricular activity, and an agreement cannot be reached with a private school in the district in which the student resides, the student may participate at a public, charter, or private school that is appropriate for the student's grade level located outside of his or her school district. The school at which the student participates must be in a school district adjacent to the school district in which the student resides. The student may also petition the executive director of the governing organization to explore additional options.

The bill also provides that any participation by an eligible student at a private school other than the school in which the student is enrolled must be pursuant to an agreement between the private school and the student.

### School Responsibilities

The bill requires that all schools, private and public, follow new requirements regarding their athletic programs. The bill expands the school personnel who may maintain necessary student records. It also requires such records be kept for all eligible students from both FHSAA and non-FHSAA schools.

The bill requires students to apply to participate in an interscholastic or intrascholastic extracurricular activity at a school other than the school in which the students are enrolled using one of the following methods:

- Applying to the school's governing organization for the extracurricular activity as provided for in the governing organization's bylaws.
- If there is no governing organization for the extracurricular activity for which the student is applying, through an appropriate process that complies with state law<sup>11</sup> and State Board of Education rules.

The bill provides that public schools in which a personalized education program student wishes to participate may assess an activity fee to an eligible student, provided the fee is uniformly applied within the school or district for the activity and does not exceed the prorated per-student cost to the school or district for the activity.

The term "prorated per-student cost to the school or district for the activity" is defined in the bill to mean the school's or the district's direct costs that are necessary to provide the specific interscholastic or intrascholastic extracurricular activity within the school or district, divided by the number of students participating in that activity in the school or district.

The bill requires schools or districts to adopt a written policy for calculating these costs and publish the activity fee schedule and supporting calculations for each activity online. Additionally, the public school in which a homeschool student wishes to participate may assess an eligible homeschool student only the out-of-pocket costs paid by the public school student for the interscholastic or intrascholastic extracurricular activity.

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<sup>11</sup> Sections 1002.31 and 1002.41, F.S.

The bill also requires the parents of the student participating in the activity to provide for the transportation of the student to and from the school at which the student participates. The school in which the student is enrolled, the school at which the student participates in the activity, and the district school board are exempt from civil liability arising from any injury that occurs to the student during transportation.

### Student Transfers

The bill prohibits a student from participating in interscholastic activities at two different schools during the same school year unless the student:

- Is a dependent child of active duty military personnel whose move resulted from military orders;
- Has been relocated due to a foster care placement in a different school zone;
- Has moved due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent; or
- Has been granted approval by the applicable governing organization's executive director.

The bill requires the governing organization to provide a determination of eligibility to the requesting student within 14 days after the request is made, and to adopt bylaws establishing criteria for determining the eligibility of transferring students.

## **Florida High School Athletic Association**

### ***Present Situation***

#### Florida High School Athletic Association

The Florida High School Athletic Association (FHSAA) is a nonprofit organization governing athletics in Florida public schools. Any public or private high school or middle school in this state, including charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA; however, membership in the FHSAA is not mandatory for any school.<sup>12</sup> Each year, the FHSAA sponsors more than 3,500 championship series games, through which 144 teams and 294 individuals are crowned state champions in 32 sports. More than 800,000 students participate in these athletic programs each year.<sup>13</sup>

The FHSAA is required to adopt bylaws that:

- Establish eligibility requirements.
- Prohibit recruiting.
- Require all students to pass a medical evaluation each year.
- Regulate people who conduct investigations on behalf of the FHSAA.
- Establish sanctions for coaches who have committed major violations of FHSAA bylaws.
- Establish the process and standards by which the FHSAA determines eligibility.
- Adopt guidelines to educate athletic coaches, officials, administrators, and student athletes and their parents, of the risks associated with concussions and head injuries.

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<sup>12</sup> Section 1006.20(1), F.S.

<sup>13</sup> Florida High School Athletic Association, *Florida High School Athletic Association*, <https://fhsaa.com/sports/2020/1/16/About.aspx> (last visited Jan. 28, 2026).

- Require the parents of students who are participating, or may participate, in interscholastic competition to sign and return an informed consent explaining the nature and risk of concussion and head injury.
- Adopt bylaws that require each student athlete who is suspected of sustaining a concussion or head injury in practice or in a competition to be immediately removed from the activity.
- Adopt bylaws for the establishment and duties of a sports medicine advisory committee.<sup>14</sup>

### FHSAA Appeals Process

The FHSAA is required to establish a procedure of due process which ensures each student the opportunity to appeal an unfavorable ruling on his or her eligibility to compete. The initial appeal must be made to a committee on appeals within the administrative region in which the student lives. The FHSAA's bylaws establish the number, size, and composition of each committee on appeals.<sup>15</sup> The authority and duties of a committee on appeals is to consider requests by member schools seeking exceptions to bylaws and regulations, to hear undue hardship eligibility cases filed by member schools on behalf of student athletes, and to hear appeals filed by member schools or student athletes.<sup>16</sup>

A member of the committee on appeals may not be a member of the board of directors. The term is 3 years. He or she is eligible to succeed himself or herself only once, for a maximum of 6 consecutive years.<sup>17</sup>

The FHSAA is required to expedite the appeals process on determinations of ineligibility so that disposition of the appeal can be made before the end of the applicable sports season, if possible.<sup>18</sup> Decisions made by the committee on appeals, the executive director or his or her designee, and the FHSAA board of directors must be posted online in a searchable format.<sup>19</sup>

### *Effects of Proposed Changes*

The bill amends s.1006.20, F.S., to provide that a governing organization's bylaws may not establish a timeline for appeals that exceeds 20 days. Additionally, the decisions made by the committee on appeals, the executive director, or his or her designee, and the governing organization board of directors must be posted online in a searchable format, subject to student records protections established in law.

## **Presidential Youth Fitness Program**

### *Present Situation*

The Presidential Youth Fitness Program is a comprehensive school-based program that promotes health and regular physical activity for America's youth. The program is voluntary and offers educators free access to a health-related assessment for youth fitness, professional development for meaningful implementation, and motivational recognition to empower students to adopt and

<sup>14</sup> Section 1006.20(2), F.S.

<sup>15</sup> Section 1006.20(7)(a), F.S.

<sup>16</sup> Section 1006.20(7)(d), F.S.

<sup>17</sup> Section 1006.20(7)(b), (c), F.S.

<sup>18</sup> Section 1006.20(7)(f), F.S.

<sup>19</sup> Section 1006.20(7)(h), F.S.

maintain an active lifestyle. The program emphasizes the value of living a physically active and healthy lifestyle in school and beyond. It minimizes comparisons between children and instead supports students as they pursue personal fitness goals for lifelong health.<sup>20</sup>

The President's Council on Sports, Fitness & Nutrition (PCSFN) is a federal advisory committee that aims to promote healthy eating and physical activity for all people, regardless of background or ability. President Trump's Executive Order 14327 of July 31, 2025, revitalizes the council and calls for the reestablishment of the Presidential Fitness Test. The council promotes youth sports and the physical, mental, and civic benefits of daily movement, exercise, and good nutrition. It also engages every sector (public and private, civilian and military) in creating a national culture of strength, vitality, and excellence. Since 1966, the council has promoted the Youth Fitness Test. While the fitness test has changed over the years, the current test continues to assess physical fitness using data from the 1985 National School Population Fitness Survey.<sup>21</sup>

The Presidential Youth Fitness Program is administered by the National Fitness Foundation, whose goal is to provide students and schools with access to high quality resources and tools to promote physical activity and support and reward physical health and fitness. Currently, the National Fitness Foundation is actively working with the U.S. Department of Health and Human Services and the President's Council on Sports, Fitness & Nutrition to update the Presidential Youth Fitness Program for today's youth.<sup>22</sup>

### ***Effects of Proposed Changes***

The bill amends s. 1003.455, F.S., to ensure that students in grades K-12 participate in the Presidential Youth Fitness Program, or its successor program, each year as part of the school district's physical education curriculum. However, since high school students are required to complete only one credit in physical education to earn a standard high school diploma, it is likely that a student who has completed the physical education requirement and is not participating in athletics would not participate in the program every year.

### **Athletic Coach Compensation**

#### ***Present Situation***

##### Salary Schedules and Collective Bargaining

District school boards are required to designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees. Additionally, school districts are required to develop a compensation and salary schedule that includes:

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<sup>20</sup> U.S. Department of Health and Human Services, Office of Disease Prevention and Human Promotion (U.S. DHHS), *Presidential Youth Fitness Program*, <https://odphp.health.gov/pcsfn/programs-awards/presidential-youth-fitness-program> (last visited Jan. 28, 2026).

<sup>21</sup> U.S. DHHS, *Presidential Youth Fitness Program*, <https://odphp.health.gov/pcsfn/programs-awards/presidential-youth-fitness-program> (last visited Jan. 28, 2026); U.S. DHHS, *About the President's Council on Sports, Fitness & Nutrition*, <https://odphp.health.gov/pcsfn/about-pcsfn> (last visited Jan. 28, 2026).

<sup>22</sup> National Fitness Foundation, *Presidential Youth Fitness Program*, <https://fitness.foundation/presidential-youth-fitness-program-2> (last visited Jan. 28, 2026).

- A grandfathered salary schedule for employees hired before July 1, 2014, which must base a portion of compensation on performance under the district's evaluation system and provide differentiated pay for instructional personnel and school administrators based on district-determined factors such as additional responsibilities, school demographics, high-need areas, and job difficulty.
- A performance salary schedule for employees hired on or after July 1, 2014, or employees who opt out of the grandfathered schedule, which must provide annual salary adjustments for instructional personnel and school administrators based on their performance evaluations.<sup>23</sup>

School districts engage in collective bargaining with employee unions, but certain responsibilities cannot be negotiated away. Collective bargaining agreements cannot prevent a school district from exercising its authority regarding:

- Providing incentives to effective and highly effective teachers.
- Implementing intervention and support strategies to address low student performance and improve academic outcomes and attendance.
- Implementing student discipline policies, including reviewing a student's abilities, past performance, behavior, and needs.
- Implementing school safety plans and requirements.
- Implementing staff and student recognition programs.
- Distributing correspondence to parents, teachers, and the community related to daily school and district operations.
- Providing any required notices or copies of information related to district school board or district operations, which is readily available on the school district's website.
- The school district's calendar.<sup>24</sup>

In addition to salary adjustments, each school district must provide salary supplements for activities that must include, but are not limited to:

- Assignment to a Title I eligible school.
- Assignment to a school that earned a grade of "F" or three consecutive grades of "D" pursuant to state law,<sup>25</sup> such that the supplement remains in force for at least 1 year following improved performance in that school.
- Certification and teaching in high-demand teacher needs areas, as identified by the State Board of Education or the school district.
- Assignment of additional academic responsibilities.<sup>26</sup>

### Athletic Coaches

In most school districts, athletic coaches are hired as teachers and are provided a salary supplement for performing the duties of a coach. All salary supplements provided to teachers, including supplements for coaches, are negotiated through collective bargaining. Because of the collectively bargained nature of coaches' stipends, there is also variation between school

<sup>23</sup> Section 1012.22(1), F.S.

<sup>24</sup> Section 1012.22(3), F.S.

<sup>25</sup> See s. 1008.34, F.S., which regulates the school grading system.

<sup>26</sup> Section 1012.22(1)(c)5., F.S.

districts. For example, the average stipend for a head football coach in Broward County in 2024-25 was \$3,038, while the average stipend for the same position in Collier County was \$7,000.<sup>27</sup>

By comparison, head football coaches in neighboring states receive significantly more compensation, with many receiving more than \$100,000 annual salary. There is even one example in Georgia where a coach was receiving \$219,214.65 in annual compensation.<sup>28</sup>

### ***Effect of Proposed Changes***

The bill amends s. 1012.22, F.S., to authorize each district school board, at its sole discretion, to determine and approve the compensation of any person employed as an athletic coach, assistant coach, athletic program supervisor, or activity sponsor of an extracurricular activity, regardless of whether such individual is classified as instructional personnel. Compensation may exceed any salary schedule, supplement, or stipend otherwise prescribed and may be paid in any form or amount deemed appropriate by the district school board, including, but not limited to, salaries, stipends, bonuses, performance-based incentives, and hourly or per-assignment pay. School districts may adopt a policy that authorizes payments by booster clubs or associations to be included in the compensation for an athletic coach and activity sponsor of extracurricular activities. Such compensation is considered part of the individual's total compensation. The bill also clarifies that limitations on supplemental pay applicable to instructional personnel do not apply to compensation provided to in the bill.

The bill takes effect July 1, 2026.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None.

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<sup>27</sup> Andrew Ramjit, Executive Director, Florida Coaches Associations, *Coaches Compensation in Florida* (Nov. 4, 2025), available at <https://flsenate.gov/Committees/DownloadMeetingDocument/7891> (see pg. 30 of Committee Meeting Expanded Agenda).

<sup>28</sup> *Id.* (see pgs. 31-32 of Committee Meeting Expanded Agenda).

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

This bill does not have a fiscal impact on state revenues or expenditures. The bill could have an impact on school districts to the extent they must cover the required insurance for students wishing to participate in specified activities and the costs of programs. The bill could also impact school districts if they decide to compensate athletic coaches as described in the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1006.15, 1002.31, 1002.33, 1003.455, 1006.195, 1006.20, and 1012.22.

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

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

**CS/CS by Judiciary on February 3, 2026:**

The committee substitute:

- Deletes duplicative language prohibiting students from participating in interscholastic activities at two different schools during the same school year.
- Deletes language that requires charter school students to participate in interscholastic extracurricular activities at their assigned public school or at a private school because, under the bill, they may participate in such activities at any school in the district if their current school does not offer it.
- Reinserts eligibility requirements for home education students to participate in interscholastic or intrascholastic extracurricular activities, which were deleted by the underlying bill, because typical student eligibility requirements such as GPA and regular attendance do not apply to home education students.

- Revises the eligibility requirements for home education program students by no longer requiring them to satisfy the same residency requirements as other students in the school in which they participate.
- Authorizes public schools to assess an activity fee on homeschool students who wish to participate in interscholastic or intrascholastic extracurricular activities at the public school.
- Allows the district school board to determine and approve the extracurricular activity compensation of persons employed as activity sponsors in addition to athletic coaches, assistant coaches, and athletic program supervisors.
- Corrects a cross-reference.

**CS by Education Pre-K – 12 on January 20, 2026:**

The committee substitute retitles the bill “Extracurricular Activities.”

The committee substitute amends s. 1006.15, F.S., to specify that home education students may participate at any public school within their district and that a student enrolled in a school that does not offer an extracurricular activity may participate in that extracurricular activity at any school within the district. Accordingly, the committee substitute removes the provision in the bill that such students may participate at their local zoned school.

The committee substitute also prohibits a student from participating in interscholastic activities at two different schools during the same school year unless the student:

- Is a dependent child of active duty military personnel whose move resulted from military orders;
- Has been relocated due to a foster care placement in a different school zone; or
- Has been granted approval by the applicable governing organization’s executive director.

The committee substitute deletes the phrase “in which a student is enrolled” relating to the imposition of activity fees, to clarify that the fee prohibition applies to the school where the student seeks to participate, regardless of the student’s enrollment status.

The committee substitute amends s. 1006.20, F.S., to remove the provision in the bill regarding decisions made by the committee on appeals being posted online in a searchable format and in compliance with ss. 1002.22 and 1002.221, F.S., which govern privacy of student educational records. The committee substitute instead amends the current statutory provision regarding the posting of committee decisions on appeals by replacing “FHSAA” with “governing organization.”

**B. Amendments:**

None.



279886

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/03/2026	.	
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The Committee on Judiciary (Simon) recommended the following:

**Senate Amendment**

Between lines 131 and 132  
insert:

4. A home education student must meet the requirements of the home education program pursuant to s. 1002.41.

a. During the period of participation at a school, the home education student must demonstrate educational progress as required in subparagraph 3. in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal, which evaluation may include



279886

12 review of the student's work by a certified teacher chosen by  
13 the parent; grades earned through correspondence; grades earned  
14 in courses taken at a Florida College System institution,  
15 university, or trade school; standardized test scores above the  
16 35th percentile; or any other method designated in s. 1002.41.

17 b. The home education student must meet the same residency  
18 requirements as other students in the school at which he or she  
19 participates.

20 c. The home education student must meet the same standards  
21 of acceptance, behavior, and performance as required of other  
22 students in extracurricular activities.

23 d. A student who transfers from a home education program to  
24 a public school before or during the first grading period of the  
25 school year is academically eligible to participate in  
26 interscholastic extracurricular activities during the first  
27 grading period, provided the student has a successful evaluation  
28 from the previous school year, pursuant to sub-subparagraph a.



577210

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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The Committee on Judiciary (Simon) recommended the following:

**Senate Substitute for Amendment (279886)**

Between lines 131 and 132  
insert:

4. A home education student must meet the requirements of the home education program pursuant to s. 1002.41.

a. During the period of participation at a school, the home education student must demonstrate educational progress as required in subparagraph 3. in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal, which evaluation may include



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12 review of the student's work by a certified teacher chosen by  
13 the parent; grades earned through correspondence; grades earned  
14 in courses taken at a Florida College System institution, state  
15 university, or trade school; standardized test scores above the  
16 35th percentile; or any other method designated in s. 1002.41.

17 b. The home education student must meet the same standards  
18 of acceptance, behavior, and performance as required of other  
19 students in extracurricular activities.

20 c. A student who transfers from a home education program to  
21 a public school before or during the first grading period of the  
22 school year is academically eligible to participate in  
23 interscholastic extracurricular activities during the first  
24 grading period, provided the student has a successful evaluation  
25 from the previous school year, pursuant to sub-subparagraph a.



195182

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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The Committee on Judiciary (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 445 - 449  
and insert:

(d) The public school in which a personalized education program student wishes to participate may assess an activity fee to an eligible student pursuant to this section, provided that such fee is uniformly applied within the school or district for the activity and does not exceed the prorated per-student cost to the school or district for the activity.

1. For purposes of this paragraph, the term "prorated per-



195182

12 student cost to the school or district for the activity” means  
13 the school’s or district’s direct costs that are necessary to  
14 provide the specific interscholastic or intrascholastic  
15 extracurricular activity within the school or district, divided  
16 by the number of students participating in that activity in the  
17 school or district.

18 2. The school or district shall adopt a written policy  
19 establishing the methodology for calculating such costs and  
20 shall annually publish online the activity fee schedule and  
21 supporting calculations for each activity.

22 3. The public school in which a homeschool student wishes  
23 to participate may assess an eligible homeschool student only  
24 the out-of-pocket costs paid by the public school student for  
25 the interscholastic or intrascholastic extracurricular activity.

26  
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete lines 21 - 23

30 and insert:

31 schools; authorizing a public school to assess an  
32 activity fee for certain students; defining the term  
33 “prorated per-student cost to the school or district  
34 for the activity”; requiring the school or district to  
35 adopt a written policy for calculating specified  
36 costs; requiring the school or district to publish  
37 online the activity fee schedule; providing a  
38 limitation on a specified fee assessed by a public  
39 school; requiring parents to



883752

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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The Committee on Judiciary (Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 522 - 530

and insert:

Section 2. Subsection (6) of section 1002.31, Florida Statutes, is amended to read:

1002.31 Controlled open enrollment; public school parental choice.-

(6)~~(a)~~ A school district or charter school may not delay eligibility or otherwise prevent a student participating in controlled open enrollment or a choice program from being



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12 immediately eligible to participate in interscholastic and  
13 intrascholastic extracurricular activities.

14 ~~(b) A student may not participate in a sport if the student~~  
15 ~~participated in that same sport at another school during that~~  
16 ~~school year, unless the student meets one of the following~~  
17 ~~criteria:~~

18 ~~1. Dependent children of active duty military personnel~~  
19 ~~whose move resulted from military orders.~~

20 ~~2. Children who have been relocated due to a foster care~~  
21 ~~placement in a different school zone.~~

22 ~~3. Children who move due to a court-ordered change in~~  
23 ~~custody due to separation or divorce, or the serious illness or~~  
24 ~~death of a custodial parent.~~

25 ~~4. Authorized for good cause in district or charter school~~  
26 ~~policy.~~

27 Section 3. Subsection (11) of section 1002.33, Florida  
28 Statutes, is amended to read:

29 1002.33 Charter schools.—

30 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR  
31 ACTIVITIES.—A charter school student is eligible to participate  
32 in an interscholastic extracurricular activity ~~at the public~~  
33 ~~school to which the student would be otherwise assigned to~~  
34 ~~attend, or may develop an agreement to participate at a private~~  
35 ~~school, pursuant to s. 1006.15(4) ~~s. 1006.15(3)(d)~~.~~

36  
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete line 38

40 and insert:



883752

41 s. 1002.31, F.S.; deleting obsolete language; amending  
42 s. 1002.33, F.S.; conforming a cross-reference and  
43 provisions to changes made by the act;



179458

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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The Committee on Judiciary (Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 597 - 611

and insert:

(k) Athletic coach and activity sponsor of extracurricular activities compensation.—The district school board may, at its sole discretion, determine and approve the compensation of any person employed as an athletic coach, assistant coach, athletic program supervisor, or activity sponsor of an extracurricular activity, regardless of whether such individual is classified as instructional personnel. Compensation may exceed any salary



12 schedule, supplement, or stipend otherwise prescribed and may be  
13 paid in any form or amount deemed appropriate by the district  
14 school board, including, but not limited to, salaries, stipends,  
15 bonuses, performance-based incentives, and hourly or per-  
16 assignment pay. School districts may adopt a policy that  
17 authorizes payments by booster clubs or associations to be  
18 included in the compensation for an athletic coach and activity  
19 sponsor of extracurricular activities. Such compensation is  
20 considered part of the individual's total compensation. The  
21 limitations on supplemental pay applicable to instructional  
22 personnel under this section or any other law do not apply to  
23 compensation provided under this paragraph.

24  
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27       Delete lines 50 - 57

28 and insert:

29       compensation of an athletic coach or sponsor of an  
30       extracurricular activity; providing that the  
31       compensation may exceed any prescribed salary  
32       schedule, supplement, or stipend and be paid in any  
33       form or amount deemed appropriate by the school board;  
34       providing that such compensation is considered part of  
35       the athletic coach's or sponsor's total compensation;  
36       authorizing district school board policy to include  
37       payments by certain entities to be included in  
38       compensation; providing that limitations on  
39       supplemental pay are not applicable to the  
40       compensation of an athletic coach or activity sponsor;

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

581-02040-26

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1 A bill to be entitled  
 2 An act relating to extracurricular activities;  
 3 amending s. 1006.15, F.S.; making technical changes;  
 4 defining terms; revising eligibility requirements for  
 5 a student to participate in an interscholastic or  
 6 intrascholastic extracurricular activity; providing  
 7 construction; deleting obsolete provisions; requiring  
 8 that insurance provided by district school boards for  
 9 participants in extracurricular activities cover any  
 10 eligible student; deleting requirements for the  
 11 Florida High School Athletic Association to facilitate  
 12 a program for private school students to participate  
 13 in an interscholastic or intrascholastic sport;  
 14 requiring the athletic director or other appropriate  
 15 administrator to maintain student records for all  
 16 eligible students participating in interscholastic or  
 17 intrascholastic extracurricular activities at a member  
 18 school; revising requirements for a student to apply  
 19 to participate in an interscholastic or  
 20 intrascholastic extracurricular activity at certain  
 21 schools; prohibiting a school from imposing additional  
 22 fees on a student who wishes to participate in  
 23 extracurricular activities; requiring parents to  
 24 provide for the transportation to and from the school  
 25 for their student; providing indemnity for a school  
 26 and district school board under specified  
 27 circumstances; prohibiting a student from  
 28 participating in interscholastic or intrascholastic  
 29 extracurricular activities at two different schools

Page 1 of 22

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

581-02040-26

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30 within the same school year unless the student meets  
 31 specified criteria; requiring the governing  
 32 organization to provide a certain determination of  
 33 eligibility within a specified timeframe; requiring  
 34 the governing organization to adopt specified bylaws;  
 35 authorizing the governing organization to adopt  
 36 additional bylaws; deleting provisions providing  
 37 requirements for certain student transfers; amending  
 38 s. 1002.33, F.S.; conforming a cross-reference;  
 39 amending s. 1003.455, F.S.; requiring each school  
 40 district to ensure that students participate in the  
 41 Presidential Youth Fitness Program; amending s.  
 42 1006.195, F.S.; conforming cross-references; amending  
 43 s. 1006.20, F.S.; authorizing a student who is denied  
 44 certain eligibility to appeal a decision made by the  
 45 governing organization; requiring the governing  
 46 organization to adopt bylaws to establish a timeline  
 47 for an appeals process; providing a limitation on such  
 48 timelines; amending s. 1012.22, F.S.; authorizing a  
 49 district school board to determine and approve the  
 50 compensation of an athletic coach; providing that the  
 51 compensation may exceed any prescribed salary  
 52 schedule, supplement, or stipend and be paid in any  
 53 form or amount deemed appropriate by the school board;  
 54 providing that such compensation is considered part of  
 55 the athletic coach's total compensation; providing  
 56 that limitations on supplemental pay are not  
 57 applicable to the compensation of an athletic coach;  
 58 providing an effective date.

Page 2 of 22

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

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

Section 1. Section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

(1) SHORT TITLE.—This section may be cited as the “Craig Dickinson Act.”

(2) DETERMINATION.—Interscholastic extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term “extracurricular” means any school-authorized or education-related activity occurring during or outside the regular instructional school day. In the determination of whether a school offers an activity or a sport, the activity or sport must meet the designation requirements of s. 1006.205(3) (a).

(3) ~~(a)~~ DEFINITIONS.—As used in this section and s. 1006.20, the term:

(a) “Eligible student” means a home education student, charter school student, private school student, Florida Virtual School student, alternative school student, or traditional public school student who wishes to participate in an interscholastic or intrascholastic extracurricular activity.

(b) 1. “Eligible to participate” includes, but is not

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limited to, a student participating in all of the following:

a. Tryouts~~\_7~~

b. Off-season conditioning~~\_7~~

c. Summer workouts~~\_7~~

d. Preseason conditioning~~\_7~~

e. In-season practice~~\_7~~

f. ~~or~~ Contests.

2. The term does not mean that a student must be placed on any specific team for interscholastic or intrascholastic extracurricular activities. To be eligible to participate in interscholastic extracurricular student activities, a student must:

a.1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1002.3105(5) or s. 1003.4282.

b.2. Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student’s parents, if the student’s cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the contract must require that the student attend summer school, or its graded equivalent, between grades 9 and 10 or grades 10 and 11, as necessary.

c.3. Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1002.3105(5) or s. 1003.4282 during his or her junior or senior

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117 year.

118 ~~d.4-~~ Maintain satisfactory conduct, including adherence to  
 119 appropriate dress and other codes of student conduct policies  
 120 described in s. 1006.07(2). If a student is convicted of, or is  
 121 found to have committed, a felony or a delinquent act that would  
 122 have been a felony if committed by an adult, regardless of  
 123 whether adjudication is withheld, the student's participation in  
 124 interscholastic extracurricular activities is contingent upon  
 125 established and published district school board policy.

126 ~~3.(b)-~~ Any student who is exempt from attending a full  
 127 school day based on rules adopted by the district school board  
 128 for double session schools or programs, experimental schools, or  
 129 schools operating under emergency conditions must maintain the  
 130 grade point average required by this section and pass each class  
 131 for which he or she is enrolled.

132 (c) "Extracurricular" means any school-authorized or  
 133 education-related activity occurring during or outside the  
 134 regular instructional school day.

135 (d) "Governing organization" means any organization that  
 136 governs the athletic activities of a school, including, but not  
 137 limited to, the Florida High School Athletic Association.

138 (4) ELIGIBILITY.—

139 ~~(a)(c)1-~~ A An individual home education student is eligible  
 140 to participate in an interscholastic or intrascholastic  
 141 extracurricular activity at the school in which he or she is  
 142 enrolled.

143 (b) An eligible student may participate in an  
 144 interscholastic or intrascholastic extracurricular activity at a  
 145 school other than the school in which the student is enrolled

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146 if:

147 1. The school in which the student is enrolled does not  
 148 offer the same interscholastic or intrascholastic  
 149 extracurricular activity or the student is in a home education  
 150 program; and

151 2. The school at which the student will participate in the  
 152 interscholastic or intrascholastic extracurricular activity is  
 153 located in the school district in which the student resides.

154 (c) If no public or charter schools in the district in  
 155 which the student resides offer the interscholastic or  
 156 intrascholastic extracurricular activity, and an agreement  
 157 cannot be reached with a private school in the district in which  
 158 the student resides, the student may participate at a public,  
 159 charter, or private school that is appropriate for the student's  
 160 grade level located outside of his or her school district. The  
 161 school at which the student participates pursuant to this  
 162 paragraph must be in a school district adjacent to the school  
 163 district in which the student resides.

164 (d) If a student has exhausted all options outlined above  
 165 for participation in an interscholastic or intrascholastic  
 166 extracurricular activity, the student may petition the executive  
 167 director of the applicable governing organization to explore  
 168 options for participation at a school not otherwise covered by  
 169 this section.

170 (e) For purposes of this subsection, any participation by  
 171 an eligible student at a private school other than the school in  
 172 which the student is enrolled must be pursuant to an agreement  
 173 between the private school and the student at the public school  
 174 to which the student would be assigned according to district

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175 school board attendance area policies or which the student could  
 176 choose to attend pursuant to s. 1002.31, or may develop an  
 177 agreement to participate at a private school, in the  
 178 ~~interscholastic extracurricular activities of that school,~~  
 179 provided the following conditions are met:

180 a. ~~The home education student must meet the requirements of~~  
 181 ~~the home education program pursuant to s. 1002.41.~~

182 b. ~~During the period of participation at a school, the home~~  
 183 ~~education student must demonstrate educational progress as~~  
 184 ~~required in paragraph (b) in all subjects taken in the home~~  
 185 ~~education program by a method of evaluation agreed upon by the~~  
 186 ~~parent and the school principal which may include: review of the~~  
 187 ~~student's work by a certified teacher chosen by the parent,~~  
 188 ~~grades earned through correspondence, grades earned in courses~~  
 189 ~~taken at a Florida College System institution, university, or~~  
 190 ~~trade school; standardized test scores above the 35th~~  
 191 ~~percentile; or any other method designated in s. 1002.41.~~

192 c. ~~The home education student must meet the same residency~~  
 193 ~~requirements as other students in the school at which he or she~~  
 194 ~~participates.~~

195 d. ~~The home education student must meet the same standards~~  
 196 ~~of acceptance, behavior, and performance as required of other~~  
 197 ~~students in extracurricular activities.~~

198 e. ~~The student must register with the school his or her~~  
 199 ~~intent to participate in interscholastic extracurricular~~  
 200 ~~activities as a representative of the school before~~  
 201 ~~participation. A home education student must be able to~~  
 202 ~~participate in curricular activities if that is a requirement~~  
 203 ~~for an extracurricular activity.~~

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204 ~~f. A student who transfers from a home education program to~~  
 205 ~~a public school before or during the first grading period of the~~  
 206 ~~school year is academically eligible to participate in~~  
 207 ~~interscholastic extracurricular activities during the first~~  
 208 ~~grading period provided the student has a successful evaluation~~  
 209 ~~from the previous school year, pursuant to sub-subparagraph b.~~

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

217 2. An individual home education student is eligible to  
 218 participate on an interscholastic athletic team at any public  
 219 school in the school district in which the student resides,  
 220 provided the student meets the conditions specified in sub-  
 221 subparagraphs 1.a.-g.

222 ~~(d) An individual charter school student pursuant to s.~~  
 223 ~~1002.33 is eligible to participate at the public school to which~~  
 224 ~~the student would be assigned according to district school board~~  
 225 ~~attendance area policies or which the student could attend, or~~  
 226 ~~may develop an agreement to participate at a private school, in~~  
 227 ~~any interscholastic extracurricular activity of that school,~~  
 228 ~~unless such activity is provided by the student's charter~~  
 229 ~~school, if the following conditions are met:~~

230 1. The charter school student must meet the requirements of  
 231 the charter school education program as determined by the  
 232 charter school governing board.

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233 ~~2. During the period of participation at a school, the~~  
 234 ~~charter school student must demonstrate educational progress as~~  
 235 ~~required in paragraph (b).~~

236 ~~3. The charter school student must meet the same residency~~  
 237 ~~requirements as other students in the school at which he or she~~  
 238 ~~participates.~~

239 ~~4. The charter school student must meet the same standards~~  
 240 ~~of acceptance, behavior, and performance that are required of~~  
 241 ~~other students in extracurricular activities.~~

242 ~~5. The charter school student must register with the school~~  
 243 ~~his or her intent to participate in interscholastic~~  
 244 ~~extracurricular activities as a representative of the school~~  
 245 ~~before participation. A charter school student must be able to~~  
 246 ~~participate in curricular activities if that is a requirement~~  
 247 ~~for an extracurricular activity.~~

248 ~~6. A student who transfers from a charter school program to~~  
 249 ~~a traditional public school before or during the first grading~~  
 250 ~~period of the school year is academically eligible to~~  
 251 ~~participate in interscholastic extracurricular activities during~~  
 252 ~~the first grading period if the student has a successful~~  
 253 ~~evaluation from the previous school year pursuant to~~  
 254 ~~subparagraph 2.~~

255 ~~7. Any public school or private school student who has been~~  
 256 ~~unable to maintain academic eligibility for participation in~~  
 257 ~~interscholastic extracurricular activities is ineligible to~~  
 258 ~~participate in such activities as a charter school student until~~  
 259 ~~the student has successfully completed one grading period in a~~  
 260 ~~charter school pursuant to subparagraph 2. to become eligible to~~  
 261 ~~participate as a charter school student.~~

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262 ~~(e) A student of the Florida Virtual School full-time~~  
 263 ~~program may participate in any interscholastic extracurricular~~  
 264 ~~activity at the public school to which the student would be~~  
 265 ~~assigned according to district school board attendance area~~  
 266 ~~policies or which the student could choose to attend pursuant to~~  
 267 ~~s. 1002.31, or may develop an agreement to participate at a~~  
 268 ~~private school, if the student.~~

269 ~~1. During the period of participation in the~~  
 270 ~~interscholastic extracurricular activity, meets the requirements~~  
 271 ~~in paragraph (a).~~

272 ~~2. Meets any additional requirements as determined by the~~  
 273 ~~board of trustees of the Florida Virtual School.~~

274 ~~3. Meets the same residency requirements as other students~~  
 275 ~~in the school at which he or she participates.~~

276 ~~4. Meets the same standards of acceptance, behavior, and~~  
 277 ~~performance that are required of other students in~~  
 278 ~~extracurricular activities.~~

279 ~~5. Registers his or her intent to participate in~~  
 280 ~~interscholastic extracurricular activities with the school~~  
 281 ~~before participation. A Florida Virtual school student must be~~  
 282 ~~able to participate in curricular activities if that is a~~  
 283 ~~requirement for an extracurricular activity.~~

284 ~~(f) A student who transfers from the Florida Virtual School~~  
 285 ~~full-time program to a traditional public school before or~~  
 286 ~~during the first grading period of the school year is~~  
 287 ~~academically eligible to participate in interscholastic~~  
 288 ~~extracurricular activities during the first grading period if~~  
 289 ~~the student has a successful evaluation from the previous school~~  
 290 ~~year pursuant to paragraph (a).~~

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291 ~~(g) A public school or private school student who has been~~  
 292 ~~unable to maintain academic eligibility for participation in~~  
 293 ~~interscholastic extracurricular activities is ineligible to~~  
 294 ~~participate in such activities as a Florida Virtual School~~  
 295 ~~student until the student successfully completes one grading~~  
 296 ~~period in the Florida Virtual School pursuant to paragraph (a).~~  
 297 ~~(h) A student in a full-time virtual instruction program~~  
 298 ~~under s. 1002.45, including the full-time Florida Virtual School~~  
 299 ~~program, a full-time school district virtual instruction~~  
 300 ~~program, or a full-time virtual charter school, is eligible to~~  
 301 ~~participate on an interscholastic athletic team at any public~~  
 302 ~~school in the school district in which the student resides, or~~  
 303 ~~may develop an agreement to participate at a private school,~~  
 304 ~~provided the student:~~

- 305 ~~1. During the period of participation in the~~  
 306 ~~interscholastic extracurricular activity, meets the requirements~~  
 307 ~~in paragraph (a);~~
- 308 ~~2. Meets any additional requirements as determined by the~~  
 309 ~~board of trustees of the Florida Virtual School, the district~~  
 310 ~~school board, or the governing board of the virtual charter~~  
 311 ~~school, as applicable;~~
- 312 ~~3. Meets the same residency requirements as other students~~  
 313 ~~in the school at which he or she participates;~~
- 314 ~~4. Meets the same standards of athletic team acceptance,~~  
 315 ~~behavior, and performance which are required of other students~~  
 316 ~~in extracurricular activities; and~~
- 317 ~~5. Registers his or her intent to participate in~~  
 318 ~~interscholastic extracurricular activities with the school~~  
 319 ~~before participation.~~

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320 ~~(i) An individual traditional public school student who is~~  
 321 ~~otherwise eligible to participate in interscholastic~~  
 322 ~~extracurricular activities may either participate in any such~~  
 323 ~~activity at any public school in the school district in which~~  
 324 ~~the student resides or develop an agreement to participate in~~  
 325 ~~such activity at a private school, unless the activity is~~  
 326 ~~provided by the student's traditional public school. Such~~  
 327 ~~student must:~~

- 328 ~~1. Meet the same standards of acceptance, behavior, and~~  
 329 ~~performance that are required of other students in~~  
 330 ~~extracurricular activities at the school at which the student~~  
 331 ~~wishes to participate.~~
- 332 ~~2. Before participation, register with the school his or~~  
 333 ~~her intent to participate in interscholastic extracurricular~~  
 334 ~~activities as a representative of the school. The student must~~  
 335 ~~be able to participate in curricular activities if that is a~~  
 336 ~~requirement for an extracurricular activity.~~

337 ~~(j)1. A school district or charter school may not delay~~  
 338 ~~eligibility or otherwise prevent a student participating in~~  
 339 ~~controlled open enrollment, or a choice program, from being~~  
 340 ~~immediately eligible to participate in interscholastic and~~  
 341 ~~intrascholastic extracurricular activities.~~

- 342 ~~2. A student may not participate in a sport if the student~~  
 343 ~~participated in that same sport at another school during that~~  
 344 ~~school year, unless the student meets one of the following~~  
 345 ~~criteria:~~

- 346 ~~a. Dependent children of active duty military personnel~~  
 347 ~~whose move resulted from military orders.~~
- 348 ~~b. Children who have been relocated due to a foster care~~

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349 ~~placement in a different school zone.~~

350 ~~e. Children who move due to a court-ordered change in~~  
 351 ~~custody due to separation or divorce, or the serious illness or~~  
 352 ~~death of a custodial parent.~~

353 ~~d. Authorized for good cause in district or charter school~~  
 354 ~~policy.~~

355 (5)(4) BEGINNING APPLICABILITY.—The student standards for  
 356 participation in interscholastic extracurricular activities must  
 357 be applied beginning with the student's first semester of the  
 358 9th grade. Each student must meet such other requirements for  
 359 participation as may be established by the district school  
 360 board; however, a district school board may not establish  
 361 requirements for participation in interscholastic  
 362 extracurricular activities which make participation in such  
 363 activities less accessible to home education students than to  
 364 other students. ~~Except as set forth in paragraph (3)(c),~~  
 365 ~~evaluation processes or requirements that are placed on home~~  
 366 ~~education student participants may not go beyond those that~~  
 367 ~~apply under s. 1002.41 to home education students generally.~~

368 (6)(5) GOVERNING ORGANIZATION RESPONSIBILITIES.—All  
 369 governing organizations ~~Any organization or entity that~~  
 370 ~~regulates or governs interscholastic extracurricular activities~~  
 371 ~~of public schools:~~

372 (a) Shall permit home education associations to join as  
 373 member schools.

374 (b) May ~~Shall~~ not discriminate against any eligible student  
 375 based on an educational choice of public, private, or home  
 376 education.

377 (7)(6) PROHIBITED MEMBERSHIPS.—Public schools are

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378 prohibited from membership in any governing organization ~~that~~ ~~or~~  
 379 ~~entity which regulates or governs interscholastic~~  
 380 ~~extracurricular activities and discriminates against eligible~~  
 381 ~~students in public, private, or home education.~~

382 (8)(7) INSURANCE.—Any insurance provided by district school  
 383 boards for participants in extracurricular activities must ~~shall~~  
 384 ~~cover any eligible student the participating home education~~  
 385 ~~student. If there is an additional premium for such coverage,~~  
 386 ~~the participating home education student shall pay the premium.~~

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

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

399 2. The private school student meets the guidelines for the  
 400 ~~conduct of the program established by the FHSAA's board of~~  
 401 ~~directors and the district school board or member private~~  
 402 ~~school. At a minimum, such guidelines must provide a deadline~~  
 403 ~~for each sport by which the private school student's parents~~  
 404 ~~must register with the member school in writing their intent for~~  
 405 ~~their child to participate at that school in the sport.~~

406 ~~(b) The parents of a private school student participating~~

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407 ~~in a member school sport under this subsection are responsible~~  
 408 ~~for transporting their child to and from the member school at~~  
 409 ~~which the student participates. The private school the student~~  
 410 ~~attends, the member school at which the student participates in~~  
 411 ~~a sport, the district school board, and the FHSAA are exempt~~  
 412 ~~from civil liability arising from any injury that occurs to the~~  
 413 ~~student during such transportation.~~

414 ~~(c) For each academic year, a private school student may~~  
 415 ~~only participate at the member school in which the student is~~  
 416 ~~first registered under subparagraph (a)2. or makes himself or~~  
 417 ~~herself a candidate for an athletic team by engaging in a~~  
 418 ~~practice.~~

419 (9) SCHOOL RESPONSIBILITIES.-

420 (a)(d) The athletic director or other appropriate  
 421 administrator of each participating FHSAA member school shall  
 422 maintain the student records necessary for eligibility,  
 423 compliance, and participation for all eligible students  
 424 participating in interscholastic or intrascholastic  
 425 extracurricular activities at the member school in the program.

426 (b)(e) Any private school that has a student who wishes to  
 427 participate in interscholastic or intrascholastic  
 428 extracurricular activities at another school this program must  
 429 make all student records, including, but not limited to,  
 430 academic, financial, disciplinary, and attendance records,  
 431 available upon request of the governing organization FHSAA.

432 (c)(f) A student must apply to participate in an  
 433 interscholastic or intrascholastic extracurricular activity at a  
 434 school other than the school in which the student is enrolled by  
 435 either of the following methods:

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436 1. Applying to the school's governing organization for the  
 437 extracurricular activity as provided for in the governing  
 438 organization's bylaws this program through the FHSAA program  
 439 application process.

440 2. If there is no governing organization for the  
 441 extracurricular activity for which the student is applying,  
 442 through an appropriate process that complies with ss. 1002.31  
 443 and 1002.41. The State Board of Education may adopt rules to  
 444 implement this paragraph.

445 (d) The school in which a student wishes to participate in  
 446 interscholastic or intrascholastic extracurricular activities  
 447 may not impose additional fees or costs for participation  
 448 outside of the fees or costs students currently enrolled at the  
 449 school pay to participate in the extracurricular activity.

450 (e) The parents of the student participating in the  
 451 interscholastic or intrascholastic extracurricular activity must  
 452 provide for the transportation of the student to and from the  
 453 school at which the student participates. The school in which  
 454 the student is enrolled, the school at which the student  
 455 participates in the extracurricular activity, and the district  
 456 school board are exempt from civil liability arising from any  
 457 injury that occurs to the student during such transportation.

458 (10) STUDENT TRANSFERS.-

459 (a) A student may not participate in interscholastic  
 460 activities at two different schools during the same school year,  
 461 unless the student:

462 1. Is a dependent child of active duty military personnel  
 463 whose move resulted from military orders;

464 2. Has been relocated due to a foster care placement in a

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465 different school zone;

466 3. Has moved due to a court-ordered change in custody due  
 467 to separation or divorce, or the serious illness or death of a  
 468 custodial parent; or

469 4. Has been granted approval by the applicable governing  
 470 organization's executive director.

471 (b) The governing organization shall provide a  
 472 determination of eligibility to the requesting student within 14  
 473 days after such a request is made.

474 (c) The governing organization shall adopt bylaws  
 475 establishing criteria for determining eligibility of students  
 476 pursuant to this subsection.

477 (11) BYLAWS.—The governing organization may adopt  
 478 additional bylaws to implement this section

479 ~~(9) (a) A student who transfers to a school during the~~  
 480 ~~school year may seek to immediately join an existing team if the~~  
 481 ~~roster for the specific interscholastic or intrascholastic~~  
 482 ~~extracurricular activity has not reached the activity's~~  
 483 ~~identified maximum size and if the coach for the activity~~  
 484 ~~determines that the student has the requisite skill and ability~~  
 485 ~~to participate. The FHSAA and school district or charter school~~  
 486 ~~may not declare such a student ineligible because the student~~  
 487 ~~did not have the opportunity to comply with qualifying~~  
 488 ~~requirements.~~

489 ~~(b) A student may not participate in a sport if the student~~  
 490 ~~participated in that same sport at another school during that~~  
 491 ~~school year, unless the student meets one of the following~~  
 492 ~~criteria:~~

493 ~~1. Dependent children of active duty military personnel~~

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494 ~~whose move resulted from military orders.~~

495 ~~2. Children who have been relocated due to a foster care~~  
 496 ~~placement in a different school zone.~~

497 ~~3. Children who move due to a court-ordered change in~~  
 498 ~~custody due to separation or divorce, or the serious illness or~~  
 499 ~~death of a custodial parent.~~

500 ~~4. Authorized for good cause in district or charter school~~  
 501 ~~policy.~~

502 ~~(10) A student who participates in an interscholastic or~~  
 503 ~~intrascholastic activity at a public school and who transfers~~  
 504 ~~from that school during the school year must be allowed to~~  
 505 ~~continue to participate in the activity at that school for the~~  
 506 ~~remainder of the school year if:~~

507 ~~(a) During the period of participation in the activity, the~~  
 508 ~~student continues to meet the requirements specified in~~  
 509 ~~paragraph (3) (a).~~

510 ~~(b) The student continues to meet the same standards of~~  
 511 ~~acceptance, behavior, and performance which are required of~~  
 512 ~~other students participating in the activity, except for~~  
 513 ~~enrollment requirements at the school at which the student~~  
 514 ~~participates.~~

515 ~~(c) The parents of the student participating in the~~  
 516 ~~activity provide for the transportation of the student to and~~  
 517 ~~from the school at which the student participates. The school~~  
 518 ~~the student attends, the school at which the student~~  
 519 ~~participates in the activity, and the district school board are~~  
 520 ~~exempt from civil liability arising from any injury that occurs~~  
 521 ~~to the student during such transportation.~~

522 Section 2. Subsection (11) of section 1002.33, Florida

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523 Statutes, is amended to read:

524 1002.33 Charter schools.—

525 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR  
526 ACTIVITIES.—A charter school student is eligible to participate  
527 in an interscholastic extracurricular activity at the public  
528 school to which the student would be otherwise assigned to  
529 attend, or may develop an agreement to participate at a private  
530 school, pursuant to s. 1006.15(4) ~~s. 1006.15(3)(d)~~.

531 Section 3. Subsection (7) is added to section 1003.455,  
532 Florida Statutes, to read:

533 1003.455 Physical education; assessment.—

534 (7) Each school district shall ensure that students in  
535 grades K-12 annually participate in the Presidential Youth  
536 Fitness Program, or its successor program, as part of the  
537 district's physical education curriculum.

538 Section 4. Paragraphs (a) and (b) of subsection (1) of  
539 section 1006.195, Florida Statutes, are amended to read:

540 1006.195 District school board, charter school authority  
541 and responsibility to establish student eligibility regarding  
542 participation in interscholastic and intrascholastic  
543 extracurricular activities.—Notwithstanding any provision to the  
544 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student  
545 eligibility to participate in interscholastic and  
546 intrascholastic extracurricular activities:

547 (1)(a) A district school board shall ~~must~~ establish,  
548 through its code of student conduct, student eligibility  
549 standards and related student disciplinary actions regarding  
550 student participation in interscholastic and intrascholastic  
551 extracurricular activities. The code of student conduct must

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552 provide that:

553 1. A student not currently suspended from interscholastic  
554 or intrascholastic extracurricular activities, or suspended or  
555 expelled from school, pursuant to a district school board's  
556 suspension or expulsion powers provided in law, including ss.  
557 1006.07, 1006.08, and 1006.09, is eligible to participate in  
558 interscholastic and intrascholastic extracurricular activities.

559 2. A student may not participate in a sport if the student  
560 participated in that same sport at another school during that  
561 school year, unless the student meets the criteria in s.  
562 1006.15(10) ~~s. 1006.15(3)(j)~~.

563 3. A student's eligibility to participate in any  
564 interscholastic or intrascholastic extracurricular activity may  
565 not be affected by any alleged recruiting violation until final  
566 disposition of the allegation pursuant to s. 1006.20(2)(b).

567 (b) Students who participate in interscholastic and  
568 intrascholastic extracurricular activities for, but are not  
569 enrolled in, a public school pursuant to s. 1006.15(4) ~~s.~~  
570 ~~1006.15(3)(e) (e) and (g)~~, are subject to the district school  
571 board's code of student conduct for the limited purpose of  
572 establishing and maintaining the student's eligibility to  
573 participate at the school.

574 Section 5. Paragraph (h) of subsection (7) of section  
575 1006.20, Florida Statutes, is amended, and paragraph (i) is  
576 added to that subsection, to read:

577 1006.20 Athletics in public K-12 schools.—

578 (7) APPEALS.—

579 (h) Decisions made by the committee on appeals, the  
580 executive director or his or her designee, and a governing

Page 20 of 22

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

581-02040-26 2026538c1

581 ~~organization's~~ ~~the FHSAA~~ board of directors must be posted  
 582 online in a searchable format and be in compliance with ss.  
 583 1002.22 and 1002.221.

584 (i) A student denied eligibility may appeal the decision  
 585 from the governing organization. The governing organization  
 586 shall adopt bylaws establishing a timeline for appeals which may  
 587 not exceed 20 days.

588 Section 6. Paragraph (k) is added to subsection (1) of  
 589 section 1012.22, Florida Statutes, to read:

590 1012.22 Public school personnel; powers and duties of the  
 591 district school board.—The district school board shall:

592 (1) Designate positions to be filled, prescribe  
 593 qualifications for those positions, and provide for the  
 594 appointment, compensation, promotion, suspension, and dismissal  
 595 of employees as follows, subject to the requirements of this  
 596 chapter:

597 (k) Athletic coach compensation.—The district school board  
 598 may, at its sole discretion, determine and approve the  
 599 compensation of any person employed as an athletic coach,  
 600 assistant coach, or athletic program supervisor, regardless of  
 601 whether such individual is classified as instructional  
 602 personnel. Compensation may exceed any salary schedule,  
 603 supplement, or stipend otherwise prescribed and may be paid in  
 604 any form or amount deemed appropriate by the district school  
 605 board, including, but not limited to, salaries, stipends,  
 606 bonuses, performance-based incentives, and hourly or per-  
 607 assignment pay. Such compensation is considered part of the  
 608 coach's total compensation. The limitations on supplemental pay  
 609 applicable to instructional personnel under this section or any

Page 21 of 22

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581-02040-26 2026538c1

610 other law do not apply to compensation provided under this  
 611 paragraph.

612 Section 7. This act shall take effect July 1, 2026.

Page 22 of 22

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The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 20<sup>th</sup>, 2026

---

I respectfully request that Senate Bill # 538, relating to Physical Education, be placed on the:

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

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

\_\_\_\_\_  
Senator Corey Simon  
Florida Senate, District 3

2-3-26

Meeting Date

# The Florida Senate APPEARANCE RECORD

es for  
SB 538

Bill Number or Topic

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

Judiciary

Committee

279 886

Amendment Barcode (if applicable)

Name JASON CRAWFORD

Phone 813-789-5773

Address 3113 BRTEGA DR

Email JASON@HEF.ORG

Street

TALLAHASSEE

FL

32312

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

HOME EDUCATION FOUNDATION

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

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

S-001 (08/10/2021)

2-3-26

The Florida Senate  
**APPEARANCE RECORD**

538

Meeting Date

Bill Number or Topic

Judiciary  
Committee

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

Amendment Barcode (if applicable)

Name Craig Damon (FHSAA) Phone 352-216-1214

Address P.O. Box 746 Email cdamon@fhsaa.org  
Street

Sparrr FL 32192  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-3-22

Meeting Date

SB 538

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name JASON CRAWFORD

Phone 813-788-5773

Address 3113 ORTEGA DR

Email JASON@FLHEF.ORG

Street

TALLAHASSEE

FL

32312

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

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

HOME EDUCATION FOUNDATION

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

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S-001 (08/10/2021)

3 FEB 26

The Florida Senate  
**APPEARANCE RECORD**

0538

Meeting Date 1300  
JUDICIARY 1105

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name PAGEL, CHRIS Phone (904) 753-0130

Address 3002 RIVERSIDE DR. Email mecdrafting@hotmail.com

Street

FB FL 32034

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

Feb. 3, 2026

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

538

Bill Number or Topic

Judiciary

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

Committee

Amendment Barcode (if applicable)

Name **Eli Nortelus**

Phone **850-459-6506**

Address **PO Box 383**  
*Street*

Email **eli@norrob.com**

**Tallahassee**  
*City*

**FL**  
*State*

**32302**  
*Zip*

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

**Nortelus Roberts Group**

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

February 3, 2026  
Meeting Date 1300

Judiciary  
Committee 1105

0537  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Hampshire, Carimena

Phone 904-622-7903

Address 508 Franklin St

Email carimena@gmail.com

Street City State Zip  
GCS FC 32043

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Judiciary

---

BILL: CS/SB 786

INTRODUCER: Judiciary Committee and Senator Berman

SUBJECT: Trusts

DATE: February 3, 2026

REVISED: \_\_\_\_\_

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

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

---

**I. Summary:**

CS/SB 786 amends the Florida Trust Code to create a summary procedure for trustee discharge that does not involve court proceedings. This procedure allows a trustee of an irrevocable trust to settle his or her accounts and be discharged of responsibilities and liabilities if no beneficiaries object. Current trustee discharge procedures require the approval of a court. The new procedure does not displace other discharge procedures in statute. If a beneficiary objects to the summary discharge of the trustee, the trustee must follow the current statutory discharge procedure.

The new summary discharge procedure is authorized if:

- The trust is irrevocable; and
- The trustee has substantially complied with the statutory requirements to provide information and accountings to trust beneficiaries.

To initiate the procedure, the trustee must provide trust beneficiaries, and potentially others, with:

- Disclosures relating to the trust assets, including a plan of distribution;
- Contact information for the trustee;
- A statement that the trust has terminated or that the trustee has resigned or has been removed; and
- A notice that claims against the trustee will be barred unless a beneficiary submits a written objection to the trustee within 60 days.

If the trustee does not receive a timely objection, the trustee is discharged upon completion of all distributions or transfers in accordance with the plan of distribution.

The bill applies to irrevocable trusts and trusts that become irrevocable after the bill becomes effective.

The bill becomes effective upon becoming law.

## II. Present Situation:

Trusts are an estate planning tool often used to transfer property and protect assets while avoiding lengthy or costly probate proceedings. The Florida Trust Code, which became effective in 2007, is contained in ch. 736, F.S. It governs the creation of trusts and the fiduciary and administrative responsibilities of trustees to manage property held in trust for the benefit of others. The code also establishes the process whereby a trustee may be discharged of his or her responsibilities.

In its most basic form, a trust is a legally binding relationship in which a person who owns property gives that property to a second person to hold and manage for the benefit of a third person. The settlor is the person who originally owned the property and created the trust. The trustee is the person who holds legal title to the trust property and manages it in accordance with the powers and responsibilities established in the terms of the trust. A beneficiary is the person for whom the property is held and who benefits from the trust.<sup>1</sup>

### Duties of a Trustee

Once a person accepts a trusteeship, he or she becomes the custodian of the trust and holds legal title to its assets. The trustee is required to administer the trust in good faith, in accordance with its terms and purposes and the interests of the beneficiaries, as well as in compliance with the Trust Code.<sup>2</sup> A trustee must administer the assets of the trust “solely in the interests of the beneficiaries”<sup>3</sup> and take steps to protect the trust property.<sup>4</sup> Additionally, a trustee is required to keep clear, distinct, and accurate records of the administration of the trust.<sup>5</sup>

The statutes require a trustee to keep the qualified beneficiaries “reasonably informed” of the trust and its administration.<sup>6</sup> To meet this responsibility, a trustee provides a trust accounting to the beneficiaries. The accounting must be a “reasonably understandable report” from the date of the last accounting or, if there was none, from the date the trustee became accountable. In part, an accounting must show all cash and property transactions, a statement of compensation paid to the trustee and his or her agents, gains and losses, as well as receipts and disbursements. To the extent feasible, the accounting must identify and value trust assets and certain liabilities, receipts

---

<sup>1</sup> Restatement (Third) Trusts, s. 3, (2003) Settlor, Trust Property, Trustee, and Beneficiary; BLACK’S LAW DICTIONARY (12<sup>th</sup> ed. 2024); 55A FLA. JUR 2D TRUSTS s. 114 *Trustees, Generally* (2024).

<sup>2</sup> 55A Fla. Jur 2d Trusts s. 114 and s. 736.0801, F.S.

<sup>3</sup> Section 736.0802(1), F.S.

<sup>4</sup> Section 736.0809, F.S.

<sup>5</sup> Section 736.0810, F.S.

<sup>6</sup> Section 736.0813, F.S.

and disbursements, and a plan of distribution.<sup>7</sup> It is the responsibility of the trustee of an irrevocable trust to provide an accounting annually and upon the termination of the trust.<sup>8</sup>

### **Ending the Trustee Relationship Through Resignation or Removal**

A trustee may resign according to the terms established in the trust document and upon providing notice to the cotrustees or, if there are none, to the successor trustee, or if there is none, by giving notice to the person who has the authority to appoint a successor trustee. Additionally, a trustee may also resign by giving at least 30 days' notice to the qualified beneficiaries, the settlor, if he or she is living, and all cotrustees, or with approval of a court. When a trustee resigns with court approval, the court may issue orders and impose conditions that are reasonably necessary for the protection of the trust property.<sup>9</sup> A settlor, cotrustee, or a beneficiary may request the court to remove a trustee or a trustee may be removed by the court upon the court's own initiative.<sup>10</sup>

### **When a Trustee is Discharged from Duty**

When a trustee is discharged from the responsibilities of the trust, he or she is no longer responsible for the duties of administering the trust. Additionally, when the trustee is discharged, he or she is protected against future legal claims related to his or her actions while serving as trustee of the trust.

## **III. Effect of Proposed Changes:**

The bill creates a summary procedure for a trustee of an irrevocable trust to be discharged of his or her duties and liabilities resulting from service as a trustee. The procedure avoids the need for court proceedings. However, if a beneficiary files a timely written objection, the process ends and the existing discharge proceedings must be followed.

### **When Discharge May Occur**

A trustee who has substantially complied with his or her duties to may obtain a settlement of accounts and be discharged when either of the following occurs 6 months after the trustee accepted the responsibility to serve:

- The trust terminates, or
- A trustee resigns or is removed from the trust.

### **Trust Disclosure Document**

A trustee who is seeking settlement of his or her accounts and to be discharged of his or her duties must send a trust disclosure document<sup>11</sup> to the qualified beneficiaries and any cotrustee as well as the immediate successor trustee if the trust is not terminating.

---

<sup>7</sup> Section 736.08135, F.S.

<sup>8</sup> Section 736.0813(1)(d), F.S.

<sup>9</sup> Section 736.0705, F.S.

<sup>10</sup> Section 736.0706, F.S.

<sup>11</sup> Section 736.1008(4)(c), F.S., provides that a trust disclosure document means a trust accounting or any other written report of the trustee or a trust director. It adequately discloses a matter if the document provides sufficient information so that a beneficiary knows of a claim or reasonably should have inquired into the existence of a claim with respect to that matter.

### ***Contents***

The trust disclosure document must contain the following:

- The trustee's name, mailing address, telephone number, and e-mail address.
- A distribution plan which includes: a schedule of the trust's assets that are reasonably anticipated to be disbursed or distributed by the trustee; the amount of any debts, expenses, and taxes to be paid by the trustee; and any reasonable reserve to be held by the trustee.
- A trust accounting if the trustee's duty to provide an account has not been waived. The accounting must cover the time period for which an accounting has not been previously provided to the qualified beneficiaries of the trust.
- A statement that the trust has either terminated or that the trustee has resigned or been removed.
- A notice that contains substantially the following language in at least 12-point type:

“NOTICE: Any claim or cause of action you might have against the trustee arising from any matter disclosed in a trust disclosure document may be barred unless a written statement objecting is received by the trustee from you within 60 days after your receipt of this trust disclosure document and notice. If you have questions, please consult your attorney.”

### ***Additional Responsibility to Notify***

The trustee must also send the trust disclosure document to any person he or she reasonably believes would be affected by the trust disclosure document. The document and any objections must be sent in a manner authorized in s. 736.0109, F.S., except by posting on an electronic account or website.

### **When This Procedure May Not Be Used**

If a trustee receives a written objection within 60 days after sending the trust disclosure document, this process does not result in the settlement of accounts or the discharge of the trustee's duties and liabilities. It is not necessary that the objection state the grounds on which the objection is based nor must the objection be in any particular form.

### **Discharge of the Trustee from Liability and Claims**

If the trustee does not receive a timely written objection, he or she is discharged when all of the distributions or transfers are made in accordance with the plan of distribution. The trustee is discharged from all liability and claims that may arise from any matter that was adequately disclosed in the trust disclosure document, including a claim that he or she failed to provide information and accountings to beneficiaries as required by s. 736.0813, F.S. The discharge of the trustee's liability has the same effect as if a court had entered a final order approving that act or the omitted act.

### **Waiver of the Right to Object**

A waiver of the right to object under this bill is treated as the expiration of the 60-day period without objection. Stated slightly differently, a beneficiary is considered to have approved the document unless his or her written objection is received by the trustee within the 60-day time frame.

### **Applicability**

The act applies to all trusts that are irrevocable or become irrevocable on or after the effective date of the bill.

The bill takes effect upon becoming a law.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

This summary procedure will likely reduce or avoid the cost for legal, accounting, and administrative fees currently associated with trust administrations. These savings will be passed on to trust beneficiaries who are currently required to absorb these costs in judicial proceedings.

C. **Government Sector Impact:**

Because this process does not involve a judicial proceeding, it will likely reduce the amount of time a judge and court staff would otherwise spend to discharge a trustee.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates s. 736.10081 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

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

**CS by Judiciary on February 3, 2026:**

The committee substitute makes two technical changes to the bill. It adds the phrase “nonjudicial” to the catchline in s. 736.10081, F.S., to more accurately describe the section and removes the repetitive word “after” on line 31.

B. **Amendments:**

None.



257312

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

---

The Committee on Judiciary (Berman) recommended the following:

**Senate Amendment**

Delete lines 26 - 31

and insert:

736.10081 Nonjudicial settlement and discharge of a trustee; disclosure; objections.-

(1) A trustee who is in substantial compliance with the duty to inform and account under s. 736.0813 may obtain a settlement of his or her accounts and be discharged pursuant to this section when either of the following occurs 6 months

By Senator Berman

26-00154B-26

2026786\_\_

A bill to be entitled

An act relating to trusts; creating s. 736.10081, F.S.; authorizing a trustee to obtain a settlement of his or her accounts and be discharged under certain circumstances; requiring a trustee seeking settlement and discharge to send a trust disclosure document to specified persons; requiring that certain information be included in the trust disclosure document; requiring that the trust disclosure document and any objections be sent with a certain notice; providing applicability; providing that an objection need not state the grounds for the objection; providing that a trustee is discharged upon completion of distributions or transfers if no timely written objections are received and is discharged from all liability and claims arising out of any matter disclosed in the trust disclosure document; providing that a waiver of the right to object is treated as an expiration of the timeframe to object; providing construction; providing applicability; providing an effective date.

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

Section 1. Section 736.10081, Florida Statutes, is created to read:

736.10081 Settlement and discharge of a trustee; disclosure; objections.-

(1) A trustee who is in substantial compliance with the duty to inform and account under s. 736.0813 may obtain a

Page 1 of 4

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26-00154B-26

2026786\_\_

settlement of his or her accounts and be discharged pursuant to this section when either of the following occurs after 6 months after the trustee's acceptance:

(a) The trust terminates.

(b) A trustee resigns or is removed from the trust.

(2) A trustee seeking settlement and discharge pursuant to this section must send to the trust's qualified beneficiaries and any cotrustee, and the immediate successor trustee if the trust is not terminating, a trust disclosure document as defined in s. 736.1008(4) which contains all of the following:

(a) The name, mailing address, telephone number, and e-mail address of the trustee seeking discharge.

(b) A plan of distribution which includes all of the following:

1. A schedule of the assets reasonably anticipated to be disbursed or distributed by the trustee.

2. The amount of any debts, expenses, and taxes to be paid by the trustee.

3. Any reasonable reserve to be held by the trustee.

(c) If the trustee's duty to account has not been waived, a trust accounting as defined in s. 736.1008(4) for the period for which an accounting has not been previously provided to the qualified beneficiaries of the trust.

(d) A statement that the trust has terminated or that the trustee has resigned or has been removed.

(e) A notice with substantially the following language in at least 12-point type:

"NOTICE: Any claim or cause of action you might have

Page 2 of 4

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

26-00154B-26

2026786\_\_

59 against the trustee arising from any matter disclosed  
 60 in a trust disclosure document may be barred unless a  
 61 written statement objecting is received by the trustee  
 62 from you within 60 days after your receipt of this  
 63 trust disclosure document and notice. If you have  
 64 questions, please consult your attorney."

65  
 66 (3) The trustee shall also send the trust disclosure  
 67 document described in subsection (2) to any other person who the  
 68 trustee reasonably believes would be affected by the trust  
 69 disclosure document. The trust disclosure document and any  
 70 objections must be sent with the notice requirements of s.  
 71 736.0109, except that s. 736.0109(3) does not apply.

72 (4) This section does not apply if the trustee receives a  
 73 written objection within 60 days after sending the trust  
 74 disclosure document. An objection does not need to state the  
 75 grounds for the objection or be in any particular form.

76 (5) If the trustee does not receive a timely written  
 77 objection, the trustee is discharged upon completion of all  
 78 distributions or transfers in accordance with the plan of  
 79 distribution and is discharged from all liability and claims  
 80 arising from any matter adequately disclosed in the trust  
 81 disclosure document, including any claim that the trustee failed  
 82 to inform and account pursuant to s. 736.0813, with the same  
 83 effect as if the court had entered a final order approving that  
 84 act or omission.

85 (6) A waiver of the right to object pursuant to this  
 86 section is treated as the expiration of the 60-day period  
 87 without objection.

Page 3 of 4

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26-00154B-26

2026786\_\_

88 (7) This section is in addition to, and not a replacement  
 89 of, rights of a trustee to otherwise settle the trustee's  
 90 accounts.

91 Section 2. This act applies to all trusts that are  
 92 irrevocable or become irrevocable on or after the effective date  
 93 of this act.

94 Section 3. This act shall take effect upon becoming a law.

Page 4 of 4

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The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 28, 2026

---

I respectfully request that **Senate Bill #786**, relating to Trusts, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Lori Berman". The signature is written in black ink and is positioned above a horizontal line.

---

Senator Lori Berman  
Florida Senate, District 26

# APPEARANCE RECORD

2-2-26

786

Meeting Date

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

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Ray Contreras

Phone

352-665-7391

Address

4 Palm Ln

Email

Ray@MAnItrium.com

Street

Porte Vedra FL 32082

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

786

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Martha Edenfield

Phone

850-556-8611

Address

1700 N. Monroe St # 11-174

Email

martha@marthajedenfield.com

Street

Tallahassee

City

FL

State

32303

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Real Property, Probate + Trust Law Section of the Florida Bar

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1004

INTRODUCER: Senator Gaetz and Senator Arrington

SUBJECT: Sale of Dogs and Cats

DATE: February 3, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dike</u>	<u>McKay</u>	<u>CM</u>	<b>Favorable</b>
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 1004 implements consumer protections related to the sale of cats and dogs in the state by:

- Mandating that a pet dealer selling a dog or cat must ensure that a pet financing arrangement is terminated without penalty to the consumer if the animal is found to be unfit for purchase due to illness or disease and the consumer elects to return the animal.
- Requiring all financing terms to be disclosed to a consumer.
- Repealing the limit on the amount of veterinary costs that a consumer may seek from a pet dealer related to discovery of disease or defect. Current law limits such recovery to the amount of the sale price.
- Implementing a 3-day waiting period between signing an agreement and taking possession of the dog or cat if a financing agreement is a part of the sale.
- Repealing a limited remedy in current law related to consumers who elect to waive the right to return a dog or cat within 1 year if a congenital or hereditary disorder is discovered.
- Requiring a pet dealer to provide copies of certain medical records to a consumer purchasing a dog or cat.
- Simplifying a notice furnished to a consumer regarding consumer rights and requiring the notice be on a separate form.
- Requiring a pet dealer to maintain records of information provided to a consumer for 7 years after the sale.
- Providing that a violation of s. 828.29, F.S., is a violation of the Florida Deceptive and Unfair Trade Practices Act.
- Creating a civil cause of action to remedy violations of the law on sale of dogs and cats.

This bill takes effect on July 1, 2026.

## II. Present Situation:

### Florida Pet Sale Law

Section 828.29, F.S., governs the sale of dogs and cats in Florida by mandating health requirements, providing sale regulations, and outlining remedies for violations.

#### *Who is Regulated*

The requirements for transport or sale require that a dog or cat be at least 8 weeks of age prior to sale, and requirements for vaccinations and a veterinary certificate prior to sale, apply to all persons who sell a dog or cat.

The provisions regarding examination of a newly purchased dog or cat, notices, and allowing a consumer to return a dog or cat upon finding illness or defect only apply to a pet dealer. A “pet dealer” is 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.<sup>1</sup>

A county-operated animal control agency, a city-operated animal control agency, or a registered nonprofit humane organization, is exempt from the requirements of s. 828.29, F.S.<sup>2</sup>

#### *Notice Requirements – Veterinary*

A dog transported into the state for sale must receive certain vaccines and anthelmintics shortly before transport and must have a certificate signed by a veterinarian attesting to the administration.<sup>3</sup> A dog sold within the state must also have received those vaccines and anthelmintics prior to sale. The same requirements, although with different vaccines and anthelmintics, apply to the transport or sale of a cat.<sup>4</sup>

Each dog or cat must be accompanied by a current official certificate of veterinary inspection at all times while being offered for sale within the state. The certificate must state that the examining veterinarian warrants that, to the best of his or her knowledge, the animal has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.<sup>5</sup> A copy of the official certificate of veterinary inspection must be given to the buyer. The seller must retain one copy of the official certificate of veterinary inspection for at least 1 year after the date of sale.<sup>6</sup>

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<sup>1</sup> Section 828.29(13), F.S.

<sup>2</sup> Section 828.29(15), F.S.

<sup>3</sup> Section 828.29(1), F.S. The following are required for a dog: canine distemper, leptospirosis, bordatella, parainfluenza, hepatitis, canine parvo, rabies, roundworms, and hookworms, with exceptions concerning the age of the dog.

<sup>4</sup> Section 828.29(2), F.S. The following are required for a cat: panleukopenia, feline viral rhinotracheitis, calici virus, rabies (if the cat is over 3 months of age and the inoculation is administered as provided in s. 828.30, F.S.), hookworms, and roundworms.

<sup>5</sup> Section 828.29(3)(b), F.S.

<sup>6</sup> Section 828.29(3)(a), F.S.

### ***Notice Requirements – Legal***

Every pet dealer who sells an animal to a consumer must provide the consumer at the time of sale with a written notice. The notice may be printed or typed. The statute does not specify where the notice may be, and thus it may be part of a contract form. The notice reads:

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.

### ***Buyer Remedies After the Sale***

Current law gives a consumer buying a dog or cat from a pet dealer certain remedies within this statute should the consumer discover disease or defect after the sale.<sup>7</sup> As a default, any one of the following triggers the right to a remedy:

- Within the 14 days after sale, a veterinarian certifies that 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;
- Within 1 year following the sale of the animal, 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
- Within 1 year following the sale of an animal subject to s. 828.29, F.S., the breed, sex, or health of such animal is found to have been misrepresented to the consumer.<sup>8</sup>

The default remedies that a consumer entitled to a remedy may elect to receive are:

- A refund of the purchase price, sales tax, reimbursement of reasonable veterinary costs directly related to the exam and certification of the disease or defect, and reimbursement of necessary emergency veterinary services and treatment to relieve the animal from suffering upon the return of the animal;<sup>9</sup>
- Another animal of equivalent value, plus reimbursement of reasonable veterinary costs directly related to the exam and certification of the disease or defect, and reimbursement of necessary emergency veterinary services and treatment to relieve the animal from suffering upon returning the animal to exchange it;<sup>10</sup> or

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<sup>7</sup> The remedies of this section are not exclusive. Section 828.29(11), F.S.

<sup>8</sup> Section 828.29(5), F.S.

<sup>9</sup> Section 828.29(5)(a), F.S.

<sup>10</sup> Section 828.29(5)(b), F.S.

- Continued ownership of the animal and reimbursement for reasonable veterinary costs related to attempts to cure the animal.<sup>11</sup>

However, the following limits on remedies apply:

- If a default remedy authorizes reimbursement for veterinary costs, the reimbursement may not exceed the purchase price.<sup>12</sup>
- If the pet dealer specifically states at the time of sale, in writing to the consumer, the presence of specific congenital or hereditary disorders, the consumer has no right to any refund or exchange for those disorders.<sup>13</sup>

### ***Buyer Remedies After Sale – Optional***

Except if the pet dealer has specifically disclosed the presence of a congenital or hereditary disorder, the consumer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. If the waiver is signed, the consumer still 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 consumer may elect to:

- Return the animal and receive a refund of the purchase price, including sales tax; or
- Return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value.

### **Other Information Regarding the Regulation of the Sale of Dogs and Cats**

The state attorney may bring a civil action to enforce the requirements of the statute regulating the sale of dogs and cats, s. 828.29, F.S.<sup>14</sup>

It is unlawful for a pet dealer to knowingly misrepresent the breed, sex, or health of any dog or cat offered for sale within the state.<sup>15</sup>

Violation of any of the requirements of s. 828.29, F.S., is a first degree misdemeanor.<sup>16</sup>

### **Consumer Finance in Pet Sales**

No statute specifically regulates the area of finance agreements used by a consumer to purchase a pet. Currently, an agreement would be regulated by common law contract principles, usury,<sup>17</sup>

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<sup>11</sup> Section 828.29(5)(c), F.S.

<sup>12</sup> Section 828.29(5), F.S.

<sup>13</sup> Section 828.29(7), F.S.

<sup>14</sup> Section 828.29(14), F.S.

<sup>15</sup> Section 828.29(16), F.S.

<sup>16</sup> Section 828.29(17), F.S. A first degree misdemeanor is punishable by up to one year confinement and a fine of up to \$1000. ss. 775.082(4)(a) and 775.083(1)(d), F.S.

<sup>17</sup> Chapter 687, F.S.

and various laws regulating lending and consumer finance that may apply depending on the circumstances.<sup>18</sup>

### III. Effect of Proposed Changes:

#### Consumer Financing

If the consumer has elected to return the animal to the pet dealer because the animal was found to be unfit for purchase due to illness or disease, and has elected to receive a refund, the bill requires the pet dealer to also ensure that a financing arrangement, if one exists, is terminated and that the consumer not pay any penalty.

If the consumer is financing the purchase of the animal, the bill imposes a 3 day waiting period between the agreement to purchase the animal and delivery. The financing agreement, however, may not be signed prior to the end of the waiting period.

#### Remedies

As to remedies that include the reimbursement of veterinarian costs, current laws limit the maximum amount of reimbursement to the purchase price of the dog or cat. Under the bill, there is no limit on the maximum amounts to reimburse a purchaser for veterinarian costs.

The bill repeals the consumer option to waive the right to return the animal upon a finding of congenital or hereditary disorders and repeals the related optional remedies available to a consumer who executes a waiver.

The bill provides that a pet dealer who violates any provision of s. 828.29, F.S., commits an unfair method of competition or an unfair or deceptive act or practice in violation of part II of the Florida Deceptive and Unfair Trade Act (FDUTPA).<sup>19</sup> It is unlawful under the FDUTPA for a party to take part in “unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce.”<sup>20</sup> Such practices include fraudulent billing,<sup>21</sup> misleading a consumer or misrepresenting a product’s characteristics,<sup>22</sup> or other behavior determined to be unfair by a court.<sup>23</sup> Under the FDUTPA, the office of the state attorney or Department of Legal Affairs, either by their own inquiry or through complaints, may investigate violations of the FDUTPA.<sup>24</sup> 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, issue cease and desist orders, and impose civil

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<sup>18</sup> Florida laws include ch. 516, F.S. (consumer finance), ch. 520 (retail installment sales), and ch. 679, F.S. (secured transactions). Federal laws include the Truth in Lending Act, the Fair Credit Reporting Act, the Fair Debt Collections Act, and the Military Lending Act.

<sup>19</sup> Chapter 501, F.S.

<sup>20</sup> Section 501.204, F.S.

<sup>21</sup> *State Farm Mut. Auto. Ins. Co. v. Medical Service Center of Florida, Inc.*, 103 F. Supp. 3d 1343 (S.D. Fla. 2015).

<sup>22</sup> *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).

<sup>23</sup> *See Siever v. BWGaskets, Inc.*, 669 F. Supp. 2d 1286, 1292-93 (M.D. Fla. 2009).

<sup>24</sup> The enforcing authority under the FDUTPA may “administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.” Section 501.206, F.S.

penalties up to \$10,000 per violation.<sup>25</sup> Moreover, consumers may bring private actions against parties for violating the FDUTPA, resulting in either:

- Declaratory judgment and injunctive relief if the consumer is aggrieved by a FDUTPA violation; or
- Actual damages, attorney fees, and court costs, if the consumer has suffered a loss due to the FDUTPA violation.<sup>26</sup>

The bill creates a civil cause of action allowing a consumer injured by a violation of s. 828.29, F.S., to file an action for damages, costs, and attorney fees. The bill specifically allows punitive damages. This right of action is not exclusive and does not bar the pursuit of any other right or remedy.

### **Disclosure and Notice**

The bill adds a requirement applicable to a sale of any animal by a pet dealer. A pet dealer must provide a 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.

The bill also replaces the notice provision in subsection (12), which pet dealers are required to provide to the consumer at the time of sale, with a new form notice. The notice must be separate from the contract with this specific wording:

#### RIGHT TO CANCEL

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

### **Record Retention**

The bill adds a requirement that a pet dealer maintain any records provided to a consumer for the sale of an animal regulated under s. 828.29, F.S., for at least 7 years after the sale.

### **Effective Date**

The bill is effective July 1, 2026.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

<sup>25</sup> Sections 501.207, 501.2077, 501.2075, 501.208, F.S.

<sup>26</sup> Sections 501.2105, 501.211, F.S.

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:

This bill may increase costs to pet dealers and increase the amounts recovered by consumers who return a dog or cat based on the grounds provided in the bill. To avoid those increased costs, pet dealers may make greater efforts to ensure that their pets offered for sale are healthy.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 828.29 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.

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

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By Senator Gaetz

1-01124-26

20261004\_\_

1 A bill to be entitled  
 2 An act relating to the sale of dogs and cats; amending  
 3 s. 828.29, F.S.; requiring that if a pet sale is  
 4 terminated for certain reasons, the financing  
 5 agreement must be terminated without certain costs;  
 6 deleting a limit on veterinary costs under certain  
 7 provisions; requiring that all financial terms be  
 8 disclosed to the consumer before the sale of the  
 9 animal; requiring a specified mandatory waiting period  
 10 between the purchase and receipt of an animal if the  
 11 transaction is financed by the consumer; deleting  
 12 certain provisions relating to a consumer's waiver  
 13 relinquishing his or her rights to return an animal;  
 14 requiring a pet dealer to provide copies of specified  
 15 medical records to a consumer; revising requirements  
 16 for a required notice to a consumer; revising the text  
 17 of the required notice; requiring a pet dealer to  
 18 retain a copy of a specified notice for a specified  
 19 period; providing that violations constitute an unfair  
 20 method of competition or an unfair or deceptive act or  
 21 practice in violation of specified provisions and  
 22 subject to penalties; providing construction;  
 23 providing an effective date.  
 24  
 25 Be It Enacted by the Legislature of the State of Florida:  
 26  
 27 Section 1. Subsections (5) through (8), (10), (12), and  
 28 (17) of section 828.29, Florida Statutes, are amended, and  
 29 subsections (18), (19), and (20) are added to that section, to

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

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30 read:  
 31 828.29 Dogs and cats transported or offered for sale;  
 32 health requirements; consumer guarantee; ~~disclosures.~~  
 33 (5) If, within 14 days ~~after following~~ the sale by a pet  
 34 dealer of an animal subject to this section, a licensed  
 35 veterinarian of the consumer's choosing certifies that, at the  
 36 time of the sale, the animal was unfit for purchase due to  
 37 illness or disease, the presence of symptoms of a contagious or  
 38 infectious disease, or the presence of internal or external  
 39 parasites, excluding fleas and ticks; or if, within 1 year  
 40 following the sale of an animal subject to this section, a  
 41 licensed veterinarian of the consumer's choosing certifies such  
 42 animal to be unfit for purchase due to a congenital or  
 43 hereditary disorder which adversely affects the health of the  
 44 animal; or if, within 1 year following the sale of an animal  
 45 subject to this section, the breed, sex, or health of such  
 46 animal is found to have been misrepresented to the consumer, the  
 47 pet dealer shall afford the consumer the right to choose one of  
 48 the following options:  
 49 (a) The right to return the animal and receive a refund of  
 50 the purchase price, including the sales tax, and reimbursement  
 51 for reasonable veterinary costs directly related to the  
 52 veterinarian's examination and certification that the dog or cat  
 53 is unfit for purchase pursuant to this section and directly  
 54 related to necessary emergency services and treatment undertaken  
 55 to relieve suffering. If the consumer financed the animal, the  
 56 pet dealer must ensure that the financing arrangement is  
 57 terminated without penalty to the consumer;  
 58 (b) The right to return the animal and receive an exchange

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59 dog or cat of the consumer's choice of equivalent value, and  
60 reimbursement for reasonable veterinary costs directly related  
61 to the veterinarian's examination and certification that the dog  
62 or cat is unfit for purchase pursuant to this section and  
63 directly related to necessary emergency services and treatment  
64 undertaken to relieve suffering; or

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

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

75 (6) All financing terms must be disclosed to the consumer  
76 before the sale of the animal. A mandatory waiting period of at  
77 least 3 calendar days must be imposed between the date of an  
78 agreement to purchase an animal and the date on which the  
79 consumer takes possession of the animal, if the consumer is  
80 financing the animal. A financing agreement may not be signed by  
81 the consumer until the conclusion of the 3-day waiting period. A  
82 consumer may sign a waiver relinquishing his or her right to  
83 return the dog or cat for congenital or hereditary disorders. In  
84 the case of such waiver, the consumer has 48 normal business  
85 hours, excluding weekends and holidays, in which to have the  
86 animal examined by a licensed veterinarian of the consumer's  
87

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88 ~~choosing. If the veterinarian certifies that, at the time of~~  
89 ~~sale, the dog or cat was unfit for purchase due to a congenital~~  
90 ~~or hereditary disorder, the pet dealer must afford the consumer~~  
91 ~~the right to choose one of the following options:~~

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

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

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

108 (8) The refund or exchange required by subsection (5) ~~must~~  
109 ~~or subsection (6) shall~~ be made by the pet dealer not later than  
110 10 business days after following receipt of a signed veterinary  
111 certification as required in subsection (5) ~~or subsection (6).~~  
112 The consumer must notify the pet dealer within 2 business days  
113 after the veterinarian's determination that the animal is unfit.  
114 The written certification of unfitness must be presented to the  
115 pet dealer not later than 3 business days after following  
116 receipt thereof by the consumer.

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1-01124-26

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

128 (12) Every pet dealer who sells an animal to a consumer  
 129 shall must provide the consumer at the time of sale with a  
 130 printed, written notice to be signed by the consumer, printed or  
 131 typed, which is separate from the contract and reads as follows:  
 132

133 RIGHT TO CANCEL

134 Florida consumers have certain rights under s. 828.29, Florida  
 135 Statutes. You have the right to return or exchange the animal  
 136 and receive reimbursement for certain veterinary expenses. A  
 137 copy of this law is attached to this notice.

138  
 139 ...(Signature of Owner or Lessee, or Owner's or Lessee's  
 140 Authorized Officer/Director/Partner/Manager)...

141  
 142 ...(Signatory's Title/Office)...

143  
 144 Sworn to (or affirmed) and subscribed before me this ....  
 145 day of ...., ...., by ...(name of person making statement)....

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1-01124-26

20261004\_\_

146 ...(Signature of Notary Public - State of Florida)...  
 147 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
 148 Personally Known .... OR Produced Identification ....  
 149

150 The pet dealer shall retain a copy of the signed  
 151 notice, and the consumer must be given a copy of the  
 152 signed notice.  
 153 ~~It is the consumer's right, pursuant to section~~  
 154 ~~828.29, Florida Statutes, to receive a certificate of~~  
 155 ~~veterinary inspection with each dog or cat purchased~~  
 156 ~~from a pet dealer. Such certificate shall list all~~  
 157 ~~vaccines and deworming medications administered to the~~  
 158 ~~animal and shall state that the animal has been~~  
 159 ~~examined by a Florida-licensed veterinarian who~~  
 160 ~~certifies that, to the best of the veterinarian's~~  
 161 ~~knowledge, the animal was found to have been healthy~~  
 162 ~~at the time of the veterinary examination. In the~~  
 163 ~~event that the consumer purchases the animal and finds~~  
 164 ~~it to have been unfit for purchase as provided in~~  
 165 ~~section 828.29(5), Florida Statutes, the consumer must~~  
 166 ~~notify the pet dealer within 2 business days of the~~  
 167 ~~veterinarian's determination that the animal was~~  
 168 ~~unfit. The consumer has the right to retain, return,~~  
 169 ~~or exchange the animal and receive reimbursement for~~  
 170 ~~certain related veterinary services rendered to the~~  
 171 ~~animal, subject to the right of the dealer to have the~~  
 172 ~~animal examined by another veterinarian.~~

173  
 174 (17) Except as otherwise provided in this chapter, a person

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20261004\_\_

175 who violates ~~any provision of~~ this section commits a misdemeanor  
176 of the first degree, punishable as provided in s. 775.082 or s.  
177 775.083.

178 (18) Any record provided to a consumer pursuant to the sale  
179 of an animal under this section must be maintained by the pet  
180 dealer for a period of at least 7 years after the sale.

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

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

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

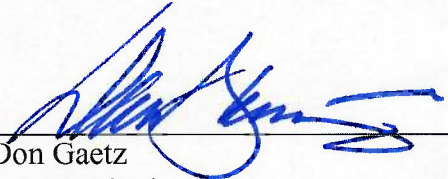
**Subject:** Committee Agenda Request

**Date:** January 21, 2026

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I respectfully request that **Senate Bill #1004**, relating to Sale of Dogs and Cats, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

  
\_\_\_\_\_  
Senator Don Gaetz  
Florida Senate, District 1

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SB 1004

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Kate MacFall

Phone 850 508-1001

Address 1206 Waltham Dr.  
Street

Email kmacfall@hsus.org

Tallahassee FL 32312  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Humane World

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/2026

Meeting Date

SB1004

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Apryl Steele

Phone

720.481-0168

Address

7291 Osage Rd

Email

aprylvet@hotmail.com

Street

Larkspur

CO

80118

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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2/3/26

Meeting Date

SB 1004

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

George Krue

Phone

941-321-5393

Address

12800 Daisy Place

Email

george.krue@my.fl.senate.gov

Street

Dunedin

City

FL

State

34212

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1096

INTRODUCER: Senator Burgess

SUBJECT: Remedies for Violations of the Florida Civil Rights Act

DATE: February 3, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	<b>Favorable</b>
2.			GO	
3.			RC	

---

**I. Summary:**

SB 1096 establishes a statute of limitation to clarify and limit the amount of time that a person who files an employment discrimination complaint with the Equal Employment Opportunity Commission or the Florida Human Relations Commission has to file a civil action for the alleged discrimination.

The bill provides that a complainant who chooses to file a civil action must file *no later than 1* year after the Florida Commission issues a determination of reasonable cause or the EEOC issues a Notice of Right to Sue, whichever occurs *first*. However, if a determination is not made or a notice is not issued within 180 days after a complaint is filed, a civil action may be brought by the complainant, but no later than 18 months after the complaint was filed.

The bill takes effect July 1, 2026.

**II. Present Situation:**

**Background**

The Florida Civil Rights Act of 1992 (the Act) provides a forum for people to seek redress if they believe they have been discriminated against on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.<sup>1</sup> The Florida Commission on Human Relations (Commission) is authorized to receive, investigate, hold hearings on, and act upon complaints that allege a discriminatory practice as defined in the Act.<sup>2</sup>

---

<sup>1</sup> Section 760.01(2), F.S.

<sup>2</sup> Section 760.06(5), F.S.

## Procedure and Timelines

### *The Complaint Must Be Filed within 365 Days of the Alleged Violation*

Anyone who believes that he or she has been discriminated against may file a complaint with the Commission, but it must be filed within 365 days after the alleged violation. The complaint must name the employer or alleged violator, describe the violation, and the relief that is sought. On the same day that the complaint is filed with the Commission, the Commission is required to clearly stamp the filing date on the complaint. In lieu of filing the complaint with the Commission, the person alleging discrimination may file a complaint with the federal Equal Employment Opportunity Commission (EEOC)<sup>3</sup> or a unit of state government that is a fair-employment practice agency under the federal code.<sup>4</sup>

The Commission, within 5 days of the complaint being filed, must then send by registered mail a copy of the complaint to the alleged violator. The alleged violator then has 25 days from the date the complaint was filed to file an answer with the Commission.<sup>5</sup>

### *180 Days to Investigate and Make a Determination*

The Commission must investigate the allegations in a complaint and has 180 days after the filing date to determine if there is reasonable cause to believe that a discriminatory practice occurred in violation of the Act.<sup>6</sup> If the Commission fails, within 180 days after the complaint is filed, to determine whether there is reasonable cause, the complainant may bring a civil action or request an administrative hearing. The Commission must notify the complainant in writing of the failure to make a determination as to whether there is reasonable cause and provide the complainant with their options. The complainant then has 1 year to file a civil action after the date the Commission certifies that the notice was mailed to the complainant.<sup>7</sup>

Some people choose to dual-file a complaint with the EEOC and the Commission when they believe that their rights have been violated under federal and state law. Under a work-share agreement with the EEOC, both entities act as agents for each other and only one agency investigates a claim. This avoids duplicating an investigation. If the EEOC issues a determination, that serves as a determination for both agencies.<sup>8</sup>

If the EEOC conducts an investigation, it generally has 180 days to resolve the charge. If the EEOC finds reasonable cause to believe a violation has occurred, it will issue a Notice of Right to Sue to the complainant and the notice serves as the determination for both the EEOC and the Commission.<sup>9</sup>

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<sup>3</sup> The EEOC is authorized to investigate discrimination charges against employers who are covered under federal law. See U.S. Equal Employment Opportunity Commission, *Overview, Authority & Role*, <https://www.eeoc.gov/overview> (last visited Jan. 29, 2026).

<sup>4</sup> Section 760.11(1), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 760.11(3), F.S.

<sup>7</sup> Section 760.11(8), F.S.

<sup>8</sup> Florida Commission on Human Relations, *You Ask, We Answer ...*, Case Status With EEOC, <https://fchr.myflorida.com/faq-frequently-asked-questions> (last visited Jan. 28, 2026).

<sup>9</sup> *Id.*, and U.S. Equal Employment Opportunity Commission, *After You Have Filed a Charge*, <https://www.eeoc.gov/after-you-have-filed-charge> (last visited Jan. 28, 2026).

### ***Statute of Limitation - A Civil Action Must Be Brought Within 1 Year***

A statute of limitations is a law that bars a legal claim after a specific period of time. Its purpose is to bring finality to a legal situation. The statute also serves to ensure that claims will be resolved while evidence is available, before memories fade, and before witnesses can no longer be found.<sup>10</sup>

If the Commission determines that there is reasonable cause to believe that employment discrimination occurred, the aggrieved person may either bring a civil action against the employer named in the complaint or request an administrative hearing.<sup>11</sup> A civil action must be brought within 1 year after the date the Commission determines that reasonable cause exists.<sup>12</sup> However, the statute is silent on when a civil action must be filed when the EEOC conducts the investigation. This omission has led to confusion for attorneys who represent claimants as well as defense attorneys who represent business interests.<sup>13</sup> A plaintiff's attorney could be sued for malpractice if he or she files an action after the deadline has passed for filing a claim. A defense attorney who is not made aware of a potential lawsuit until years after the alleged violation occurred is then tasked with locating evidence and witnesses that might no longer be available.

### **III. Effect of Proposed Changes:**

The bill clarifies and limits the amount of time a person has to file a civil action for employment discrimination after filing an employment discrimination complaint with the Florida Human Relations Commission or the Equal Employment Opportunity Commission. This will resolve confusion for litigants who are uncertain what the time constraints are for filing a civil action for discrimination.

#### **When a Determination of Reasonable Cause or a Notice of Right to Sue is Issued**

Existing law provides that a civil action must be brought “no later than 1 year” after the Commission issues a determination of reasonable cause. The bill similarly establishes that someone who chooses to file a civil action must do so no later than 1 year after the EEOC issues a Notice of Right to Sue. The 1-year time frame for filing a civil action begins when the *first* organization, whether the Commission or the EEOC, issues its decision.

#### **When a Determination of Reasonable Cause or a Notice of Right to Sue is *Not* Issued**

If, however, a determination of reasonable cause is not made by the Commission or a Notice of Right to Sue is not issued by the EEOC within 180 days after the filing of the complaint, a civil

<sup>10</sup> BLACK'S LAW DICTIONARY (12th ed. 2024).

<sup>11</sup> Section 760.11(4), F.S., Pursuant to s. 760.07, F.S., if the statute prohibiting unlawful discrimination provides an administrative remedy, the plaintiff must first exhaust his or her administrative remedy.

<sup>12</sup> Section 760.11(5), F.S.

<sup>13</sup> See *Davis v. Big Bend Hospice, Inc.*, 419 So. 3d 272 (Fla. 1st DCA 2025). In *Davis*, the First District Court of Appeal wrestled with the existing statutory language and prior case law to determine the limitations period for filing an employment discrimination lawsuit after the EEOC dismissed the complainant's claim and issued a right to sue letter, but the Commission did not follow through with the ministerial function of providing the complainant with its own notice dismissing the claim. The court certified conflict with other decisions issued by the Second District and Fourth District Court of Appeal.

action for employment discrimination may be brought by the complainant but no later than 18 months after the filing of the complaint.

The bill takes effect July 1, 2026.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 760.11 and 760.07.

**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.

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

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By Senator Burgess

23-00889A-26

20261096\_\_

1 A bill to be entitled  
 2 An act relating to remedies for violations of the  
 3 Florida Civil Rights Act; amending s. 760.11, F.S.;  
 4 revising the timeframe when a civil action may be  
 5 brought for violations of the act; providing that if  
 6 the Florida Commission on Human Relations or the Equal  
 7 Employment Opportunity Commission does not make a  
 8 determination within a specified timeframe, the  
 9 complainant may bring a civil action within a  
 10 specified timeframe; reenacting s. 760.07, F.S.,  
 11 relating to remedies for unlawful discrimination, to  
 12 incorporate the amendment made to s. 760.11, F.S., in  
 13 a reference thereto; providing an effective date.  
 14  
 15 Be It Enacted by the Legislature of the State of Florida:  
 16  
 17 Section 1. Subsection (5) of section 760.11, Florida  
 18 Statutes, is amended to read:  
 19 760.11 Administrative and civil remedies; construction.-  
 20 (5) In any civil action brought under this section, the  
 21 court may issue an order prohibiting the discriminatory practice  
 22 and providing affirmative relief from the effects of the  
 23 practice, including back pay. The court may also award  
 24 compensatory damages, including, but not limited to, damages for  
 25 mental anguish, loss of dignity, and any other intangible  
 26 injuries, and punitive damages. Sections 768.72 and 768.73 ~~The~~  
 27 ~~provisions of ss. 768.72 and 768.73~~ do not apply to this  
 28 section. The judgment for the total amount of punitive damages  
 29 awarded under this section to an aggrieved person may ~~shall~~ not

Page 1 of 3

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

23-00889A-26

20261096\_\_

30 exceed \$100,000. In any action or proceeding under this  
 31 subsection, the court, ~~in its discretion,~~ may allow the  
 32 prevailing party a reasonable attorney fees ~~attorney's fee~~ as  
 33 part of the costs. It is the intent of the Legislature that  
 34 ~~attorney this provision for attorney's fees~~ be interpreted in a  
 35 manner consistent with federal case law involving a Title VII  
 36 action. The right to trial by jury is preserved in any such  
 37 private right of action in which the aggrieved person is seeking  
 38 compensatory or punitive damages, and any party may demand a  
 39 trial by jury. The commission's determination of reasonable  
 40 cause is not admissible into evidence in any civil proceeding,  
 41 including any hearing or trial, except to establish for the  
 42 court the right to maintain the private right of action. A civil  
 43 action brought under this section must be filed ~~shall be~~  
 44 ~~commenced~~ no later than 1 year after the date of determination  
 45 of reasonable cause by the commission or the issuance of a  
 46 Notice of Right to Sue from the Equal Employment Opportunity  
 47 Commission, whichever occurs first. If a determination is not  
 48 made by the commission or a Notice of Right to Sue is not issued  
 49 by the Equal Employment Opportunity Commission within 180 days  
 50 after the filing of the complaint, a civil action may be brought  
 51 by the complainant under this subsection no later than 18 months  
 52 after the filing of the complaint. The filing commencement of  
 53 such action divests ~~shall divest~~ the commission of jurisdiction  
 54 of the complaint, except that the commission may intervene in  
 55 the civil action as a matter of right. Notwithstanding this  
 56 subsection the above, the state and its agencies and  
 57 subdivisions may ~~shall~~ not be liable for punitive damages. The  
 58 total amount of recovery against the state and its agencies and

Page 2 of 3

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

23-00889A-26

20261096\_\_

59 subdivisions may ~~shall~~ not exceed the limitation as set forth in  
60 s. 768.28(5).

61 Section 2. For the purpose of incorporating the amendment  
62 made by this act to section 760.11, Florida Statutes, in a  
63 reference thereto, section 760.07, Florida Statutes, is  
64 reenacted to read:

65 760.07 Remedies for unlawful discrimination.—Any violation  
66 of any Florida statute that makes unlawful discrimination  
67 because of race, color, religion, gender, pregnancy, national  
68 origin, age, handicap, or marital status in the areas of  
69 education, employment, or public accommodations gives rise to a  
70 cause of action for all relief and damages described in s.  
71 760.11(5), unless greater damages are expressly provided for. If  
72 the statute prohibiting unlawful discrimination provides an  
73 administrative remedy, the action for equitable relief and  
74 damages provided for in this section may be initiated only after  
75 the plaintiff has exhausted his or her administrative remedy.  
76 The term “public accommodations” does not include lodge halls or  
77 other similar facilities of private organizations which are made  
78 available for public use occasionally or periodically. The right  
79 to trial by jury is preserved in any case in which the plaintiff  
80 is seeking actual or punitive damages.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 14, 2026

---

I respectfully request that **Senate Bill #1096**, relating to Remedies for Violations of the Florida Civil Rights Act, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

---

Senator Danny Burgess  
Florida Senate, District 23

CC: Tom Cibula: Staff Director  
CC: Lisa Larson: Committee Administrative Assistant

The Florida Senate

APPEARANCE RECORD

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2/3/24

Meeting Date

Judiciary

Committee

1094

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Carolyn Johnson

Phone

521-1200

Address

134 S Bronaugh St

Email

cjohnson@flchamber.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Chamber of Commerce

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

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

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S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/SB 1178

INTRODUCER: Ethics and Elections Committee and Senators Grall and Avila

SUBJECT: Foreign Influence

DATE: February 3, 2026

REVISED: \_\_\_\_\_

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

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1178 creates a “Foreign Interference Restriction and Enforcement Act,” which amends and establishes numerous statutory provisions to reduce interference and influence by foreign countries of concern. Specifically, the bill:

- Expands the definition of “foreign source of concern” to also include a designated foreign terrorist organization or an agent acting on behalf of such organization.
- Creates a state-level framework for the registration of agents and organizations associated with foreign countries of concern and prescribes penalties for its violation.
- Expands restrictions on gifts to specified public officials, public employees, and candidates, and requires ethics training for specified public officials to include information on foreign countries of concern and their influence.
- Strengthens prohibitions on government contracting and procurement with vendors connected to foreign countries of concern.
- Prohibits the state protocol officer from encouraging a sister city or sister state affiliation with a foreign country of concern or its subdivision.
- Requires the Department of State to quarterly publish on its website specified information on all foreign consulate offices in Florida and all sister city and sister state affiliations.
- Revises provisions governing Florida linkage institutes to remove the Florida-China Institute from the list of authorized institutes, repeal the limited exemption for in-state residency tuition requirements, and prohibit a linkage institute from entering into an agreement or participate in activities with a foreign country of concern or any organization in such country.

- Expands a provision prohibiting specified state agencies or political subdivisions from entering an agreement or accepting a grant from a foreign country of concern under specified circumstances to instead make it a blanket prohibition against such agreements or grants.
- Creates a new section of law governing the protection of state critical infrastructure facilities.
- Reclassifies criminal offenses committed for the purpose of benefiting, promoting, or furthering the interests of a foreign government, a designated foreign terrorist organization, or an agent of such government or organization.
- Criminalizes the unauthorized enforcement of foreign law.
- Revises references to definitions of “foreign country of concern.”

The bill takes effect July 1, 2026.

## II. Present Situation:

### Influence Operations by Foreign Countries of Concern

National intelligence agencies and civilian interest groups have issued reports in recent years describing the ongoing efforts of hostile foreign governments to influence policy in the United States. These foreign governments have attempted to influence federal, state, and local government policy as well as directly attack the infrastructure of the United States. Some examples include, but are not limited to:

- Manipulation by the People’s Republic of China (PRC) of relationships with government and business leaders at the state and local levels to expand support for PRC policies and to pressure the federal government for policies favorable to the PRC’s geopolitical interests.<sup>1</sup>
- Exploitation by the Chinese Communist Party of U.S. university partnerships to advance China’s civilian repression and military goals.<sup>2</sup>
- Attempts by Russia, China, Iran, and North Korea, both individually and collectively, to challenge U.S. interests abroad by attacking and threatening other countries in their regions to create opportunities to advance their interests.<sup>3</sup>

### Current Statutes

For statutory law relating to the bill’s provisions, see “Effect of Proposed Changes.”

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<sup>1</sup> The National Intelligence and Security Center, *Safeguarding Our Future: Protecting Government and Business Leaders at the U.S. State and Local Level from People’s Republic of China Influence Operations*, (July 2022), [https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/PRC\\_Subnational\\_Influence-06-July-2022.pdf](https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/PRC_Subnational_Influence-06-July-2022.pdf) (last visited Jan. 31, 2026).

<sup>2</sup> The Select Committee on the Chinese Communist Party, *Joint Institutes, Divided Loyalties: How the Chinese Communist Party Exploits U.S. Partnerships to Empower China’s Military and Repression*, (Sept. 2025), <https://chinaselectcommittee.house.gov/media/reports/joint-institutes-divided-loyalties> (last visited Jan. 31, 2026).

<sup>3</sup> Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community*” (March 2025), <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2025-Unclassified-Report.pdf> (last visited Jan. 31, 2026).

### III. Effect of Proposed Changes:

#### Statutory Definitions related to Foreign Countries of Concern (Sections 5, 9, and 10)

##### Foreign Country of Concern

Current law provides a number of definitions for “foreign country of concern.” Definitions related to this bill, which are largely identical, include:

- For restrictions on government contracting (s. 287.138, F.S.) – “The People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of or any other entity *of* significant control of such foreign country of concern [emphasis added].”
- For restrictions on conveyances of land to foreign entities (s. 692.201, F.S.) – a definition identical to that in s. 287.138, F.S.
- For international cultural agreements (s. 288.860, F.S.) – “The People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of or any other entity *under* significant control of such foreign country of concern [emphasis added].”
- For foreign gifts to and contracts of state agencies and political subdivisions (s. 286.101, F.S.) – a definition identical to that in s. 288.860, F.S.

Additional definitions include:

- For prohibited use of internet applications from foreign countries of concern (s. 112.22, F.S.) – a definition identical to that in s. 288.860, F.S.
- For laboratory services provided by the Department of Health (s. 381.0202, F.S.) – “The People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of such foreign country of concern.”
- For a restriction on persons or entities with controlling interests in specified health care facilities (s. 408.810, F.S.) – a definition identical to that in s. 381.0202, F.S.

##### Foreign Source of Concern

Section 496.404(14), F.S., which is located in the chapter of law governing solicitation of funds from the public, defines “foreign source of concern” to mean any of the following:

- The government or any official of the government of a foreign country of concern;
- A political party or member of a political party or any subdivision of a political party in a foreign country of concern;
- A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity;
- Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;
- An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or

- An entity in which a person, entity, or collection of persons or entities described above has a controlling interest.

“Controlling interest” means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.<sup>4</sup>

“Foreign country of concern” has the same meaning as in s. 286.101, F.S.<sup>5</sup>

#### Foreign Agent

The criminal penalty for theft of or trafficking in trade secrets defines “foreign agent” to mean any officer, employee, proxy, servant, delegate, or representative of a foreign government.<sup>6</sup>

#### Designated Foreign Terrorist Organization

The criminal penalty for use of military-type military training from a designated foreign terrorist organization with the intent to unlawfully harm another person or damage a critical infrastructure facility defines “designated foreign terrorist organization” to mean an organization designated as a terrorist organization under s. 219 of the Immigration and Nationality Act.<sup>7</sup> The U.S. Department of State currently lists 93 designated foreign terrorist organizations.<sup>8</sup>

#### ***Effect of Proposed Changes***

The bill revises the definition of “foreign source of concern” in s. 496.404(14), F.S., to add that the term includes a designated foreign terrorist organization or an agent acting on behalf of a foreign terrorist organization. The effect of the expanded definition is to subject a person to criminal penalties for soliciting or accepting contributions or anything of value from a designated foreign terrorist organization or an agent for such an organization for the benefit of charitable organization.

The bill revises the definitions of “foreign country of concern” in ss. 287.138 and 692.201, F.S., to clarify that the term includes any entity *under* significant control of such country, not *of* significant control.

#### **Registration of Foreign Agents (Section 2)**

##### ***Present Situation***

##### Federal Law

Enacted in 1938, the Foreign Agents Registration Act (FARA) was created to expose foreign influence in American politics. The Act focused on identifying and creating a public record of

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<sup>4</sup> Section 496.404(14)(f), F.S.

<sup>5</sup> Section 496.404(13), F.S.

<sup>6</sup> Section 812.081, F.S.

<sup>7</sup> Section 775.32(1)(b), F.S.

<sup>8</sup> See “Foreign Terrorist Organizations,” <https://www.state.gov/foreign-terrorist-organizations> (last visited Jan. 31, 2026).

efforts to spread propaganda and foreign agendas.<sup>9</sup> FARA has been revised to better respond to the evolving nature of foreign entities in the United States. These changes have reoriented the law away from focusing on propaganda activities to focusing on foreign advocacy and lobbying.<sup>10</sup> Recent enforcement of FARA has focused on “instances of alleged conduct similar to more traditional espionage by foreign government actors.”<sup>11</sup>

FARA requires certain persons, referred to as “agents of a foreign principal,”<sup>12</sup> to register with the Department of Justice (DOJ) and disclose their relationships, activities, receipts, and disbursements in support of their advocacy or public relations activities, when representing foreign entities, known as “foreign principals,”<sup>13</sup> within the United States. Individuals who meet the definition of an “agent of a foreign principal” are required to file a registration statement

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<sup>9</sup> 22 U.S.C. §§ 611, 621; See Jacob R. Straus, *Foreign Agents Registration Act (FARA): Background and Issues for Congress*, Congressional Research Service (June 30, 2020) available at <https://www.congress.gov/ers-product/R46435>; See *Vierick v. United States*, 318 U.S. 236, 241 (1943); See also, U.S. Congress, House Committee on the Judiciary, *Lobbying Disclosure Act of 1995*, report to accompany H.R. 2564, 104<sup>th</sup> Cong., 1<sup>st</sup> sess., November 14, 1995, H.Rept.104-339, part 1 (Washington: GPO, 1995), pp. 5-8 (FARA responded to foreign influence concerns by creating a system designed “to identify agents of foreign principals who might engage in subversive acts or in spreading foreign propaganda and to require them to make a public record of the nature of their employment.”).

<sup>10</sup> *Id.* (FARA was amended in 1942, 1966, and 1995.)

<sup>11</sup> See U.S. Attorney General Pam Bondi, *General Policy Regarding Charging, Plea Negotiations, and Sentencing*, a memorandum from Attorney General Pamela Bondi to all Department of Justice Employees (Feb. 5 2025) available at <https://www.justice.gov/ag/media/1388541/dl> (last visited January 31, 2026).

<sup>12</sup> 22 U.S.C. §611(c) (“Except as provided under §611(d), the term ‘agent of a foreign principal’ means- (1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person- (i) engages within the United States in political activities for or in the interests of such foreign principal; (ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal; (iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or (iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States; and (2) any person who agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal as defined in clause (1) of this subsection.”); *But see* 22 U.S.C. §611(d) (Section (d) provides that, “(d) The term ‘agent of a foreign principal’ does not include any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the United States Postal Service information in compliance with section 3611 of title 39, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper, magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in subsection (b) of this section, or by any agent of a foreign principal required to register under this subchapter.”).

<sup>13</sup> 22 U.S.C. §611(b) (“The term ‘foreign principal’ includes - (1) a government of a foreign country and a foreign political party; (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.”).

within 10 days of agreeing to become an agent.<sup>14</sup> Supplemental statements must be filed every six months thereafter.<sup>15</sup> Registration statements must include:<sup>16</sup>

- The registrant’s name and both personal and business addresses;
- The registrant’s status, nationality of all individuals, partnerships, and corporate directors or officers;
- A statement on the nature of the registrant’s business, a complete list of employees, the nature of their work, and the name and address of every foreign principal the registrant represents;
- Copies of the registrant’s written agreement with a foreign principal and conditions of all oral agreements;
- The nature and amount of contributions, income, money, or other items of value received from a foreign principal; and
- A detailed statement on spending connected with activities for the foreign principal.

The registration and supplemental statements must be made under oath<sup>17</sup> and filed electronically.<sup>18</sup> The Attorney General is required to maintain permanent copies of all registration statements and to provide copies to the public, the Secretary of State, other executive agencies, and congressional committees.<sup>19</sup> FARA requires that political propaganda be filed with the DOJ and specifically labeled.<sup>20</sup> These “informational materials” must be filed by agents of foreign principals within 48 hours of registration and must contain specific labeling language.<sup>21</sup> Further, all informational materials distributed by registered foreign agents “must contain a conspicuous label if such media are used as instruments to disseminate informational materials.”<sup>22</sup> FARA also requires all agents of a foreign principal keep and preserve all books and records of activities that are required to be disclosed under the law.<sup>23</sup> These records include: activities taken on behalf of a foreign principal, correspondence about political activities, original copies of contracts, names of individuals to whom informational materials have been transmitted, and bookkeeping and financial records.<sup>24</sup>

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<sup>14</sup> 22 U.S.C. §612(a).

<sup>15</sup> 22 U.S.C. §612(b).

<sup>16</sup> 22 U.S.C. §612.

<sup>17</sup> 22 U.S.C. §612(c).

<sup>18</sup> 22 U.S.C. §612(g).

<sup>19</sup> 22 U.S.C. §616(a)-(d) (The Attorney General must also maintain a publicly available, internet accessible, searchable, and downloadable database).

<sup>20</sup> 22 U.S.C. §614.

<sup>21</sup> See U.S. Department of Justice, National Security Division, Foreign Agents Registration Act (FARA) Unit, “What are the Filing and Labeling Requirements for Informational Materials?” *General FARA Frequently Asked Questions*, <https://www.justice.gov/nsd-fara/general-fara-frequently-asked-questions> . For additional regulations on the labeling of informational materials, see 28 C.F.R. §5.402, <https://www.ecfr.gov/current/title-28/chapter-I/part-5/section-5.402>. (The following labeling language must be included on “informational materials”: “This material is distributed by (name of registrant) on behalf of (name of foreign principal). Additional information is available at the Department of Justice, Washington, DC.”).

<sup>22</sup> *Id.*

<sup>23</sup> 22 U.S.C. §615; See 28 C.F.R. §5.500(b) (records must be available for inspection); See also 28 C.F.R. §5.500(c) (records must be kept for three years after the foreign principal-agent relationship has been terminated).

<sup>24</sup> 28 C.F.R. §5.500(a).

In addition, FARA requires firms or other entities that are agents of a foreign principal to also register.<sup>25</sup> The entities' officers or directors are under obligation to ensure the agent of a foreign principal is registered and are potentially liable and could face prosecution for failed compliance.<sup>26</sup>

Certain agents of a foreign principal are exempt from registering under FARA.<sup>27</sup>

Violators of FARA face potential fines or imprisonment.<sup>28</sup> The Attorney General may establish regulations to implement the law.<sup>29</sup> Further, every 6 months, the Attorney General must submit a report to Congress on the administration of FARA.<sup>30</sup>

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<sup>25</sup> 22 U.S.C. §617.

<sup>26</sup> *Id.*

<sup>27</sup> 22 U.S.C. §613 (FARA listed exemptions: **Diplomatic or Consular Officers**- Duly accredited diplomatic or consular officials, recognized by Department of State, performing official functions; **Official of Foreign Government**- officials of recognized governments who are not public-relations counsel, publicity agent, information-services employee, or citizen of the United States, acting in an official capacity; **Staff Members of Diplomatic or Consular Officers**- any staff member or employee of a duly accredited diplomatic or consular officer, other than a public relations counsel, of a State Department recognized foreign government performing official functions; **Private and Nonpolitical Activities; Solicitation of Funds**- “any person engaging or agree to engage only (1) in private and nonpolitical activities in furtherance of the bona fide trade or commerce of such foreign principal; or (2) in other activities not serving predominantly a foreign interest; or (3) in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering”; **Religious, Scholastic, or Scientific Pursuits**- person engaged “only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts”; **Defense of Foreign Government Vital to United States Defense**- Agents “whose foreign principal is a government of a foreign country the defense of which the President deems vital to the defense of the United States,” if certain specified conditions are met; **Qualified to Practice Law**- any person qualified to practice law who engages “in the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States.” Does not include advocacy activity outside judicial proceedings, criminal or civil law enforcement inquires, investigations, or statutorily required agency proceedings; **Lobbying Disclosure Act (LDA) Filer**- Individuals registered under LDA are not required to register under FARA.).

<sup>28</sup> 22 U.S.C. §618(a) (Any person who willfully violates the law or willfully makes false statements in registration or supplemental statements upon conviction may “be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both.”); *See also* 22 U.S.C. §618(a) (Violating provisions of the filing and labeling requirements for political propaganda, failing to correct deficient registration statements, or having a contingent fee arrangement with a foreign principal carry potential penalties of up to a \$5,000 fine or six months in prison.).

<sup>29</sup> The regulations for FARA are located at 28 C.F.R. §§5.1-5.1101.; *But see Justice Department Proposes New Regulations to Modernize Foreign Agents Registration Act Administration and Enforcement*, U.S. Department of Justice Website Press Release (Friday, December 20, 2024), available at <https://www.justice.gov/archives/opa/pr/justice-department-proposes-new-regulations-modernize-foreign-agents-registration-act> (FARA’s implementing regulations have not been updated since 2007. The DOJ recently announced a proposed rule that would alter key exemptions that companies and individuals most frequently rely on, including (1) the “commercial” exemption, (2) the exemption for persons whose activities do not predominantly serve a foreign interest, and (3) the exemption for persons qualified to practice law. The proposed rule also adds several new requirements for handling “informational materials,” including by requiring foreign agents to more frequently and conspicuously disclose their agency status (such as on websites, broadcasts, and social media), even when performing acts such as scheduling meetings with members of Congress or other U.S. officials. The practical effect of the proposed changes will be to limit the number of individuals who could claim the exemptions.).

<sup>30</sup> 22 U.S.C. §621.

Federal law, under the Federal Elections Campaign Act (FECA)<sup>31</sup> as amended, prohibits foreign nationals,<sup>32</sup> in connection with any federal, state, or local election, from making, either directly or indirectly:

- Contributions;
- Donations;
- Expenditures (including independent expenditures); or
- Disbursements solicited, directed, received or made directly or indirectly from a foreign national.<sup>33</sup>

This prohibition includes advances of personal funds; contributions or donations made to political party committees and organizations, state or local party committees for the purchase or construction of an office building;<sup>34</sup> and contributions or disbursements to make electioneering communications.<sup>35</sup> Foreign nationals are also prohibited from directly or indirectly donating to an inaugural committee, and it is a violation of federal law to knowingly accept such donations from a foreign national.<sup>36</sup>

#### Florida Law

Florida law prohibits foreign nationals<sup>37</sup> from directly or indirectly making, or offering to make, a contribution or expenditure in connection with any election held in the state.<sup>38</sup> The prohibition applies to both candidate and ballot question campaigns.<sup>39</sup>

Any state agency or political subdivision that receives, directly or indirectly, any gift or grant having a value of \$50,000 or more from any foreign source must disclose the gift or grant to the

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<sup>31</sup> 52 U.S.C. §30121.

<sup>32</sup> See 11 CFR 110.20(a)(3) (A “foreign national” is: “1. An individual who is not a citizen of the United States or a national of the United States and has not been lawfully admitted to the U.S. for permanent residence, as defined in 8 U.S.C. §1101(a)(20); or 2. A foreign principal, as defined in 22 U.S.C. §611(b).”).

<sup>33</sup> 52 U.S.C. s. 30121(a) and Federal Election Commission, *Foreign Nationals*, <https://www.fec.gov/help-candidates-and-committees/foreign-nationals/> (last visited Jan. 31, 2026) (FECA defines an “election” to encompass not only general, special, primary, and runoff elections but also conventions or caucuses of political parties that have the authority to nominate candidates.).

<sup>34</sup> See 11 CFR 300.35 and 52 U.S.C. 30121.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> See s. 106.08(12)(a)1, F.S. (“the term ‘foreign national’ means: a. A foreign government; b. A foreign political party; c. A foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country; d. A person with foreign citizenship; or e. A person who is not a citizen or national of the United States and is not lawfully admitted to the United States for permanent residence. 2. The term does not include: a. A person who is a dual citizen or dual national of the United States and a foreign country. b. A domestic subsidiary of a foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country if:

(I) The donations and disbursements used toward a contribution, or an expenditure are derived entirely from funds generated by the subsidiary’s operations in the United States; and (II) All decisions concerning donations and disbursements used toward a contribution or an expenditure are made by individuals who either hold United States citizenship or are permanent residents of the United States. For purposes of this sub-sub-subparagraph, decisions concerning donations and disbursements do not include decisions regarding the subsidiary’s overall budget for contributions or expenditures in connection with an election.”

<sup>38</sup> Section 106.08(12)(b), F.S.

<sup>39</sup> *Id.*

Department of Financial Services within 30 days.<sup>40</sup> The disclosure must include the date and amount of the gift or grant and the name and country of residence or domicile of the foreign source.<sup>41</sup>

Current law also specifies restrictions on governmental entity agreements with foreign countries of concern. (See additional information later in this analysis under “International Cultural Agreements.”)

### *Effect of Proposed Changes*

This bill creates a new requirement under the Florida Election Code<sup>42</sup> for the registration of agents and organizations associated with foreign countries of concern. These requirements are similar to those of the federal Foreign Agents Registration Act.

The bill provides definitions for the terms “address,”<sup>43</sup> “agent of a foreign country of concern,”<sup>44</sup> “foreign country of concern,”<sup>45</sup> “foreign supported political organization,”<sup>46</sup> “payment,”<sup>47</sup> and “political activity.”<sup>48</sup>

The bill requires a person to register with the Florida Department of State, Division of Elections (Division) within 10 days after becoming an agent of a foreign country of concern. The Division is required to create a registration form, which at a minimum, must require the following information to be disclosed by registrants:

- The registrant’s name.
- The address of the registrant’s primary residence and all other addresses associated with the registrant.
- The name and address of the registrant’s principal place of business.
- A detailed statement describing the nature of the registrant’s business.
- The name of each foreign country of concern for whom the registrant is acting, assuming or purporting to act, or has agreed to act.

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<sup>40</sup> Section 286.101(2), F.S.

<sup>41</sup> *Id.*

<sup>42</sup> See Chapters 97-106, F.S.

<sup>43</sup> “Address” is defined to mean any address, no matter the location, inside or outside of the United States.

<sup>44</sup> “Agent of a foreign country of concern” means a person: 1. Who acts as an agent, an employee, a representative, or a servant, or who otherwise acts at the order, at the request, or under the direction or control, of a foreign country of concern; 2. Whose actions are financed, in whole or in part, by a foreign country of concern; and 3. Who engages in political activity.

<sup>45</sup> “Foreign country of concern” means the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.

<sup>46</sup> “Foreign-supported political organization” means a political party or a domestic partnership, an association, a corporation, an organization, or any other business entity that has its principal place of business in a foreign country of concern; or is at least 20 percent beneficially owned by a foreign country of concern, a nonresident alien from a foreign country of concern, or an entity organized under the laws of or having its principal place of business in a foreign country of concern.

<sup>47</sup> “Payment” includes compensation and disbursement made in any form, including, but not limited to, contributions, income, money, tangible property, and intangible property.

<sup>48</sup> “Political activity” means an activity that is performed to: 1. Influence an agency, a public official, or a local governmental entity; 2. Influence the public in creating, adopting, or changing state laws or government policies; 3. Support or oppose a candidate for office; 4. Influence the outcome of an election; or 5. Support or oppose any issue.

- A detailed statement describing the nature of the work and the character of the business or other activities of each foreign country of concern.
- A statement detailing each time the registrant received a payment from a foreign country of concern within the previous 90 days. The statement must identify the amount of the payment and the nature of the payment.
- The total amount of payments the registrant has received within the previous 90 days from a foreign country of concern.
- A detailed statement of every activity the registrant, or a person on behalf of the registrant, is performing, has performed, or has agreed to perform on behalf of a foreign country of concern.
- If the registrant is also engaged in political activity on behalf of a person who is not associated with a foreign country of concern but who is an agent of a foreign country of concern the registrant must include the following information:
  - The name, employer, business and residence addresses, and if applicable, nationality of such person.
  - A detailed statement of every activity the registrant, or a person on behalf of the registrant, is performing, has performed, or has agreed to perform on behalf of such person.
  - A statement detailing each time the registrant received a payment from the person within the previous 90 days. The statement must identify the amount of the payment and the nature of such payment.
- A detailed statement of the payments made by the registrant during the previous 90 days in connection with actions taken by the registrant as an agent of, on behalf of, or in furtherance of the goals of a foreign country of concern or a person who is an agent of a country of concern.
- A detailed statement of all payments made by the registrant during the previous 90 days related to any political activity.

A registered individual must update the information required by the registration form at least every 90 days and must register for any period of time for which he or she was engaged as an agent of a foreign country of concern.

On or before January 1, 2027, each foreign-supported political organization must register with the Division. The Division must create a separate form for such registration that at a minimum requires the following information:

- The organization's name and mailing address and the address of any physical office.
- The names, titles, and addresses of all officers or directors of the organization.
- A detailed statement of all payments made by the organization that would constitute political activity during the previous calendar year.
- A detailed statement of all payments made to, or received by, the organization from a foreign country of concern or an agent of a foreign country of concern during the preceding calendar year.

A registered organization must update the information required by the registration form at least every 90 days.

A person or organization found to be in violation of this section by the Florida Elections Commission<sup>49</sup> is subject to the general penalties for elections violations provided in ss. 106.265<sup>50</sup> and 106.27,<sup>51</sup> F.S., as well as:

- A fine of up to \$500 for any willful violation.
- A fine of up to \$2,000 for any willful repeated violation.

### **Ethics Requirements for Public Officials and Employees (Sections 3 and 4)**

#### ***Present Situation***

##### Commission on Ethics

The Commission on Ethics (Commission) was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.<sup>52</sup> The Florida Constitution and state law designate the Commission as the independent commission provided for in s. 8(g), Art. II of the Florida Constitution.<sup>53</sup> Constitutional duties of the Commission consist of conducting investigations and making public reports on all breach of trust complaints towards public officers or employees not governed by the judicial qualifications commission.<sup>54</sup> In addition to constitutional duties, the Commission, in part:

- Renders advisory opinions to public officials;<sup>55</sup>
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;<sup>56</sup>
- Administers the Executive Branch Lobbying Registration and Reporting Law;<sup>57</sup>
- Maintains financial disclosure filings of constitutional officers and state officers and employees;<sup>58</sup> and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.<sup>59</sup>

<sup>49</sup> The Florida Elections Commission is a nine-member commission, housed within the Department of Legal Affairs, that has jurisdiction to investigate and determine violations of chs. 104 and 106, F.S. (ss. 106.24(1) and 106.25(1), F.S.). For the purposes of commission jurisdiction, a violation means the willful performance of an act prohibited by, or the willful failure to perform an act required by, ch. 104 or 106, F.S. (s. 106.25(3), F.S.).

<sup>50</sup> “(1)(a) The commission or, in cases referred to the Division of Administrative Hearings pursuant to s. 106.25(5), the administrative law judge is authorized upon the finding of a violation of this chapter or chapter 104 to impose civil penalties in the form of fines not to exceed \$2,500 per count. The fine may be multiplied by a factor of 3, not to exceed \$7,500, for each subsequent count of the same category, beginning with the fourth offense.”

<sup>51</sup> “(1) Criminal proceedings for violations of this chapter or chapter 104 may be brought in the appropriate court of competent jurisdiction . . . (2) Civil actions may be brought by the commission for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided by this chapter. . . (3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter or 104.”

<sup>52</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 1, available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2023310> (last visited January 26, 2026); see also s. 112.320, F.S.

<sup>53</sup> Section (8)(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

<sup>54</sup> Section (8)(g), art. II., Fla. Const.

<sup>55</sup> Section 112.322(3)(a), F.S.

<sup>56</sup> Section 112.322(2)(b), F.S.

<sup>57</sup> Sections 112.3215 and 112.32155, F.S.

<sup>58</sup> Section 112.3144, F.S.

<sup>59</sup> Sections 112.3144, 112.3145, and 112.31455, F.S.

### Code of Ethics for Public Officers and Employees, Generally

The Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>60</sup> establishes ethical standards for public officials and is intended to ensure that public officials conduct themselves independently and impartially, not using their office for private gain other than compensation provided by law.<sup>61</sup> The Code of Ethics addresses various issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics, among others.<sup>62</sup>

### Restriction on Gifts

Public officers, state agency employees, local government attorneys, and candidates for office are prohibited from soliciting or accepting anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon the understanding that their vote, official action, or judgment would be influenced.<sup>63</sup>

### Ethics Training for Specified Public Officials

Current law requires all constitutional officers,<sup>64</sup> elected municipal officers, commissioners of a community redevelopment agency, and elected local officers of an independent special district to complete 4 hours of ethics training each calendar year. At a minimum, the training must address state constitutional and statutory ethics requirements and state public records and meetings laws.<sup>65</sup> The Commission on Ethics must adopt rules establishing minimum course content for the portion of the ethics training which addresses state constitutional and statutory ethics requirements.<sup>66</sup>

### ***Effect of Proposed Changes***

The bill adds the following definitions to the section of law governing standards of conduct for public officers, employees of agencies, and local government attorneys:

- “Designated foreign terrorist organization,” which is assigned the same meaning as in s. 775.32, F.S.
- “Foreign country of concern,” which is assigned the same meaning as in s. 286.101(1), F.S.

The bill expands the restriction on gifts by prohibiting a public officer, an employee of an agency, a local government attorney, or a candidate for nomination or election from soliciting or accepting anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, for any purpose, including, but not limited to, a gift from a designated foreign terrorist organization or any person or entity representing or acting on behalf

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<sup>60</sup> See pt. III. Ch. 112, F.S.

<sup>61</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 1, available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2023310> (last visited January 26, 2026)

<sup>62</sup> See pt. III. 112, F.S.

<sup>63</sup> Section 112.313(2), F.S.

<sup>64</sup> “Constitutional officers” includes the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of school (s. 112.3142(1), F.S.).

<sup>65</sup> Section 112.3142(2), F.S.

<sup>66</sup> *Id.*

of a foreign terrorist organization, or travel costs or any reimbursement for costs of attending a conference or other event, from a foreign country of concern or any of its subdivisions, or from any person or entity representing or acting on behalf of a foreign country of concern or any of its subdivisions.

The bill requires the Commission on Ethics to, by November 1, 2026, adopt revised rules to supplement the minimum course content for required ethics training. The additional course content must include:

- Known efforts by foreign countries of concern to target and influence subnational governments, including, but not limited to, the Chinese Communist Party’s United Front strategy.<sup>67</sup> The term “foreign country of concern” has the same definition as in s. 287.138, F.S.
- How to identify, recognize, and report suspected foreign influence campaigns.
- Prohibitions on receiving gifts from foreign countries of concern or designated foreign terrorist organizations. The term “designated foreign terrorist organization” has the same definition as in s. 775.32, F.S.

## **Governmental Contracting with Entities of Foreign Countries of Concern (Section 5)**

### ***Present Situation***

#### Government Contracting and Procurement

Current law requires a competitive solicitation<sup>68</sup> process when state agencies wish to procure commodities or contractual services that cost more than \$35,000.<sup>69</sup> Depending on the type of contract and scope of work or goods sought, an agency may use one of three procurement methods:

- Invitation to bid (ITB): An agency must use an ITB when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual commodity or group of commodities required.<sup>70</sup>
- Request for proposals (RFP): An agency must use an RFP when the purposes and uses for which the commodity, group of commodities, or contractual service being sought can be specifically defined and the agency is capable of identifying necessary deliverables.<sup>71</sup>

<sup>67</sup> China employs a political influence strategy known as “United Front” to manage, co-opt, and mitigate “potential opposition to the policies and authority of the Chinese Communist Party (CCP).” The CCP entity responsible for coordinating this effort, the United Front Work Department, primarily focuses on managing groups within China but also carries out significant activities abroad. In the international context, United Front work includes efforts aimed at engaging and influencing ethnic Chinese individuals, as well as broader influence operations conducted through affiliated organizations that target foreign institutions and governments. *See* U.S-China Economic and Security Review Commission, “China’s Overseas United Front Work: Background and Implications for the United States,” available at <https://www.uscc.gov/research/chinas-overseas-united-front-work-background-and-implications-united-states> (last visited January 29, 2026).

<sup>68</sup> A “competitive solicitation” is the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement (s. 287.012(6), F.S.)

<sup>69</sup> Sections 287.057 and 287.017, F.S.

<sup>70</sup> Section 287.057(1)(a), F.S.

<sup>71</sup> Section 287.057(1)(b), F.S.

- Invitation to negotiate (ITN): An ITN is a solicitation used by an agency that is intended to determine the best method for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the agency may negotiate in order to receive the best value.<sup>72</sup>

#### Scrutinized List of Prohibited Countries

Companies on the Scrutinized Companies with Activities in Sudan list, on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector list, or engaged in business operations in Cuba or Syria are prohibited from bidding on, submitting a proposal for, or entering into or renewing a contract with an agency or a local governmental entity for goods or services of \$1 million or more.<sup>73</sup> Similarly, a company on the Scrutinized Companies that Boycott Israel list or a company that engaged in a boycott of Israel may not bid on, submit a proposal for, or enter into or renew a contract with an agency or local governmental entity for goods or services of \$100,000 or more.<sup>74</sup> The State Board of Administration is charged with maintaining a complete list of scrutinized companies.<sup>75</sup>

#### Governmental Contracting with Foreign Countries of Concern, Generally

Current law prohibits a governmental entity<sup>76</sup> from knowingly entering into a contract with, or renewing a contract with, an entity which would give access to an individual's personal identifying information if:

- The entity is owned by the government of a foreign country of concern;<sup>77</sup>
- The government of a foreign country of concern has a controlling interest<sup>78</sup> in the entity; or
- The entity is organized under the laws of or has its principal place of business in a foreign country of concern.<sup>79</sup>

In addition, a governmental entity may not accept a bid on, a proposal for, or a reply to, or enter into a contract with an entity which would grant the entity access to an individual's personal information unless the entity provides the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the specified criteria regarding foreign countries of concern.<sup>80</sup>

<sup>72</sup> Section 287.057(1)(c), F.S.

<sup>73</sup> Section 287.135(2)(b), F.S.

<sup>74</sup> Section 287.135(2)(a), F.S.

<sup>75</sup> Sections 215.4725 and 215.473(2)(a), F.S.

<sup>76</sup> "Governmental entity" means any state, county, district, or authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency (s. 287.138(1)(d), F.S.).

<sup>77</sup> "Foreign country of concern" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern (s. 287.138(1)(c), F.S.).

<sup>78</sup> "Controlling interest" means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest. Section 287.138(1)(a), F.S.

<sup>79</sup> Section 287.138(2)-(3), F.S.

<sup>80</sup> Section 287.138(4)(a), F.S.

### *Effect of Proposed Changes*

The bill:

- Creates an additional definition, providing that “foreign source of concern” has the same meaning as in s. 496.404, F.S.
- Revises the prohibition related to governmental contracts and access to personal information to instead prohibit a governmental entity from knowingly entering into a contract with an entity in which a foreign *source* of concern has an ownership or controlling interest if the contract would give access to an individual’s personal identifying information.
- Creates a new prohibition against government contracting for information technology or for any services related to information technology:
  - With an entity in which a foreign source of concern has an ownership or controlling interest; or
  - Through a third-party seller when the information technology is designed, manufactured, or assembled by any entity in which a foreign source of concern has an ownership or controlling interest.
- Expands the existing prohibition against specified government procurement activities to also include an activity or contract that would involve information technology.

The bill also updates current dates by which governmental entities must comply with the law’s provisions, to incorporate the changes made by the bill.

### **Intergovernmental Relations (Section 6)**

#### *Present Situation*

The Florida Secretary of State serves as the state protocol officer.<sup>81</sup> Among other duties, the state protocol officer is responsible for consular operations and the sister city and sister state programs.<sup>82</sup>

A consul is an official who is appointed by his or her government to live in a foreign city and protect and promote that government’s citizens and interests there. An honorary consul is someone who is approved by the United States Department of State to perform limited consular services, which might include fostering business relationships and hosting cultural education. The U.S. Department of State’s Office of Foreign Missions authorizes the establishment of consular posts in the United States.<sup>83</sup> The Florida Department of State’s website currently lists 117 consulate locations within the state.<sup>84</sup>

A sister city, county, or state relationship is a long-term partnership that is broadly based between two communities in two countries. The relationship receives official recognition after the highest elected or appointed official from each of the communities signs off on the

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<sup>81</sup> Section 15.01(1), F.S.

<sup>82</sup> Section 288.816(1), F.S.

<sup>83</sup> See Florida Department of State, *Consular Offices in Florida*, <https://dos.fl.gov/cultural/about-us/office-of-international-affairs/consular-offices-in-florida/> (last visited Feb. 1, 2026).

<sup>84</sup> *Id.* The department’s website cautions that it is not responsible for the accuracy of the list and suggests contacting the respective consulate for information.

agreement.<sup>85</sup> Each relationship is independent and may include municipal, business, trade, educational and cultural exchanges and projects.<sup>86</sup> According to the Directory of Bi-National Chambers and Sister Cities in Florida, in December 2024, 58 Florida cities were engaged in sister city relationships.<sup>87</sup>

### ***Effect of Proposed Changes***

The bill provides that the state protocol officer's activities regarding the sister city and sister state programs may not include encouragement of any affiliations with foreign countries of concern, as defined in s. 288.860, F.S., or their subdivisions.

In addition, the bill requires the Department of State to publish on its website, and update quarterly:

- A current and accurate list of all foreign consulate offices.
- A current and accurate list of all sister city and sister state affiliations, including a copy of all such agreements.

### **Relationships between Postsecondary Institutions in Florida and Foreign Countries (Section 7)**

#### ***Present Situation***

Current law establishes Florida linkage institutes, which are relationships between postsecondary institutions in this state and those of selected foreign countries. They are intended to assist in the development of stronger economic, cultural, educational, and social ties between Florida and strategic foreign countries through:

- Expanded public and private dialogue on cooperative research and technical assistance activities;
- Increased bilateral commerce;
- Student and faculty exchange;
- Cultural exchange; and
- The enhancement of language training skills.<sup>88</sup>

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<sup>85</sup> Florida Department of State, *Florida Sister Cities*, <https://dos.fl.gov/cultural/about-us/office-of-international-affairs/florida-sister-cities/> (last visited Feb. 1, 2026).

<sup>86</sup> *Id.*

<sup>87</sup> Florida Department of State, *Directory of Bi-National Chambers and Sister Cities in Florida*, <https://files.floridados.gov/media/709662/bi-national-chambers-and-fl-sister-cities-as-of-december-2024.pdf> (last visited Feb. 1, 2026).

<sup>88</sup> Section 288.8175(1), F.S.

There are currently 11 linkage institutes established in statute.<sup>89</sup> Each institute is allowed to exempt from in-state residency tuition requirements up to 25 full-time equivalent students per year from the respective host countries.<sup>90</sup>

### ***Effect of Proposed Changes***

The bill:

- Removes the Florida-China Institute from the list of established linkage institutes.
- Repeals the exemption for in-state residency tuition requirements.
- Creates a new prohibition, that a linkage institute may not enter into any agreement or participate in any activities with a foreign country of concern or any organization in a foreign country of concern. “Foreign country of concern” has the same meaning as in s. 288.860, F.S.

### **International Cultural Agreements (Section 8)**

#### ***Present Situation***

A state agency, political subdivision, or public school authorized to expend state-appropriated funds or levy ad valorem taxes may not participate in any agreement with or accept any grant from a foreign country of concern, or any entity controlled by a foreign country of concern, which:

- Constrains the freedom of contract of such public entity;
- Allows the curriculum or values of a program in the state to be directed or controlled by the foreign country of concern; or
- Promotes an agenda detrimental to the safety or security of the United States or its residents.<sup>91</sup>

Before the execution of any cultural exchange agreement with a foreign country of concern, the substance of the agreement must be shared with federal agencies concerned with protecting national security or enforcing trade sanctions, embargoes, or other restrictions under federal law.<sup>92</sup> If such a federal agency provides information suggesting that such an agreement promotes an agenda detrimental to the safety or security of the United States or its residents, the public entity may not enter into the agreement.<sup>93</sup>

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<sup>89</sup> Section 288.8175(4), F.S. The institutes are the Florida-Brazil Institute (University of Florida and Miami-Dade College), Florida-Costa Rica Institute (Florida State University and Valencia College), Florida Caribbean Institute (Florida International University and Daytona State College), Florida-Canada Institute (University of Central Florida and Palm Beach State College), Florida-China Institute (University of West Florida, University of South Florida, and Eastern Florida State College), Florida-Japan Institute (University of South Florida, University of West Florida, and St. Petersburg College), Florida-France Institute (New College of the University of South Florida, Miami Dade College, and Florida State University), Florida-Israel Institute (Florida Atlantic University and Broward College), Florida-West Africa Institute (Florida Agricultural and Mechanical University, University of North Florida, and Florida State College at Jacksonville), Florida-Eastern Europe Institute (University of Central Florida and Lake-Sumter State College), and Florida-Mexico Institute (Florida International University and Polk State College).

<sup>90</sup> Section 288.8175(5), F.S. Section 1009.21, F.S., sets forth requirements for resident status for tuition purposes.

<sup>91</sup> Section 288.860(2), F.S.

<sup>92</sup> Section 288.860(2)(c), F.S.

<sup>93</sup> *Id.*

### *Effect of Proposed Changes*

The bill deletes the specified conditions under which the prohibition on agreements or grants is effective, thereby making it a blanket prohibition without exceptions. The bill also provides that all international cultural agreements with a foreign country of concern or its subdivisions entered into under the existing law, including, but not limited to, sister city agreements, are terminated as of July 1, 2026.

## **Protection of State Critical Infrastructure Facilities (Section 11)**

### *Present Situation*

Current law provides a number of definitions of “critical infrastructure” and related protections. Examples include:

- A criminal penalty for a person who knowingly and intentionally tampers with and damages infrastructure of certain manufacturing, mining, energy, water treatment, transportation, military, or civil defense facilities or locations, or of dams.<sup>94</sup>
- A public records exemption for specified information relating to information technology and operational technology, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.<sup>95</sup>
- A prohibition against operating a drone over specified manufacturing, mining, energy, water treatment, transportation, military, or correctional or detention facilities, or over dams.<sup>96</sup>
- Authorization for a security officer of a specified chemical, energy, shipping, or telecommunications facility to temporarily detain a person suspected of committing a crime.<sup>97</sup>
- A prohibition against foreign ownership of land that is within 10 miles of a specified chemical, energy, water treatment, telecommunications, or transportation facility or location.<sup>98</sup>
- A prohibition against and related criminal penalty for a person who receives military-type training from a designated foreign terrorist organization and uses or attempts to use such training with the intent to damage a specified chemical, energy, shipping, or telecommunications facility.<sup>99</sup>

### *Effect of Proposed Changes*

The bill creates a new section of law, within the chapter prohibiting the purchase of certain land by foreign principals, to govern the protection of state critical infrastructure facilities from foreign sources of concern. It assigns the term “foreign source of concern” the same meaning as in s. 496.404, F.S., and “business entity” the same meaning as in s. 112.312, F.S.<sup>100</sup> The bill

<sup>94</sup> Section 812.141, F.S.

<sup>95</sup> Section 119.0725, F.S.

<sup>96</sup> Section 330.41, F.S.

<sup>97</sup> Section 493.631, F.S.

<sup>98</sup> Sections 692.201(2) and 692.203(1), F.S.

<sup>99</sup> Section 775.32, F.S.

<sup>100</sup> Section 112.312(5), F.S., defines “business entity” to mean any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously or not, doing business in this state.

provides that “critical infrastructure facility” means any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:

- A chemical manufacturing facility.
- A refinery.
- An electrical power plant.
- A water treatment facility or wastewater treatment plant.
- A liquid natural gas terminal.
- A telecommunications central switching office.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A seaport.
- A spaceport territory.
- An airport.<sup>101</sup>

The bill prohibits a governmental entity; a business entity constructing, repairing, operating, or otherwise having significant access to a critical infrastructure facility; or a foreign source of concern from entering into a contract or other agreement relating to a critical infrastructure facility within this state if the contract or agreement authorizes a foreign source of concern to directly or remotely access or otherwise control such critical infrastructure facility.

Beginning January 1, 2027, the bill requires a business entity constructing, repairing, operating, or otherwise having significant access to a critical infrastructure facility in Florida which entered into a contract or other agreement before the bill’s effective date with a foreign source of concern relating to such critical infrastructure facility to register with the Department of Commerce<sup>102</sup> by January 1 of each year for the remainder of the term of the contract or agreement. The Department of Commerce must adopt a form for such registration that includes:

- The name of the business entity constructing, repairing, operating, or otherwise having significant access to critical infrastructure facilities.
- The address of the critical infrastructure facility the entity is constructing, repairing, or operating or to which the entity otherwise has significant access.
- A description of the specific terms of the contract or agreement which authorizes a foreign source of concern to engage in constructing, repairing, or operating or to otherwise have significant access to the critical infrastructure facility.

The bill provides that a business entity that fails to register as required commits a second-degree misdemeanor and is subject to a civil penalty of \$1,000 for each day the violation continues.

Before commencing any sale or other transfer of control of a critical infrastructure facility in Florida, the bill requires the business entity selling or otherwise transferring control of the

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<sup>101</sup> Section 692.201(2), F.S.

<sup>102</sup> The purpose of the Department of Commerce is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities. The department is the state’s chief agency for business recruitment and expansion and economic development. See s. 20.60, F.S., and “Department of Commerce,” Office of Program Policy Analysis and Government Accountability, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=6101> (last visited January 27, 2026).

facility to provide an affidavit, signed under penalty of perjury, to the Department of Commerce attesting that the buyer or transferee is not a foreign source of concern.

The bill prohibits information technology<sup>103</sup> produced or manufactured by a foreign source of concern or a company under the direction of a foreign source of concern from being used in a critical infrastructure facility located in or serving Florida.

The bill requires the Department of Commerce to adopt rules to implement the new provisions.

## **Criminal Offenses by Foreign Agents (Section 12)**

### ***Present Situation***

Reclassification occurs when the Legislature *increases the degree of a conviction*. The reclassification attaches at the time the charges are filed.<sup>104</sup> Reclassification of a criminal conviction from one degree to a higher degree stems from an express and explicit grant of statutory authority.<sup>105</sup>

Current law provides a reclassified, increased criminal penalty for a person who commits trafficking in trade secrets if the action was committed with the intent to benefit a foreign government, a foreign agent, or a foreign instrumentality.<sup>106</sup> “Foreign agent” means any officer, employee, proxy, servant, delegate, or representative of a foreign government.<sup>107</sup> Current law also provides a reclassified, increased criminal penalty for a person who commits threats or extortion if that person is acting as a foreign agent.<sup>108</sup>

### ***Effect of Proposed Changes***

The bill creates a new section of law providing for reclassification of criminal offenses committed for the purpose of benefiting, promoting, or furthering the interests of a foreign government, a designated foreign terrorist organization, or an agent of a foreign government or designated foreign terrorist organization. Specifically, in such cases:

- A second-degree misdemeanor is reclassified to a first-degree misdemeanor.
- A first-degree misdemeanor is reclassified to a third-degree felony.
- A third-degree felony is reclassified to a second-degree felony.
- A second-degree felony is reclassified to a first-degree felony.
- A first-degree felony is reclassified to a life felony.

The bill also provides that, in addition to any other penalties prescribed by law, a person convicted of a first-degree felony or a life felony under the new section must be sentenced to a minimum term of imprisonment of 15 years.

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<sup>103</sup> As defined in s. 282.0041, F.S.

<sup>104</sup> *Cooper v. State*, 455 So.2d 588 (Fla. 1st DCA 1984); *Jackson v. State*, 515 So.2d 394 (Fla. 1st DCA 1987).

<sup>105</sup> *Cf. Spicer v. State*, 615 So.2d 725, 726 (Fla. 2d DCA 1993) (reversing reclassification of robbery with a mask conviction because “[p]enal statutes must be construed in terms of their literal meaning .... [I]f the legislature had intended section 775.0845 [Florida Statutes (1989)] to reclassify offenses, it would have so stated ....”).

<sup>106</sup> Section 812.081(4), F.S.

<sup>107</sup> Section 812.081(4), F.S.

<sup>108</sup> Section 836.05(2), F.S.

## Unauthorized Enforcement of Foreign Law (Section 13)

### *Present Situation*

Transnational repression occurs when foreign governments or agents “reach beyond their borders to intimidate, silence, coerce, harass, or harm members of their diaspora and exile communities in the United States.”<sup>109</sup> Such repression may include, among other actions:

- Stalking.
- Online disinformation campaigns.
- Harassment.
- Intimidation or threats.
- Cyberhacking.<sup>110</sup>

In 2025, Texas enacted two laws to combat attempts by foreign agents to police individuals on U.S. soil without legal authority, criminalizing:

- The unauthorized enforcement of foreign law.<sup>111</sup>
- Transnational repression.<sup>112</sup>

Florida does not currently specifically prohibit the unauthorized enforcement of foreign law.

### *Effect of Proposed Changes*

The bill creates a new section of law, substantially similar to the Texas law, which prohibits the unauthorized enforcement of foreign law. Specifically, the bill provides that without the approval of this state or the United States, a person may not:

- Prevent another person in this state from violating the laws of a foreign government which are not also the laws of this state or the United States.
- Investigate, monitor, or surveil another person in this state for the purposes of preventing the other person from violating the laws of a foreign government that are not also the laws of this state or the United States.

The bill makes violation of the new prohibition a third-degree felony. However, if a person violates the prohibition for the purpose of benefiting, promoting, or furthering the interests of a foreign government, a designated foreign terrorist organization, or an agent of a foreign government, the penalty is a second-degree felony.

The bill defines “agent of a foreign government or designated foreign terrorist organization” to mean a person acting on behalf of or otherwise employed or controlled by a foreign government or a designated foreign terrorist organization. “Designated foreign terrorist organization” has the same meaning as provided in s. 775.32(1), F.S. “Foreign government” has the same meaning as in s. 286.101(1), F.S.

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<sup>109</sup> Federal Bureau of Investigation, *What We Investigate*, <https://www.fbi.gov/investigate/counterintelligence/transnational-repression> (last visited Feb. 1, 2026).

<sup>110</sup> *Id.*

<sup>111</sup> Section 76.046, Texas Penal Code.

<sup>112</sup> Section 76.045, Texas Penal Code.

## **Governmental Contracting for Traffic Camera Systems with Foreign Countries of Concern (Section 14)**

### ***Present Situation***

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law.<sup>113</sup> The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),<sup>114</sup> speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,<sup>115</sup> and school bus infraction detection systems.<sup>116</sup>

A governmental entity may not knowingly enter into or renew a contract with a contracting vendor of any camera system used for enforcing Florida's Uniform Traffic Control Law if:

- The contracting vendor is owned by the government of a foreign country of concern; or
- The government of a foreign country has a controlling interest in the contracting vendor.

The terms "controlling interest" and "foreign country of concern" have the same meanings as in s. 287.138(1), F.S.<sup>117</sup>

### ***Effect of Proposed Changes***

The bill:

- Deletes the reference to the definition of "foreign country of concern" in s. 287.138(1), F.S.
- Creates a new definition for "foreign country of concern" that is identical to the definition in s. 287.138(1), F.S.

### **Effective Date (Section 15)**

The bill takes effect July 1, 2026.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

Not applicable. The bill does not appear to require counties and municipalities to spend funds, reduce the authority of municipalities or counties to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

### **B. Public Records/Open Meetings Issues:**

None.

<sup>113</sup> Section 316.0076, F.S. Ch. 316, F.S., is the Florida Uniform Traffic Control Law. The purpose of Florida Uniform Traffic Control Law is to ensure consistent and uniform regulation of traffic across Florida jurisdictions (s. 316.002, F.S.).

<sup>114</sup> Section 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

<sup>115</sup> Section 316.1896, F.S.

<sup>116</sup> Section 316.173, F.S.

<sup>117</sup> Section 316.0078, F.S.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

**Registration of Foreign Agents (Section 2)**

FARA's registration requirements have been challenged in court. The first case arose in *Viereck v. United States*, 318 U.S. 236, 237 (1943).<sup>118</sup> It seems that the constitutionality of FARA was apparently "assumed in that case, for it was not discussed."<sup>119</sup> Additional cases in following years have construed different requirements of the Act as well as amendments made to the Act. In 1951, a federal district court determined that the Act did not interfere or limit the First Amendment guarantee of the freedom of speech or regulate the expression of ideas.<sup>120</sup> In 1982, the registration requirements were challenged and upheld by the Court of Appeals for the District of Columbia as not being a violation of the First Amendment.<sup>121</sup> In 1987, the U.S. Supreme Court reviewed the Act's use of the term "political propaganda" to describe materials that were regulated under the statute. The Court upheld the constitutionality of FARA and determined that the use of the term was evenhanded and neutral.<sup>122</sup> In 2024, in one of the most recent cases to interpret FARA, the U.S. Court of Appeals for the District of Columbia Circuit held that the government cannot compel someone who once acted as a foreign agent to continue to register under FARA once he or she has stopped acting as a foreign agent.<sup>123</sup>

An individual or entity required to register under the bill may raise issues under the First Amendment, arguing that the requirements, under the bill, burden their ability to engage

<sup>118</sup> Lynn Alvey Dawson, *Constitutional Law-Freedom of Expression-the Foreign Agents Registration Act, Meese v. Keene*, 107 S. Ct. 1862 (1987), 12 Suffolk Transnat'l L.J. 457 (1989).

<sup>119</sup> *U.S. v. Peace Information Center*, 97 F. Supp. 255, 259 (D.D.C. 1951).

<sup>120</sup> *Id.*

<sup>121</sup> *Attorney General v. Irish Northern Aid Committee*, 346 F. Supp 1384 (S.D. N.Y. 1972) aff'd without opinion, 465 F. 2d 1405 (2d Cir. 1972).

<sup>122</sup> *Meese v. Keene*, 481 U.S. 465 (1987). See Lynn Alvey Dawson, *Constitutional Law-Freedom of Expression-the Foreign Agents Registration Act, Meese v. Keene*, 107 S.Ct. 1862 (1987), 12 Suffolk Transnat'l L.J. 457, 465 (1989) ("In *Keene v. Meese* the Court, consistent with its prior decisions, has upheld the requirements of the Foreign Agents Registration Act. By maintaining the constitutionality of the Act, the Court has indicated its reluctance to invalidate an Act of Congress where the alleged infringement of first amendment rights is slight."). But see American Civil Liberties Union and the Knight First Amendment Institute at Columbia University *amicus brief* (filed March 5, 2025) in *United States v. Terry*, No. 1:24-cr-00427 (S.D.N.Y.) (For recent arguments in support of a narrow interpretation of FARA, in an *amicus brief* for pending case, the ACLU argues that "FARA's definitions of 'foreign principal,' 'request,' 'political activities,' and 'publicity agent' can be interpreted to cover a vast array of constitutionally protected activity. Absent a narrowing interpretation, the statute risks suppressing and chilling protected speech without any legitimate governmental justification. To avoid the serious First Amendment questions that might otherwise arise, the Court should interpret FARA's terms narrowly. . . Although the government has a legitimate interest in better informing Americans about potential foreign manipulation of the U.S. political process, a broad reading of FARA's terms would sweep in a wide array of constitutionally protected speech and would likely violate the First Amendment.").

<sup>123</sup> *U.S. v. Wynn*, 104 F. 4<sup>th</sup> 348 (D.C. Cir 2024).

in constitutionally protected political speech under the First Amendment. However, court decisions addressing similar FARA requirements indicate that the disclosure and registration requirements in the bill will be upheld in any constitutional challenge.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

**Registration of Foreign Agents (Section 2)**

The bill will likely have an indeterminate, negative impact on individuals or entities who are required to register under the bill, due to expense required to collect, maintain, file, and update the information the bill requires to be provided to the Division of Elections. Further, there will be a cost associated with individuals or entities or who are penalized for noncompliance.

**Governmental Contracting with Entities of Foreign Countries of Concern (Section 5)**

The bill may have an indeterminate, negative fiscal impact on business entities impacted by the expanded contracting restrictions.

**International Relations (Section 6)**

The bill may have an indeterminate, negative fiscal impact on communities that would otherwise engage in a sister city or sister state relationship with a community in a foreign country of concern.

**Relationships between Postsecondary Institutions in Florida and Foreign Countries (Section 7)**

The bill will likely have a negative fiscal impact on students from other countries who would previously have benefited from the limited exemption for in-state residency tuition requirements.

**International Cultural Agreements (Section 8)**

The bill may have an indeterminate, negative fiscal impact on entities controlled by a foreign country of concern to the extent that they are impacted by the bill's expanded restrictions on agreements and grants.

**Protection of Critical State Infrastructure Facilities (Section 10)**

The bill may have an indeterminate, negative fiscal impact on the private sector by limiting which parties may enter into specified contracts or agreements related to critical infrastructure facilities, as well as creating fines associated with failing to register specified information related to specified contracts or agreements related to critical infrastructure facilities.

**Criminal Offenses by Foreign Agents (Section 11)**

The bill will have an indeterminate, negative fiscal impact on persons who are convicted of the reclassified criminal offenses.

**Unauthorized Enforcement of Foreign Law (Section 12)**

The bill will have an indeterminate, negative fiscal impact on persons who are convicted of violating the new prohibition on authorized enforcement of foreign law.

C. Government Sector Impact:

**Registration of Foreign Agents (Section 2)**

The bill will likely have an indeterminate, negative fiscal impact on the state due to the costs associated with developing and maintaining the registration system, as well as administrative oversight, compliance monitoring, and enforcement related to the system. However, revenue from fines imposed for violations may offset some of these costs.

**Ethics Requirements for Public Officials and Employees (Sections 3 and 4)**

The bill's expansion of the gift restriction may result in an indeterminate, negative fiscal impact on the Commission on Ethics to the extent that additional enforcement actions occur. In addition, the Commission on Ethics may incur an insignificant negative fiscal impact associated with creating the additional ethics training content and related rulemaking.

**Governmental Contracting with Entities of Foreign Countries of Concern (Section 5)**

The bill may result in an insignificant, negative fiscal impact on state and local governments. It expands contracting prohibitions related to business entities with connections to foreign countries of concern, and state agencies and local governments could incur costs associated with updating procurement procedures. Additionally, legal costs to the state may arise if enforcement actions are pursued. However, the costs can likely be absorbed within existing resources.

**International Relations (Section 6)**

The bill may have an insignificant, negative fiscal impact on the Department of State due to the creation of new publishing requirements. However, the new requirements are likely to be absorbed within existing resources.

**Relationships between Postsecondary Institutions in Florida and Foreign Countries (Section 7)**

Florida postsecondary institutions affiliated with the Florida-China Institute or that would otherwise participate in activities involving a foreign country of concern may incur an indeterminate fiscal impact.

**International Cultural Agreements (Section 8)**

The bill's expansion of restrictions on governmental agreements and grants may have an indeterminate, negative fiscal impact on governmental entities that would enter into an agreement or grant under current law.

**Protection of Critical State Infrastructure Facilities (Section 10)**

The bill may have an indeterminate fiscal impact on state government by limiting which parties may enter specified contracts relating to critical infrastructure, and by creating fines associated with failing to register specified information related to specified contracts and agreements related to critical infrastructure. The bill may have an indeterminate positive impact on jail beds by creating a misdemeanor offense related to failing to register specified information as required.

**Criminal Offenses by Foreign Agents (Section 11)**

There may be an indeterminate, negative fiscal impact to the extent that the reclassification of crimes leads to additional jail or prison bed needs. However, some costs may be offset by associated fines that are increased due to the reclassified crimes.

**Unauthorized Enforcement of Foreign Law (Section 12)**

There will likely be an indeterminate, negative fiscal impact on the criminal justice system to the extent that the new crime leads to additional prosecutions and increased need for jail or prison beds. However, some costs may be offset by associated fines.

**VI. Technical Deficiencies:**

The bill makes several references to the “Venezuelan regime of Nicolas Maduro.” Mr. Maduro, however, was captured by the United States Military on January 3, 2026. In between court proceedings, he is being held in the Metropolitan Detention Center in Brooklyn, New York. Venezuela is currently headed by Delcy Rodriguez who is described as the interim president of the country, but the United States exercises some control over the country by controlling its oil trade. Under these circumstances, it is not clear whether the “Venezuelan regime of Nicolas Maduro” continues to exist.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 112.313, 112.3142, 287.138, 288.816, 288.8175, 288.860, and 316.0078.

This bill creates the following sections of the Florida Statutes: 106.031, 692.21, 775.08255, and 775.36.

**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 Ethics and Elections (January 28, 2026)**

The committee substitute makes drafting changes to clarify language in the bill and related statutes, as well as to ensure the definitions of terms used in the bill are clear. The committee substitute also clarifies that:

- Penalties under the new state-level requirements for registration of foreign agents are for *willful* violations, to be consistent with the Florida Elections Commission's jurisdiction.
- The new course content requirements for ethics training are *in addition to* existing content requirements.

**B. Amendments:**

None.



730916

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/03/2026	.	
	.	
	.	
	.	

---

The Committee on Judiciary (Grall) recommended the following:

**Senate Amendment**

Delete line 303

and insert:

(4) (a) Beginning July 1 ~~January 1, 2026~~ 2024, a  
governmental

By the Committee on Ethics and Elections; and Senators Grall and Avila

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1 A bill to be entitled  
 2 An act relating to foreign influence; providing a  
 3 short title; creating s. 106.031, F.S.; defining  
 4 terms; requiring agents of foreign countries of  
 5 concern and foreign-supported political organizations  
 6 to register with the Division of Elections; providing  
 7 registration requirements; requiring periodic updates  
 8 by such agents and organizations; requiring foreign-  
 9 supported political organizations to register with the  
 10 division on a specified form created by the division  
 11 within a specified timeframe; providing requirements  
 12 for such forms; providing penalties; amending s.  
 13 112.313, F.S.; defining the terms "designated foreign  
 14 terrorist organization" and "foreign country of  
 15 concern"; prohibiting specified persons from  
 16 soliciting or accepting anything of value from a  
 17 designated foreign terrorist organization or a foreign  
 18 country of concern; amending s. 112.3142, F.S.;  
 19 requiring the Commission on Ethics to adopt certain  
 20 rules by a specified date; amending s. 287.138, F.S.;  
 21 revising the definition of the term "foreign country  
 22 of concern"; defining the term "foreign source of  
 23 concern"; prohibiting a governmental entity from  
 24 entering into certain contracts with certain entities  
 25 owned or partially owned by foreign sources of concern  
 26 or affiliated with a foreign country of concern;  
 27 prohibiting governmental entities from extending and  
 28 renewing certain contracts beginning on a specified  
 29 date; prohibiting governmental entities from accepting

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30 a bid on, a proposal for, or a reply to, or entering  
 31 into, contracts involving information technology or  
 32 providing access to an individual's personal  
 33 identifying information unless a certain affidavit  
 34 signed by an officer or representative is provided to  
 35 the governmental entity; amending s. 288.816, F.S.;  
 36 prohibiting certain activities encouraging  
 37 affiliations with foreign countries of concern;  
 38 requiring the Department of Commerce to publish and  
 39 update certain information on its website; amending s.  
 40 288.8175, F.S.; deleting the Florida-China Institute  
 41 from the list of linkage institutes; deleting an  
 42 exemption for linkage institutes; prohibiting a  
 43 linkage institute from entering into an agreement or  
 44 participating in an activity with a foreign country of  
 45 concern; amending s. 288.860, F.S.; requiring that  
 46 certain agreements be terminated by a specified date;  
 47 amending s. 496.404, F.S.; revising the definition of  
 48 the term "foreign source of concern"; amending s.  
 49 692.201, F.S.; revising the definition of the term  
 50 "foreign country of concern"; creating s. 692.21,  
 51 F.S.; defining terms; prohibiting governmental  
 52 entities and business entities with access to critical  
 53 infrastructure facilities from entering into certain  
 54 contracts with foreign sources of concern; requiring  
 55 business entities to register with the department by a  
 56 specified date; requiring the department to adopt  
 57 registration forms; providing requirements for such  
 58 forms; providing civil and criminal penalties;

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59 requiring certain business entities to provide a  
 60 signed affidavit to the department attesting that the  
 61 buyer or transferee of a critical infrastructure  
 62 facility is not a foreign source of concern;  
 63 prohibiting information technology from a foreign  
 64 source of concern from being used in critical  
 65 infrastructure facilities; requiring the department to  
 66 adopt rules; creating s. 775.08255, F.S.; defining  
 67 terms; providing for the reclassification of criminal  
 68 penalties under certain circumstances; providing a  
 69 mandatory minimum term of imprisonment; creating s.  
 70 775.36, F.S.; defining terms; prohibiting enforcement  
 71 of certain laws of a foreign government; providing  
 72 criminal penalties; amending s. 316.0078, F.S.;  
 73 conforming provisions to changes made by the act;  
 74 providing an effective date.

75  
 76 Be It Enacted by the Legislature of the State of Florida:

77  
 78 Section 1. This act may be cited as the "Foreign  
 79 Interference Restriction and Enforcement Act."

80 Section 2. Section 106.031, Florida Statutes, is created to  
 81 read:

82 106.031 Registration of agents and organizations associated  
 83 with foreign nations.-

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

85 (a) "Address" includes any address, no matter the location,  
 86 inside or outside of the United States.

87 (b) "Agent of a foreign country of concern" means a person:

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88 1. Who acts as an agent, an employee, a representative, or  
 89 a servant, or who otherwise acts at the order, at the request,  
 90 or under the direction or control, of a foreign country of  
 91 concern;  
 92 2. Whose actions are financed, in whole or in part, by a  
 93 foreign country of concern; and  
 94 3. Who engages in political activity.  
 95 (c) "Foreign country of concern" means the People's  
 96 Republic of China, the Russian Federation, the Islamic Republic  
 97 of Iran, the Democratic People's Republic of Korea, the Republic  
 98 of Cuba, the Venezuelan regime of Nicolás Maduro, the State of  
 99 Qatar, or the Syrian Arab Republic, including any agency of or  
 100 any other entity under significant control of such foreign  
 101 country of concern.  
 102 (d) "Foreign-supported political organization" means a  
 103 political party or a domestic partnership, an association, a  
 104 corporation, an organization, or any other business entity that  
 105 engages in political activity within this state and that:  
 106 1. Has its principal place of business in a foreign country  
 107 of concern; or  
 108 2. Is at least 20 percent beneficially owned by a foreign  
 109 country of concern, a nonresident alien from a foreign country  
 110 of concern, or an entity organized under the laws of or having  
 111 its principal place of business in a foreign country of concern.  
 112 (e) "Payment" includes compensation and disbursement made  
 113 in any form, including, but not limited to, contributions,  
 114 income, money, tangible property, and intangible property.  
 115 (f) "Political activity" means an activity that is  
 116 performed to:

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- 117 1. Influence an agency, a public official, or a local  
 118 governmental entity;
- 119 2. Influence the public in creating, adopting, or changing  
 120 state laws or government policies;
- 121 3. Support or oppose a candidate for office;
- 122 4. Influence the outcome of an election; or
- 123 5. Support or oppose any issue.
- 124 (2) (a) A person who becomes an agent of a foreign country  
 125 of concern must, within 10 days after becoming such an agent,  
 126 register with the division. The registration must be signed  
 127 under oath.
- 128 (b) The division shall create a form for the registration  
 129 required under paragraph (a). Such form must require, at a  
 130 minimum, all of the following information:
- 131 1. The registrant's name.
- 132 2. The address of the registrant's primary residence and  
 133 all other addresses associated with the registrant.
- 134 3. The name and address of the registrant's principal place  
 135 of business.
- 136 4. A detailed statement describing the nature of the  
 137 registrant's business.
- 138 5. The name of each foreign country of concern for whom the  
 139 registrant is acting, is assuming or purporting to act, or has  
 140 agreed to act.
- 141 6. A detailed statement describing the nature of the work  
 142 and the character of the business or other activities of each  
 143 foreign country of concern identified in subparagraph 5.
- 144 7. A statement detailing each time the registrant received  
 145 a payment from a foreign country of concern identified in

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- 146 subparagraph 5. within the previous 90 days. The statement must  
 147 identify the amount of the payment and the nature of such  
 148 payment.
- 149 8. The total amount of such payments the registrant has  
 150 received within the previous 90 days from a foreign country of  
 151 concern identified in subparagraph 5.
- 152 9. A detailed statement of every activity the registrant,  
 153 or a person acting on behalf of the registrant, is performing,  
 154 has performed, or has agreed to perform on behalf of a foreign  
 155 country of concern identified in subparagraph 5.
- 156 10. If the registrant is also engaged in political activity  
 157 on behalf of a person who is not associated with a foreign  
 158 country of concern but who is an agent of a foreign country of  
 159 concern, include:
- 160 a. The name, employer, business and residence addresses,  
 161 and, if applicable, nationality of such person;
- 162 b. A detailed statement of every activity the registrant,  
 163 or a person acting on behalf of the registrant, is performing,  
 164 has performed, or has agreed to perform on behalf of such  
 165 person; and
- 166 c. A statement detailing each time the registrant received  
 167 a payment from such person within the previous 90 days. The  
 168 statement must identify the amount of the payment and the nature  
 169 of the payment.
- 170 11. A detailed statement of the payments made by the  
 171 registrant during the previous 90 days in connection with  
 172 actions taken by the registrant as an agent of, on behalf of, or  
 173 in furtherance of the goals of a foreign country of concern or a  
 174 person identified in subparagraph 10.

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175 12. A detailed statement of all payments relating to  
 176 political activity made by the registrant during the previous 90  
 177 days.

178 (c) A registrant must update the information required under  
 179 paragraph (b) at least every 90 days.

180 (d) A person must register as an agent of a foreign country  
 181 of concern for any period of time he or she was engaged in such  
 182 position.

183 (3) (a) On or before January 1, 2027, each foreign-supported  
 184 political organization must register with the division.

185 (b) The division shall create a form for the registration  
 186 required under paragraph (a). The form must require, at minimum,  
 187 all of the following information:

188 1. The organization's name and mailing address and the  
 189 address of any physical office.

190 2. The names, titles, and addresses of all officers or  
 191 directors of the organization.

192 3. A detailed statement of all payments made by the  
 193 organization that would constitute political activity during the  
 194 previous calendar year.

195 4. A detailed statement of all payments made to, or  
 196 received by, the organization from a foreign country of concern  
 197 or an agent of a foreign country of concern during the previous  
 198 calendar year.

199 (c) An organization must update the information required  
 200 under paragraph (b) at least every 90 days.

201 (4) Upon finding a violation of this section, in addition  
 202 to the remedies provided in ss. 106.265 and 106.27, the Florida  
 203 Elections Commission may assess the following penalties:

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204 (a) For any willful violation, a fine of up to \$500 per  
 205 violation.

206 (b) For any repeated willful violation, a fine of up to  
 207 \$2,000 per violation.

208 Section 3. Subsections (1) and (2) of section 112.313,  
 209 Florida Statutes, are amended to read:

210 112.313 Standards of conduct for public officers, employees  
 211 of agencies, and local government attorneys.—

212 (1) DEFINITIONS DEFINITION.—As used in this section, unless  
 213 the context otherwise requires, the term:

214 (a) "Designated foreign terrorist organization" has the  
 215 same meaning as in s. 775.32.

216 (b) "Foreign country of concern" has the same meaning as in  
 217 s. 286.101(1).

218 (c) "Public officer" includes any person elected or  
 219 appointed to hold office in any agency, including any person  
 220 serving on an advisory body.

221 (2) SOLICITATION OR ACCEPTANCE OF GIFTS.—

222 (a) A ~~Ne~~ public officer, an employee of an agency, a local  
 223 government attorney, or a candidate for nomination or election  
 224 may not ~~shall~~ solicit or accept anything of value to the  
 225 recipient, including a gift, loan, reward, promise of future  
 226 employment, favor, or service, based upon any understanding that  
 227 the vote, official action, or judgment of the public officer,  
 228 employee, local government attorney, or candidate would be  
 229 influenced thereby.

230 (b) A public officer, an employee of an agency, a local  
 231 government attorney, or a candidate for nomination or election  
 232 may not solicit or accept anything of value to the recipient,

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233 including a gift, loan, reward, promise of future employment,  
 234 favor, or service, for any purpose, including, but not limited  
 235 to, a gift from a designated foreign terrorist organization or  
 236 any person or entity representing or acting on behalf of a  
 237 foreign terrorist organization, or travel costs or any  
 238 reimbursement for costs of attending a conference or other  
 239 event, from a foreign country of concern or any of its  
 240 subdivisions, or from any person or entity representing or  
 241 acting on behalf of a foreign country of concern or any of its  
 242 subdivisions.

243 Section 4. Paragraph (e) of subsection (2) of section  
 244 112.3142, Florida Statutes, is amended to read:

245 112.3142 Ethics training for specified constitutional  
 246 officers, elected municipal officers, commissioners of community  
 247 redevelopment agencies, and elected local officers of  
 248 independent special districts.—

249 (2)

250 (e) The commission shall adopt rules establishing minimum  
 251 course content for the portion of an ethics training class which  
 252 addresses s. 8, Art. II of the State Constitution and the Code  
 253 of Ethics for Public Officers and Employees. By November 1,  
 254 2026, the commission shall adopt revised rules to supplement the  
 255 minimum course content, including all of the following:

256 1. Known efforts by foreign countries of concern to target  
 257 and influence subnational governments, including, but not  
 258 limited to, the Chinese Communist Party's United Front strategy.

259 2. How to identify, recognize, and report suspected foreign  
 260 influence campaigns.

261 3. Prohibitions on receiving gifts from foreign countries

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262 of concern as defined in s. 287.138 or designated foreign  
 263 terrorist organizations as defined in s. 775.32.

264 Section 5. Present paragraph (d) of subsection (1) of  
 265 section 287.138, Florida Statutes, is redesignated as paragraph  
 266 (e), a new paragraph (d) is added to that subsection, and  
 267 paragraph (c) of subsection (1) and subsections (2), (3), and  
 268 (4) of that section are amended, to read:

269 287.138 Contracting with entities of foreign sources and  
 270 countries of concern prohibited.—

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

272 (c) "Foreign country of concern" means the People's  
 273 Republic of China, the Russian Federation, the Islamic Republic  
 274 of Iran, the Democratic People's Republic of Korea, the Republic  
 275 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian  
 276 Arab Republic, including any agency of or any other entity under  
 277 significant control of such foreign country of concern.

278 (d) "Foreign source of concern" has the same meaning as in  
 279 s. 496.404.

280 (2) (a) A governmental entity may not knowingly enter into a  
 281 contract with an entity in which a foreign source of concern has  
 282 an ownership or controlling interest if the contract would give  
 283 access to an individual's personal identifying information.

284 (b) A governmental entity may not enter into a contract for  
 285 information technology as defined in s. 282.0041, or for any  
 286 services related to information technology, with an entity in  
 287 which a foreign source of concern has an ownership or  
 288 controlling interest or through a third-party seller when the  
 289 information technology is designed, manufactured, or assembled  
 290 by any entity in which a foreign source of concern has an

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291 ownership or controlling interest if:

292 ~~(a) The entity is owned by the government of a foreign~~  
 293 ~~country of concern;~~

294 ~~(b) The government of a foreign country of concern has a~~  
 295 ~~controlling interest in the entity; or~~

296 ~~(c) The entity is organized under the laws of or has its~~  
 297 ~~principal place of business in a foreign country of concern.~~

298 (3) Beginning July 1, 2026 ~~2025~~, a governmental entity may  
 299 not extend or renew a contract with an entity listed in  
 300 subsection (2) paragraphs (2)(a)-(e) if the contract would give  
 301 such entity access to an individual's personal identifying  
 302 information.

303 (4)(a) Beginning January 1, 2026 ~~2024~~, a governmental  
 304 entity may not accept a bid on, a proposal for, or a reply to,  
 305 or enter into, a contract with an entity which would grant the  
 306 entity access to an individual's personal identifying  
 307 information or involve information technology unless the entity  
 308 provides the governmental entity with an affidavit signed by an  
 309 officer or representative of the entity under penalty of perjury  
 310 attesting that the entity does not meet any of the criteria in  
 311 subsection (2) paragraphs (2)(a)-(e).

312 (b) Beginning July 1, 2026 ~~2025~~, when an entity extends or  
 313 renews a contract with a governmental entity which would grant  
 314 the entity access to an individual's personal identifying  
 315 information, the entity must provide the governmental entity  
 316 with an affidavit signed by an officer or a representative of  
 317 the entity under penalty of perjury attesting that the entity  
 318 does not meet any of the criteria in subsection (2) paragraphs  
 319 ~~(2)(a)-(e)~~.

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320 Section 6. Paragraph (a) of subsection (3) of section  
 321 288.816, Florida Statutes, is amended, and subsection (7) is  
 322 added to that section, to read:

323 288.816 Intergovernmental relations.—

324 (3) The state protocol officer may:

325 (a) Coordinate and carry out activities designed to  
 326 encourage the state and its subdivisions to participate in  
 327 sister city and sister state affiliations with foreign countries  
 328 and their subdivisions. Such activities may include a State of  
 329 Florida sister cities conference. Such activities may not  
 330 include encouragement of any affiliations with foreign countries  
 331 of concern as defined in s. 288.860 or their subdivisions.

332 (7) The department shall publish on its website, to be  
 333 updated quarterly, the following information:

334 (a) A current and accurate list of all foreign consulate  
 335 offices.

336 (b) A current and accurate list of all sister city and  
 337 sister state affiliations, including a copy of all such  
 338 agreements.

339 Section 7. Subsections (3), (4), and (5) of section  
 340 288.8175, Florida Statutes, are amended, and a new subsection  
 341 (7) is added to that section, to read:

342 288.8175 Linkage institutes between postsecondary  
 343 institutions in this state and foreign countries.—

344 (3) Each institute must be co-administered in this state by  
 345 a university-community college partnership, ~~as designated in~~  
 346 ~~subsection (5)~~, and must have a private sector and public sector  
 347 advisory committee. The advisory committee must be  
 348 representative of the international education and commercial

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349 interests of the state and may have members who are native to  
 350 the foreign country partner. Six members must be appointed by  
 351 the Department of Education. The Department of Education must  
 352 appoint at least one member who is an international educator.  
 353 The presidents, or their designees, of the participating  
 354 university and community college must also serve on the advisory  
 355 committee.

(4) The institutes are:

(a) Florida-Brazil Institute (University of Florida and  
 358 Miami Dade College).

(b) Florida-Costa Rica Institute (Florida State University  
 360 and Valencia College).

(c) Florida Caribbean Institute (Florida International  
 362 University and Daytona State College).

(d) Florida-Canada Institute (University of Central Florida  
 364 and Palm Beach State College).

~~(e) Florida-China Institute (University of West Florida,  
 366 University of South Florida, and Eastern Florida State College).~~

(e)(f) Florida-Japan Institute (University of South  
 368 Florida, University of West Florida, and St. Petersburg  
 369 College).

(f)(g) Florida-France Institute (New College of the  
 371 University of South Florida, Miami Dade College, and Florida  
 372 State University).

(g)(h) Florida-Israel Institute (Florida Atlantic  
 374 University and Broward College).

(h)(i) Florida-West Africa Institute (Florida Agricultural  
 376 and Mechanical University, University of North Florida, and  
 377 Florida State College at Jacksonville).

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378 (i)(j) Florida-Eastern Europe Institute (University of  
 379 Central Florida and Lake-Sumter State College).

380 (j)(k) Florida-Mexico Institute (Florida International  
 381 University and Polk State College).

382 ~~(5) Each institute is allowed to exempt from s. 1009.21 up  
 383 to 25 full-time equivalent students per year from the respective  
 384 host countries to study in any of the state universities or  
 385 community colleges in this state as resident students for  
 386 tuition purposes. The institute directors shall develop  
 387 criteria, to be approved by the Department of Education, for the  
 388 selection of these students. Students must return home within 3  
 389 years after their tenure of graduate or undergraduate study for  
 390 a length of time equal to their exemption period.~~

(7) A linkage institute may not enter into any agreement or  
 392 participate in any activities with a foreign country of concern  
 393 as defined in s. 288.860 or any organization in a foreign  
 394 country of concern.

395 Section 8. Subsection (2) of section 288.860, Florida  
 396 Statutes, is amended to read:

288.860 International cultural agreements.—

398 (2) (a) A state agency, political subdivision, or public  
 399 school authorized to expend state-appropriated funds or levy ad  
 400 valorem taxes may not participate in any agreement with or  
 401 accept any grant from a foreign country of concern or its  
 402 subdivisions, or any entity controlled by a foreign country of  
 403 concern.

404 (b) All agreements under paragraph (a), including, but not  
 405 limited to, sister city agreements, are terminated as of July 1,  
 406 2026, which:

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407 ~~(a) Constrains the freedom of contract of such public~~  
 408 ~~entity;~~  
 409 ~~(b) Allows the curriculum or values of a program in the~~  
 410 ~~state to be directed or controlled by the foreign country of~~  
 411 ~~concern; or~~  
 412 ~~(c) Promotes an agenda detrimental to the safety or~~  
 413 ~~security of the United States or its residents. Before the~~  
 414 ~~execution of any cultural exchange agreement with a foreign~~  
 415 ~~country of concern, the substance of the agreement must be~~  
 416 ~~shared with federal agencies concerned with protecting national~~  
 417 ~~security or enforcing trade sanctions, embargoes, or other~~  
 418 ~~restrictions under federal law. If such federal agency provides~~  
 419 ~~information suggesting that such agreement promotes an agenda~~  
 420 ~~detrimental to the safety or security of the United States or~~  
 421 ~~its residents, the public entity may not enter into the~~  
 422 ~~agreement.~~

423 Section 9. Paragraphs (e) and (f) of subsection (14) of  
 424 section 496.404, Florida Statutes, are amended, and paragraph  
 425 (g) is added to that subsection, to read:  
 426 496.404 Definitions.—As used in ss. 496.401-496.424, the  
 427 term:  
 428 (14) “Foreign source of concern” means any of the  
 429 following:  
 430 (e) An agent, including a subsidiary or an affiliate of a  
 431 foreign legal entity, acting on behalf of a foreign source of  
 432 concern; ~~or~~  
 433 (f) An entity in which a person, entity, or collection of  
 434 persons or entities described in paragraphs (a)-(e) has a  
 435 controlling interest. As used in this paragraph, the term

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436 “controlling interest” means the possession of the power to  
 437 direct or cause the direction of the management or policies of  
 438 an entity, whether through ownership of securities, by contract,  
 439 or otherwise. A person or an entity that directly or indirectly  
 440 has the right to vote 25 percent or more of the voting interest  
 441 of the company or is entitled to 25 percent or more of its  
 442 profits is presumed to possess a controlling interest; or  
 443 (g) A designated foreign terrorist organization as defined  
 444 in s. 775.32 or an agent acting on behalf of a designated  
 445 foreign terrorist organization.

446 Section 10. Subsection (3) of section 692.201, Florida  
 447 Statutes, is amended to read:  
 448 692.201 Definitions.—As used in this part, the term:  
 449 (3) “Foreign country of concern” means the People’s  
 450 Republic of China, the Russian Federation, the Islamic Republic  
 451 of Iran, the Democratic People’s Republic of Korea, the Republic  
 452 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian  
 453 Arab Republic, including any agency of or any other entity under  
 454 of significant control of such foreign country of concern.

455 Section 11. Section 692.21, Florida Statutes, is created to  
 456 read:  
 457 692.21 Protection of state critical infrastructure  
 458 facilities from a foreign source of concern.—  
 459 (1) As used in this section, the term:  
 460 (a) “Business entity” has the same meaning as in s.  
 461 112.312.  
 462 (b) “Foreign source of concern” has the same meaning as in  
 463 s. 496.404.  
 464 (c) “Governmental entity” has the same meaning as in s.

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465 287.138.

466 (2) (a) A governmental entity or a business entity  
 467 constructing, repairing, operating, or otherwise having  
 468 significant access to a critical infrastructure facility may not  
 469 enter into a contract or other agreement relating to a critical  
 470 infrastructure facility in this state with a foreign source of  
 471 concern if the contract or agreement authorizes the foreign  
 472 source of concern to directly or remotely access or otherwise  
 473 control such critical infrastructure facility.

474 (b) A foreign source of concern may not enter into a  
 475 contract or other agreement relating to critical infrastructure  
 476 facilities in this state with a business entity constructing,  
 477 repairing, operating, or otherwise having significant access to  
 478 critical infrastructure facilities, or a governmental entity, if  
 479 the contract or agreement authorizes the foreign source of  
 480 concern to directly or remotely access or otherwise control such  
 481 critical infrastructure facility.

482 (3) (a) Beginning January 1, 2027, a business entity  
 483 constructing, repairing, operating, or otherwise having  
 484 significant access to a critical infrastructure facility in this  
 485 state which entered into a contract or other agreement before  
 486 July 1, 2026, with a foreign source of concern relating to such  
 487 critical infrastructure facility must register with the  
 488 Department of Commerce by January 1 of each year for the  
 489 remainder of the term of the contract or agreement with the  
 490 foreign source of concern relating to such critical  
 491 infrastructure facility. The Department of Commerce shall adopt  
 492 a registration form that includes all of the following:

493 1. The name of the business entity constructing, repairing,

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

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494 operating, or otherwise having significant access to critical  
 495 infrastructure facilities in this state.

496 2. The address of the critical infrastructure facility the  
 497 business entity is constructing, repairing, or operating or to  
 498 which the business entity otherwise has significant access.

499 3. A description of the specific terms of the contract or  
 500 agreement which authorizes a foreign source of concern to engage  
 501 in constructing, repairing, or operating or to otherwise have  
 502 significant access to such critical infrastructure facility.

503 (b) A business entity that violates paragraph (a):

504 1. Is subject to a civil penalty of \$1,000 for each day the  
 505 violation continues.

506 2. Commits a misdemeanor of the second degree, punishable  
 507 as provided in s. 775.082 or s. 775.083.

508 (4) Before commencing any sale or other transfer of control  
 509 of a critical infrastructure facility in this state, the  
 510 business entity selling or otherwise transferring control of  
 511 such critical infrastructure facility must provide an affidavit,  
 512 signed under penalty of perjury, to the Department of Commerce  
 513 attesting that the buyer or transferee is not a foreign source  
 514 of concern.

515 (5) Information technology as defined in s. 282.0041  
 516 produced or manufactured by a foreign source of concern or a  
 517 company under the direction or control of a foreign source of  
 518 concern may not be used in a critical infrastructure facility  
 519 located in or serving this state.

520 (6) The Department of Commerce shall adopt rules to  
 521 implement this section.

522 Section 12. Section 775.08255, Florida Statutes, is created

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

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523 to read:

524 775.08255 Offenses by foreign agents; reclassification.-

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

526 (a) "Agent of a foreign government or designated foreign  
527 terrorist organization" means a person acting on behalf of or  
528 otherwise employed or controlled by a foreign government or a  
529 designated foreign terrorist organization.530 (b) "Designated foreign terrorist organization" has the  
531 same meaning as provided in s. 775.32.532 (c) "Foreign government" has the same meaning as provided  
533 in s. 286.101.534 (2) The penalty for any misdemeanor or felony may be  
535 reclassified if the commission of such misdemeanor or felony was  
536 for the purpose of benefiting, promoting, or furthering the  
537 interests of a foreign government, a designated foreign  
538 terrorist organization, or an agent of a foreign government or  
539 designated foreign terrorist organization. The reclassification  
540 is as follows:541 (a) A misdemeanor of the second degree is reclassified to a  
542 misdemeanor of the first degree.543 (b) A misdemeanor of the first degree is reclassified to a  
544 felony of the third degree.545 (c) A felony of the third degree is reclassified to a  
546 felony of the second degree.547 (d) A felony of the second degree is reclassified to a  
548 felony of the first degree.549 (e) A felony of the first degree is reclassified to a life  
550 felony.551 (3) In addition to any other penalties prescribed by law, a

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552 person convicted of a felony of the first degree or a life  
553 felony under this section shall be sentenced to a minimum term  
554 of imprisonment of 15 years.555 Section 13. Section 775.36, Florida Statutes, is created to  
556 read:557 775.36 Unauthorized enforcement of foreign law.-

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

559 (a) "Agent of a foreign government or designated foreign  
560 terrorist organization" means a person acting on behalf of or  
561 otherwise employed or controlled by a foreign government or a  
562 designated foreign terrorist organization.563 (b) "Designated foreign terrorist organization" has the  
564 same meaning as provided in s. 775.32.565 (c) "Foreign government" has the same meaning as in s.  
566 286.101.567 (2) Without the approval of this state or the United  
568 States, a person may not:569 (a) Prevent another person in this state from violating the  
570 laws of a foreign government which are not also the laws of this  
571 state or the United States; or572 (b) Investigate, monitor, or surveil another person in this  
573 state for the purpose of preventing the other person from  
574 violating the laws of a foreign government that are not also the  
575 laws of this state or the United States.576 (3) A person who violates this section commits a felony of  
577 the third degree, punishable as provided in s. 775.082, s.  
578 775.083, or s. 775.084. However, a person who violates this  
579 section for the purpose of benefiting, promoting, or furthering  
580 the interests of a foreign government, a designated foreign

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581 terrorist organization, or an agent of a foreign government or  
582 designated foreign terrorist organization commits a felony of  
583 the second degree, punishable as provided in s. 775.082, s.  
584 775.083, or s. 775.084.

585 Section 14. Subsection (1) of section 316.0078, Florida  
586 Statutes, is amended to read:

587 316.0078 Prohibition on contracting for camera systems of  
588 vendors of foreign countries of concern.—

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

590 (a) "Controlling interest" has the same meaning as in s.  
591 287.138. and

592 (b) "Foreign country of concern" means the People's  
593 Republic of China, the Russian Federation, the Islamic Republic  
594 of Iran, the Democratic People's Republic of Korea, the Republic  
595 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian  
596 Arab Republic, including any agency of or any other entity under  
597 significant control of such foreign country of concern ~~have the~~  
598 ~~same meanings as in s. 287.138(1).~~

599 Section 15. This act shall take effect July 1, 2026.



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 29, 2026

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I respectfully request that **Senate Bill #1178**, relating to Foreign Influence, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall".

---

Senator Erin Grall  
Florida Senate, District 29

The Florida Senate

APPEARANCE RECORD

Feb 3 2026

Meeting Date

S.B. 1178

Bill Number or Topic

Senate Judiciary

Committee

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

Amendment Barcode (if applicable)

Name Michael Lucci

Phone 312-980-1197

Address 301 S. Riverside Suite 1625

Email Michael@statearmor.org

City Chicago IL

Zip 60606

Speaking:  For  Against  Information

OR

Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

State Armor Action

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

02/03/26

Meeting Date

1178

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name DAVID COLLINS

Phone 352-474-0584

Address 1919 PENNSYLVANIA AVE, NW, WASHINGTON DC 20538

Email DAVID.COLLINS@EMAIL.GWU.EDU

Washington D.C. 20538
City State Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

George Washington University - Program on Extremism

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/2026  
Meeting Date

1178

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Marina Mackelin

Phone 540-229-6474

Address 400 17th St NW St 1200  
Street

Email MOM@americanglobalstrategies.com

City Washington

State DC

Zip 20006

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Feb. 3, 2026

Meeting Date

1178

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Kelley Currie

Phone

202 352 0945

Address

3630 Chesapeake St. NW

Street

Email

kelley@kiloalpha  
strategies.com

Washington DC 20008

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

State Armor

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1366

INTRODUCER: Senator Brodeur and Senator Rouson

SUBJECT: Claims Against the Government

DATE: February 3, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	<b>Favorable</b>
2.			AP	
3.			RC	

---

**I. Summary:**

SB 1366 revises the statutory cap, attorney fee, and filing timeframe provisions of s. 768.28, F.S., which is the state’s limited waiver of sovereign immunity statute.

Under common law, the state and its agencies and subdivisions (i.e. the “sovereign”) are immune from lawsuits for the tortious conduct of their agents and employees. However, the statute modifies the common law by generally allowing for suits in tort against the state and its agencies and subdivisions but generally limits the payment of claims and the collectability of judgments absent the approval of a claim bill by the Legislature.

Specifically, the bill:

- Increases the statutory caps on payment of claims or the collectability of judgments against the state or its agencies or subdivisions, from \$200,000 per person and \$300,000 per incident, to \$300,000 per person and \$450,000 per incident.
- Requires the Department of Financial Services to adjust, beginning July 1, 2031, and every 5 years thereafter, the limitations of liability in the statute to reflect changes in the Consumer Price Index.
- Provides that the Legislature has the sole discretion to determine attorney fees and costs that are payable from the proceeds of a claim bill.
- Revises certain statutes of limitation and presuit procedures for certain types of claims against government entities, including claims for negligence, contribution, medical malpractice, wrongful death, and sexual battery on victims under 16 years of age.
- Provides that it applies to causes of action accruing on or after October 1, 2026.

The bill takes effect October 1, 2026.

## II. Present Situation:

### Civil Tort Action

One of the goals of the civil justice system is to redress tortious conduct, or “torts.” A tort is a wrong for which the law provides a remedy. Torts are generally divided into two categories, as follows:

- An intentional tort, examples of which include an assault, battery, or false imprisonment.
- Negligence, which is a tort that is unintentionally committed. To prevail in a negligence lawsuit, the party seeking the remedy, the “plaintiff,” must demonstrate that the:
  - Defendant had a legal duty of care requiring the defendant to conform to a certain standard of conduct for the protection of others, including the plaintiff, against unreasonable risks.
  - Defendant breached his or her duty of care by failing to conform to the required standard.
  - Defendant’s breach caused the plaintiff to suffer an injury.
  - Plaintiff suffered actual damage or loss resulting from such injury.<sup>1</sup>

### Sovereign Immunity

Sovereign immunity is a principle under which a government cannot be sued without its consent.<sup>2</sup> Article X, s. 13 of the Florida Constitution allows the Legislature to waive this immunity. Consistent with this provision, Florida law allows for suits in tort against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting within the scope of their employment.<sup>3</sup> This liability exists only where a private person would be liable for the same conduct. The waiver of sovereign immunity provided under s. 768.28, F.S., applies only to “injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee’s office or employment.”<sup>4</sup>

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken within the scope of their employment, unless the damages result from the employee’s acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.<sup>5</sup> A government entity is not liable for any damages resulting from actions by an employee outside the scope of his or her employment, and is not liable for damages resulting from actions committed by the employee in

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<sup>1</sup> *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508, 513-14 (Fla. 2020).

<sup>2</sup> Cornell Law School, Legal Information Institute, *Sovereign immunity*, <https://www.law.cornell.edu/wex/sovereign-immunity> (last visited Jan. 28, 2026). Sovereign immunity is a common law doctrine under which a sovereign cannot be sued in its courts without its consent. *Id.* The doctrine had its origin with the judge-made law of England. During English feudal times, the king was the sovereign. One could not sue the king in his own courts; hence the phrase, “the king can do no wrong.” *Id.*; see also *Cauley v. City of Jacksonville*, 403 So. 2d 379, 381 (Fla. 1981). Today, the term “sovereign” in Florida refers to state agencies and subdivisions including local governments.

<sup>3</sup> Section 768.28(1), F.S.

<sup>4</sup> *City of Pembroke Pines v. Corrections Corp. of America, Inc.*, 274 So. 3d 1105, 1112 (Fla. 4<sup>th</sup> DCA 2019) (quoting s. 768.28(1), F.S.) (internal punctuation omitted).

<sup>5</sup> Section 768.28(9)(a), F.S.

bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.<sup>6</sup>

### ***Statutory Caps on Recovery of Damages***

Section 768.28(5), F.S., caps damages recoverable in a tort action against a state or local governmental entity at \$200,000 per person and \$300,000 per incident.<sup>7</sup> Although a court may enter an excess judgment, absent a claim bill passed by the Legislature or private insurance, a claimant may not actually collect more than the caps provide.<sup>8</sup>

### ***State Agency***

A state agency means any department, agency, or instrumentality of a state or of a political subdivision of a state. Generally, a state agency is a government department, office, or board that operates within a state; state agencies are responsible for carrying out laws enacted by the state legislature.<sup>9</sup> Some examples of current state agencies include the Agency for Health Care Administration, the Department of Management Services, the Florida Department of Agriculture and Consumer Services, the Florida Department of Environmental Protection, and the University of South Florida.<sup>10</sup>

### ***Subdivision***

A political subdivision is a separate legal entity of the State which usually has specific governmental functions.<sup>11</sup> Section 218.077(1)(f), F.S., defines a political subdivision as a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law. Local governments are incorporated by special acts of the Florida Legislature and include counties, municipalities, school districts, and special districts.<sup>12</sup>

### ***Legislative Claim Bill***

A plaintiff may recover an amount greater than the caps described in s. 768.28(5), F.S., by way of a legislative claim bill. A claim bill is not an action at law, but rather is a legislative measure that directs the Chief Financial Officer, or if appropriate, a unit of local government, to pay a specific sum of money to a claimant to satisfy an equitable or moral obligation.<sup>13</sup> Such obligations typically arise from the negligence of officers or employees of the State or a local governmental entity.<sup>14</sup> Legislative claim bills are typically pursued after procurement of a judgment or settlement in an action at law where the full amount of damages awarded cannot be

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<sup>6</sup> *Id.*

<sup>7</sup> Section 768.28(5), F.S.

<sup>8</sup> *Breaux v. City of Miami Beach*, 899 So. 2d 1059, 1061 fn. 2 (Fla. 2005).

<sup>9</sup> Sections 20.02(1) and 20.03(1), F.S.

<sup>10</sup> Florida Executive Office of the Governor, *Info Center: State Agencies*, <https://www.flgov.com/eog/info/agencies> (last visited Jan. 28, 2026).

<sup>11</sup> Social Security Administration, *How to Determine an Entity's Legal Status*, [https://www.ssa.gov/section218training/advanced\\_course\\_9.htm#3](https://www.ssa.gov/section218training/advanced_course_9.htm#3) (last visited Jan. 28, 2026).

<sup>12</sup> Susan A. MacManus, et al, *Politics in Florida* (4<sup>th</sup> ed. 2015).

<sup>13</sup> *Wagner v. Orange Cty.*, 960 So. 2d 785, 788 (Fla. 5<sup>th</sup> DCA 2007).

<sup>14</sup> *Id.*

satisfied because of statutory caps.<sup>15</sup> The amount awarded is based on the Legislature's concept of fair treatment of a person who has been injured or damaged but who is without a complete judicial remedy or who is not otherwise compensable.<sup>16</sup> Unlike civil judgments, claim bills are not obtainable by right; rather, they are granted as a matter of legislative grace.<sup>17</sup>

Once a legislative claim bill is formally introduced, a special master<sup>18</sup> usually conducts a hearing.<sup>19</sup> This hearing may resemble a trial during which the claimant offers testimony as well as documentary and physical evidence necessary to establish the claim. Trial records may be substituted for witness testimony. Testifying witnesses are sworn and subject to cross-examination.<sup>20</sup> A respondent may present a defense to contest the claim, and the special master may then prepare a report with an advisory recommendation to the Legislature if the bill is placed on an agenda.<sup>21</sup>

Alternatively, a government entity may, without the need for a claim bill, settle a claim or pay a judgment against it for an amount in excess of the caps in s. 768.28, F.S., but only if that amount is within the limits of its insurance coverage.<sup>22</sup>

### ***Claim Bill Attorney Fees Cap***

Section 768.28(8), F.S., provides that no attorney may charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any judgment or settlement. Fees contingent upon the outcome of any specific legislative action are generally prohibited by s. 11.047(2), F.S., except in the case of claim bills. It is considered a conflict of interest for a legislator to file a claim bill if that legislator, or the legislator's law partner, would receive a fee for services.<sup>23</sup>

In 2017, the Florida Supreme Court issued its opinion in *Searcy, Denney, Scarola, Barnhart & Shipley v. Florida*.<sup>24</sup> In that case, the Legislature passed a claim bill that authorized payment of \$15 million to a child whose family obtained a \$28.3 million negligence judgment against a state hospital. The law firm that had assisted the family in obtaining the judgment and claim bill petitioned for approval of a closing statement authorizing payment of \$2.5 million in attorney fees.<sup>25</sup>

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<sup>15</sup> See generally *City of Miami v. Valdez*, 847 So. 2d 1005 (Fla. 3d DCA 2003).

<sup>16</sup> *Wagner*, 960 So. 2d at 788 (internal citation omitted).

<sup>17</sup> *United Servs. Auto. Ass'n v. Phillips*, 740 So. 2d 1205, 1209 (Fla. 2d DCA 1999).

<sup>18</sup> The "Special Master" is a role appointed by the Senate President and the Speaker of the House of Representatives, respectively. The special master oversees factfinding, which may include holding a *de novo* hearing on the claim which is administrative in nature, and may prepare a report and recommendation to the respective chamber. See *Legislative Claim Bill Manual*, 8-10 (Nov. 2024), available at <https://www.flsenate.gov/PublishedContent/ADMINISTRATIVEPUBLICATIONS/leg-claim-manual.pdf>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Section 768.28(5), F.S.

<sup>23</sup> *Legislative Claim Bill Manual*, 4 (Nov. 2024), available at <https://www.flsenate.gov/PublishedContent/ADMINISTRATIVEPUBLICATIONS/leg-claim-manual.pdf>.

<sup>24</sup> 209 So. 3d 1181 (Fla. 2017).

<sup>25</sup> *Id.* at 1184-86.

The Fifteenth Judicial Circuit Court denied the request for fees pursuant to a provision of the claim bill that limited fees to \$100,000. The Fourth District Court of Appeal affirmed.<sup>26</sup> However, the Supreme Court majority reversed, holding that although the Legislature has complete discretion in its decision whether to grant a legislative claim bill, which is an act of grace, impairing a preexisting contract between the claimant and a law firm for attorney fees was unconstitutional.<sup>27</sup> The dissent disagreed, noting that the enactment of s. 768.28, F.S., did not undermine the reasoning in the Court's earlier decision in *Gamble v. Wells*, which concluded that the Legislature was in no way bound to pass legislation conforming with the provisions of a prior contingent fee contract.<sup>28</sup> Moreover, because the parties explicitly anticipated and agreed in the fee agreement to an award of fees as limited by Florida law and in the amount provided by law, there could be no unconstitutional impairment of contract.<sup>29</sup>

### **Accrual of a Claim**

An important date for the purpose of a claim bill is the date a claim accrues. Under s. 95.031(1), F.S., a claim accrues when the last element constituting the cause of action occurs. In a negligence claim, the cause of action accrues “upon the happening of an accident and the attendant injuries.”<sup>30</sup> Further, s. 768.28(6)(b), F.S., specifies that the requirements of notice to an agency and denial of the claim required under sovereign immunity are not deemed to be elements of the cause of action and do not affect the date on which the cause of action accrues.

### **Statutes of Limitations**

A statute of limitations is an absolute bar to the filing of a lawsuit after a date set by law. A statute of limitations specifies when such time period begins, how long the limitation period runs, and the circumstances by which the running of the statute may be “tolled,” or suspended. A statute of limitations usually begins to run when a cause of action accrues, which generally, is when the harm occurs.

Section 95.11(5)(a), F.S., currently provides that general actions against a private citizen or entity founded on negligence are subject to a 2-year statute of limitations. This limitations period was recently reduced from 4 years to 2 years in ch. 2023-15, s. 3, Laws of Florida. But general actions based on negligence against the government remain subject to a 4-year statute of limitations.<sup>31</sup>

### **Contribution**

Section 768.31, F.S., provides for the right to contribution. Generally, contribution is a legal action that allows a tortfeasor to collect from others responsible for the same tort after the tortfeasor has paid more than his or her pro rata share of the damages. No single tortfeasor is compelled to make contribution beyond his or her own pro rata share of the entire liability.<sup>32</sup>

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<sup>26</sup> *Id.* at 1186-88.

<sup>27</sup> *Id.* at 1188-97.

<sup>28</sup> *Id.* at 1197 (Canady, J., dissenting).

<sup>29</sup> *Id.* at 1198-99 (Polston, J., dissenting).

<sup>30</sup> *Dep't. of Transp. v. Soldovere*, 519 So. 2d 616, 616 (Fla. 1988).

<sup>31</sup> Section 768.28(14), F.S.

<sup>32</sup> Section 768.31(2)(b), F.S.

An action for contribution must be filed within 1 year after the judgment has become final by lapse of time for appeal or after appellate review.<sup>33</sup>

### ***Medical Malpractice***

Section 766.102, F.S., provides for the recovery of damages based on the death or personal injury of any person in which it is alleged the injury resulted from the negligence of a health care provider. In a medical malpractice case, the claimant has the burden of proving by a greater weight of the evidence that the alleged actions of the provider represented a breach in the prevailing professional standard of care for that healthcare provider.<sup>34</sup>

An action for medical malpractice must be filed within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence.<sup>35</sup> However, generally, no medical malpractice action may be filed more than 4 years after the date of the incident or occurrence out of which the cause of action accrued.<sup>36</sup>

### ***Wrongful Death***

Generally, an action for wrongful death may be brought when a person dies due to the wrongful act, negligence, default, or breach of contract or warranty of any person, and the event would have entitled the person injured to bring an action and recover damages if the death had not ensued.<sup>37</sup> An action for wrongful death must be initiated within 2 years after the death of the subject person.<sup>38</sup>

### ***Civil Claim for Sexual Battery***

Section 794.011, F.S., establishes the criminal offense of sexual battery. Pursuant to statute, sexual battery means oral, anal, or female genital penetration, by or union with, the sexual organ of another or the anal or female genital penetration of another by any other object. The definition of sexual battery, however, does not include an act done for a bona fide medical purpose. Sexual battery by an adult (18 years of age or older) upon another adult is a first-degree felony punishable, in general, by imprisonment for up to 30 years and a fine of up to \$10,000.<sup>39</sup> The penalties for sexual battery are increased for victims under the age of 18, vulnerable victims, and habitual offenders.

Section 95.11, F.S., provides statutes of limitation for various types of civil actions. In 2010, the Legislature amended s. 95.11, F.S., to remove any statute of limitations applying to a civil action against a private entity for sexual battery if the victim was under 16 at the time of the crime.<sup>40</sup>

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<sup>33</sup> Section 768.31(4)(c), F.S.

<sup>34</sup> Section 766.102(1), F.S.

<sup>35</sup> Section 95.11(5)(c), F.S.

<sup>36</sup> *Id.*

<sup>37</sup> Section 768.19, F.S.

<sup>38</sup> Section 95.11(5)(e), F.S.

<sup>39</sup> Section 794.011(4)(b), F.S. (referencing ss. 775.082, F.S. and 775.083, F.S.).

<sup>40</sup> Chapter 2010-54, s. 1, Laws of Fla. (codifying s. 95.11(9), F.S.).

The Legislature provided, however, that this amendment would not resuscitate any civil claims that were already barred by the statute of limitations at the time.<sup>41</sup>

### **Presuit Procedures**

Before a claimant files a lawsuit against a government entity, the claimant generally must present the claim in writing to the government entity within a time period prescribed by law, which is generally 3 years.<sup>42</sup> If the claim is brought against the state, the claimant must also present the claim to the Department of Financial Services. The government entity generally then has 6 months to review the claim. If the government entity does not dispose of the claim within that 6-month period, the claimant may generally proceed with the lawsuit.<sup>43</sup>

### **Private Correctional Facility Vendor Indemnification**

Pursuant to s. 944.713, F.S., a private vendor who submits a bid to contract for the construction, lease, or operation of a correctional facility to the state must provide proof of certain insurance coverage to cover liability for any claim or judgment which arises. Under current law, such private vendor must provide insurance for claims up to \$100,000 for a single person or \$200,000 for the total aggregate claims arising out of a single incident or occurrence.<sup>44</sup>

A “contractor-operated correctional facility” is defined as any facility, which is not operated by the Florida Department of Corrections, for the incarceration of adults or juveniles who have been sentenced by a court and committed to the custody of the department.<sup>45</sup>

## **III. Effect of Proposed Changes:**

### **Amendments to the Waiver of Sovereign Immunity Statute**

**Section 1** of the bill revises the statutory cap, attorney fee, and filing timeframe provisions of s. 768.28, F.S., which is the waiver of sovereign immunity statute.

#### ***Statutory Caps***

The bill amends s. 768.28(5), F.S., which allows for suits in tort against the state and its agencies and subdivisions subject to statutory caps.

Specifically, the bill increases the statutory caps on the payment of claims or the collectability of judgments against the state or its agencies or subdivisions, from \$200,000 per person and \$300,000 per incident, to \$300,000 per person and \$450,000 per incident. It also provides that when determining liability limits for a claim, the caps in effect on the date the claim accrues will apply to the underlying claim.

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<sup>41</sup> *Id.* (“This subsection applies to any such action other than one which would have been time barred on or before July 1, 2010”).

<sup>42</sup> *See* s. 768.28(6)(a), F.S.

<sup>43</sup> *See* s. 768.28(6)(d), F.S.

<sup>44</sup> Section 944.713, F.S.

<sup>45</sup> Section 944.710(3), F.S.

Additionally, under the bill, beginning July 1, 2031, and on July 1 every 5 years thereafter, the Department of Financial Services must adjust the limitations of liability in the statute to reflect changes in the Consumer Price Index for the South region or a successor index as calculated by the U.S. Department of Labor, not to exceed 3 percent for any such adjustment.

### ***Claim Bill Attorney Fees***

The bill revises s. 768.28(8), F.S., which caps attorney fees in actions against the state. Under the bill, an attorney may not charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any funds recovered as a result of judgment or settlement. In the enactment of a claim bill, as to payments made to the claimant in excess of the limits in s. 768.28(5)(a), F.S., the Legislature has the sole discretion to award an attorney fee applicable to the excess which is less than 25 percent, notwithstanding any agreement. The Legislature may also limit payments for costs or otherwise reserve a portion of the proceeds to the claimant. This provision is deemed to be a part of any fee agreement.

### ***Timeframes for Filing an Action***

Consistent with the shortened statute of limitations for negligence enacted by ch. 2023-15, s. 3, Laws of Florida, the bill changes the current general 4-year statute of limitations for filing a claim against the state or its agencies or subdivisions to the following timeframes:

- For claims based on negligence: the claim must be filed within 2 years.
- For claims based on contribution: the claim must be filed within the limitations established in s. 768.31(4), F.S.<sup>46</sup>
- For claims based on medical malpractice or wrongful death: the claim must be filed within the limitations established in s. 95.11(5), F.S.<sup>47</sup>
- For claims based on sexual battery on a victim under 16: the claim may be filed at any time; however, this does not resuscitate any claims that may have already been time barred by previous statutes of limitations.
- For any other claim: the claim must be filed within 4 years.

To accommodate these changes in the statutes of limitations, the bill decreases the allotted presuit notice period for a claimant to present the required written notice of the claim to the appropriate agency from 3 years to 18 months. Similarly, the bill decreases the time period in which a claimant must present written notice of a claim for wrongful death from 2 years to 18 months. However, if the claim is based on a sexual battery of a victim under the age of 16, in violation of s. 794.011, F.S., the claimant may present written notice of the claim at any time.

The bill also decreases from 6 months to 4 months, the time period in which the Department of Financial Services or the appropriate agency must dispose of a presuit notice of a claim. As such, the responding agency must dispose of a claim within 4 months of a claim being filed or it is

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<sup>46</sup> An action for contribution must be filed within 1 year after the judgment has become final by lapse of time for appeal or after appellate review. Section 768.31(4)(c), F.S.

<sup>47</sup> An action for medical malpractice must be filed within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered or should have been discovered with the exercise of due diligence. However, generally, no medical malpractice action may be filed more than 4 years after the date of the incident or occurrence out of which the cause of action accrued. Section 95.11(5)(c), F.S. An action for wrongful death must be initiated within 2 years from the death of the subject person. Section 95.11(5)(e), F.S.

deemed a final denial (thus allowing the claimant to move forward with a civil suit). However, the bill does not change the time period by which an agency must dispose of a claim for medical malpractice or wrongful death. As such, a final disposition for a claim made for medical malpractice or wrongful death must still be made within 90 days from the date of filing or it is deemed a final denial of the claim.

The bill provides that the statute of limitations for all prospective defendants, not just those in medical malpractice or wrongful death actions, is tolled for the period of time taken by the agency to deny the claim.

#### ***Applicability upon Accrual***

**Section 2** of the bill provides that it applies to causes of action accruing on or after October 1, 2026.

#### **Private Correctional Facility Vendor Indemnification**

**Section 6** of the bill amends s. 944.713(2), F.S., clarifying that when a private vendor contracts to build, lease, or operate a correctional facility, it must agree to indemnify the state for certain incurred liability up to the amount of the sovereign immunity caps provided in the bill.

#### **Cross-References and Reenactments**

**Sections 3-5** conform cross-references to the amendments provided in the bill.

**Sections 7-67** of the bill reenact a number of statutes for the purpose of incorporating the changes made by the language of the bill.

#### **Effective Date**

**Section 68** provides that the bill takes effect October 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill revises the statutory cap on attorney fees to provide that with respect to payments made to claimants in excess of the statutory caps on claims or judgment against the state, the Legislature has the sole discretion to award attorney fees and costs in a claim bill. Accordingly, the bill is likely to reduce attorney fees and other costs payable from the proceeds of a claim bill should the Legislature exercise this authority. Historically, before the Legislature's authority over fee and cost awards was invalidated by the Florida Supreme Court, the Legislature reduced awards of fees and costs only on rare occasions.

C. Government Sector Impact:

Because the bill increases the statutory caps on claims or judgments against the state or its agencies or subdivisions, the bill will likely have an indeterminate, significant negative fiscal impact on state and local governments.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 768.28, 29.0081, 39.8297, 343.811, and 944.713.

This bill reenacts the following sections of the Florida Statutes: 45.061, 95.11, 110.504, 111.071, 125.01015, 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395, 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706, 409.175, 409.993, 420.504, 455.221, 455.32, 456.009, 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355, 768.1382, 768.295, 946.5026, 946.514, 961.06, 984.09, 1002.33, 1002.333, 1002.34, 1002.37, 1002.55, 1002.83, 1002.88, 1006.24, and 1006.261.

**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.

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

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By Senator Brodeur

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1 A bill to be entitled  
 2 An act relating to claims against the government;  
 3 amending s. 768.28, F.S.; increasing the statutory  
 4 limits on the liability of the state and its agencies  
 5 and subdivisions for tort claims; specifying that the  
 6 limitations in effect on the date the claim accrues  
 7 apply to that claim; requiring the Department of  
 8 Financial Services, beginning on a specified date and  
 9 every 5 years thereafter, to adjust the limitations of  
 10 liability for claims; prohibiting such adjustment from  
 11 exceeding a specified percentage for each adjustment;  
 12 revising the period within which certain claims must  
 13 be presented to certain entities; revising exceptions  
 14 relating to instituting actions on tort claims against  
 15 the state or one of its agencies or subdivisions;  
 16 revising the period after which the failure of certain  
 17 entities to make final disposition of a claim shall be  
 18 deemed a final denial of the claim for certain  
 19 purposes; limiting attorney fees based on the amount  
 20 of funds recovered; authorizing the Legislature to  
 21 limit attorney fee awards in a claim bill or reserve  
 22 any portion of the proceeds of a claim bill to the  
 23 claimant; revising the statute of limitations for tort  
 24 claims against the state or one of its agencies or  
 25 subdivisions and exceptions thereto; deleting obsolete  
 26 language; making technical changes; providing  
 27 applicability; amending ss. 29.0081, 39.8297, 343.811,  
 28 and 944.713, F.S.; conforming cross references;  
 29 conforming provisions to changes made by the act;

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30 reenacting ss. 45.061(5), 95.11(6)(f), 110.504(4),  
 31 111.071(1)(a), 125.01015(2)(b), 163.01(3)(h) and  
 32 (15)(k), 190.043, 213.015(13), 252.51, 252.89,  
 33 252.944, 260.0125(2), 284.31, 284.38, 322.13(1)(b),  
 34 337.19(1), 341.302(17), 343.811(3), 351.03(4)(c),  
 35 373.1395(6), 375.251(3)(a), 381.0056(9), 393.075(3),  
 36 394.9085(7), 395.1055(10)(g), 403.706(17)(c),  
 37 409.175(15)(b), 409.993(1), (2)(a), and (3)(a),  
 38 420.504(8), 455.221(3), 455.32(5), 456.009(3),  
 39 456.076(15)(a), 471.038(3), 472.006(11)(b),  
 40 497.167(7), 513.118(2), 548.046(1), 556.106(8),  
 41 589.19(4)(e), 627.7491(3) and (4), 723.0611(2)(c),  
 42 760.11(5), 766.1115(4), 766.112(2), 768.1355(3),  
 43 768.1382(7), 768.295(4), 946.5026, 946.514(3),  
 44 961.06(8), 984.09(3), 1002.33(12)(h), 1002.333(6)(b),  
 45 1002.34(17), 1002.37(2), 1002.55(3)(1), 1002.83(10),  
 46 1002.88(1)(p), 1006.24(1), and 1006.261(2)(b), F.S.,  
 47 relating to offers of settlement; limitations other  
 48 than for the recovery of real property; volunteer  
 49 benefits; payment of judgments or settlements against  
 50 certain public officers or employees; office of the  
 51 sheriff; the Florida Interlocal Cooperation Act of  
 52 1969; suits against community development districts;  
 53 taxpayer rights; liability; tort liability; tort  
 54 liability; limitation on liability of private  
 55 landowners whose property is designated as part of the  
 56 statewide system of greenways and trails; scope and  
 57 types of coverages; effect of waiver of sovereign  
 58 immunity; driver license examiners; suits by and

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59 against the Department of Transportation; rail  
 60 program; power to assume indemnification and insurance  
 61 obligations; railroad-highway grade-crossing warning  
 62 signs and signals; limitation on liability of a water  
 63 management district with respect to areas made  
 64 available to the public for recreational purposes  
 65 without charge; limitation on liability of persons  
 66 making available to the public certain areas for  
 67 recreational purposes without charge; school health  
 68 services program; general liability coverage;  
 69 behavioral provider liability; rules and enforcement;  
 70 local government solid waste responsibilities;  
 71 licensure of family foster homes, residential child-  
 72 caring agencies, and child-placing agencies; lead  
 73 agencies and subcontractor liability; the Florida  
 74 Housing Finance Corporation; legal and investigative  
 75 services; the Management Privatization Act; legal and  
 76 investigative services; impaired practitioner  
 77 programs; the Florida Engineers Management  
 78 Corporation; the Department of Agriculture and  
 79 Consumer Services; administrative matters; conduct on  
 80 premises and refusal of service; physician's  
 81 attendance at match; liability of the member operator,  
 82 excavator, and system; creation of certain state  
 83 forests, naming of certain state forests, and the  
 84 Operation Outdoor Freedom Program; official law  
 85 enforcement vehicles and motor vehicle insurance  
 86 requirements; the Florida Mobile Home Relocation  
 87 Corporation; administrative and civil remedies and

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88 construction; health care providers and creation of  
 89 agency relationship with governmental contractors;  
 90 comparative fault; the Florida Volunteer Protection  
 91 Act; streetlights, security lights, and other similar  
 92 illumination and limitation on liability; Strategic  
 93 Lawsuits Against Public Participation (SLAPP)  
 94 prohibited; sovereign immunity in tort actions;  
 95 liability of corporation for inmate injuries;  
 96 compensation for wrongful incarceration; punishment  
 97 for contempt of court and alternative sanctions;  
 98 charter schools; persistently low-performing schools;  
 99 charter technical career centers; the Florida Virtual  
 100 School; school-year prekindergarten program delivered  
 101 by private prekindergarten providers; early learning  
 102 coalitions; school readiness program provider  
 103 standards and eligibility to deliver the school  
 104 readiness program; tort liability and liability  
 105 insurance; and use of school buses for public  
 106 purposes, respectively, to incorporate changes made to  
 107 s. 768.28, F.S., in references thereto; providing an  
 108 effective date.

109  
 110 Be It Enacted by the Legislature of the State of Florida:

111  
 112 Section 1. Section 768.28, Florida Statutes, is amended to  
 113 read:

114 768.28 Waiver of sovereign immunity in tort actions;  
 115 recovery limits; civil liability for damages caused during a  
 116 riot; limitation on attorney fees; statute of limitations;

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117 exclusions; indemnification; risk management programs.-  
 118 (1) In accordance with s. 13, Art. X of the State  
 119 Constitution, the state, for itself and for its agencies or  
 120 subdivisions, hereby waives sovereign immunity for liability for  
 121 torts, but only to the extent specified in this section ~~act~~.  
 122 Actions at law against the state or any of its agencies or  
 123 subdivisions to recover damages in tort for money damages  
 124 against the state or its agencies or subdivisions for injury or  
 125 loss of property, personal injury, or death caused by the  
 126 negligent or wrongful act or omission of any employee of the  
 127 agency or subdivision while acting within the scope of the  
 128 employee's office or employment under circumstances in which the  
 129 state or such agency or subdivision, if a private person, would  
 130 be liable to the claimant, in accordance with the general laws  
 131 of this state, may be prosecuted subject to the limitations  
 132 specified in this section ~~act~~. Any authorized ~~such~~ action may be  
 133 brought in the county where the property in litigation is  
 134 located or, if the affected agency or subdivision has an office  
 135 in the ~~such~~ county for the transaction of its customary  
 136 business, where the cause of action accrued. However, an any  
 137 ~~such~~ action against a state university board of trustees must  
 138 ~~shall~~ be brought in the county in which that university's main  
 139 campus is located or in the county in which the cause of action  
 140 accrued if the university maintains ~~therein~~ a substantial  
 141 presence for the transaction of its customary business in that  
 142 county.  
 143 (2) As used in this act, "state agencies or subdivisions"  
 144 include the executive departments, the Legislature, the judicial  
 145 branch (including public defenders), and the independent

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146 establishments of the state, including state university boards  
 147 of trustees; counties and municipalities; and corporations  
 148 primarily acting as instrumentalities or agencies of the state,  
 149 counties, or municipalities, including the Florida Space  
 150 Authority.  
 151 (3) Except for a municipality and the Florida Space  
 152 Authority, the affected agency or subdivision may, at its  
 153 discretion, request the assistance of the Department of  
 154 Financial Services in the consideration, adjustment, and  
 155 settlement of any claim under this section ~~act~~.  
 156 (4) Subject to the provisions of this section, any state  
 157 agency or subdivision may ~~shall have the right to~~ appeal any  
 158 award, compromise, settlement, or determination to the court of  
 159 appropriate jurisdiction.  
 160 (5) (a) The state and its agencies and subdivisions are  
 161 ~~shall be~~ liable for tort claims in the same manner and to the  
 162 same extent as a private individual under like circumstances,  
 163 but liability may ~~shall~~ not include punitive damages or interest  
 164 for the period before judgment. ~~Neither~~ The state and ~~nor~~ its  
 165 agencies or subdivisions are not ~~shall be~~ liable to pay a claim  
 166 or a judgment by any one person which exceeds the sum of  
 167 \$300,000 ~~\$200,000~~ or any claim or judgment, or portions of a  
 168 claim or judgment thereof, which, when totaled with all other  
 169 claims or judgments paid by the state or its agencies or  
 170 subdivisions arising out of the same incident or occurrence,  
 171 exceeds the sum of \$450,000 ~~\$300,000~~. However, a judgment or  
 172 judgments may be claimed and rendered in excess of these amounts  
 173 and may be settled and paid pursuant to this section ~~act~~ up to  
 174 \$300,000 ~~\$200,000~~ or \$450,000. ~~Any \$300,000, as the case may be,~~

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175 ~~and that~~ portion of the judgment that exceeds these amounts may  
 176 be reported to the Legislature, but may be paid in part or in  
 177 whole only by further act of the Legislature.

178 (b) Notwithstanding the limited waiver of sovereign  
 179 immunity in paragraph (a) provided herein, the state or an  
 180 agency or subdivision of the state thereof may agree, within the  
 181 limits of insurance coverage provided, to settle a claim made or  
 182 a judgment rendered against it without further action by the  
 183 Legislature, but the state or agency or subdivision of the state  
 184 may thereof shall not be deemed to have waived any defense of  
 185 sovereign immunity or to have increased the limits of its  
 186 liability as a result of its obtaining insurance coverage for  
 187 tortious acts in excess of the \$300,000 ~~\$200,000~~ or \$450,000  
 188 ~~\$300,000~~ waiver in paragraph (a) provided above.

189 (c) The limitations of liability ~~set forth~~ in this  
 190 subsection ~~shall~~ apply to the state and its agencies and  
 191 subdivisions whether or not the state or its agencies or  
 192 subdivisions possessed sovereign immunity before July 1, 1974.

193 (d) ~~(b)~~ A municipality has a duty to allow the municipal law  
 194 enforcement agency to respond appropriately to protect persons  
 195 and property during a riot or an unlawful assembly based on the  
 196 availability of adequate equipment to its municipal law  
 197 enforcement officers and relevant state and federal laws. If the  
 198 governing body of a municipality or a person authorized by the  
 199 governing body of the municipality breaches that duty, the  
 200 municipality is civilly liable for any damages, including  
 201 damages arising from personal injury, wrongful death, or  
 202 property damages proximately caused by the municipality's breach  
 203 of duty. The sovereign immunity recovery limits in paragraph (a)

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204 do not apply to an action under this paragraph.

205 (e) When determining liability limits for a claim, the  
 206 limitations of liability in effect on the date the claim accrues  
 207 apply to the claim.

208 (f) Beginning July 1, 2031, and on July 1 every 5 years  
 209 thereafter, the Department of Financial Services shall adjust  
 210 the limitations of liability in this subsection to reflect  
 211 changes in the Consumer Price Index for the South region or a  
 212 successor index as calculated by the United States Department of  
 213 Labor, not to exceed 3 percent for any such adjustment.

214 (6) (a) An action may not be instituted on a claim against  
 215 the state or one of its agencies or subdivisions unless the  
 216 claimant presents the claim in writing to the appropriate  
 217 agency, and also, except as to any claim against a municipality,  
 218 county, or the Florida Space Authority, presents the such claim  
 219 in writing to the Department of Financial Services, within 18  
 220 months ~~3 years~~ after the such claim accrues and the Department  
 221 of Financial Services or the appropriate agency denies the claim  
 222 in writing; except that, if:

223 1. The such claim is for contribution pursuant to s.  
 224 768.31, it must be ~~so~~ presented within 6 months after the  
 225 judgment against the tortfeasor seeking contribution has become  
 226 final by lapse of time for appeal or after appellate review or,  
 227 if there is no final such judgment, within 6 months after the  
 228 tortfeasor seeking contribution has either discharged the common  
 229 liability by payment or agreed, while the action is pending  
 230 against her or him, to discharge the common liability; or

231 2. The such action arises from a violation of s. 794.011  
 232 involving a victim who was younger than 16 years of age at the

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233 time of the act, the claimant may present the claim in writing  
 234 at any time. This subparagraph applies to any action other than  
 235 an action that would have been time barred on or before October  
 236 1, 2026 ~~is for wrongful death, the claimant must present the~~  
 237 ~~claim in writing to the Department of Financial Services within~~  
 238 ~~2 years after the claim accrues.~~

239 (b) For purposes of this section, the requirements of  
 240 notice to the agency and denial of the claim pursuant to  
 241 paragraph (a) are conditions precedent to maintaining an action  
 242 but may ~~shall~~ not be deemed to be elements of the cause of  
 243 action and do ~~shall~~ not affect the date on which the cause of  
 244 action accrues.

245 (c) The claimant shall also provide to the agency the  
 246 claimant's date and place of birth and social security number if  
 247 the claimant is an individual, or a federal identification  
 248 number if the claimant is not an individual. The claimant shall  
 249 also state the case style, tribunal, the nature and amount of  
 250 all adjudicated penalties, fines, fees, victim restitution fund,  
 251 and other judgments in excess of \$200, whether imposed by a  
 252 civil, criminal, or administrative tribunal, owed by the  
 253 claimant to the state, its agency, officer or subdivision. If  
 254 there exists no prior adjudicated unpaid claim in excess of  
 255 \$200, the claimant shall so state.

256 (d) For purposes of this section, complete, accurate, and  
 257 timely compliance with the requirements of paragraph (c) must  
 258 ~~shall~~ occur before ~~prior to~~ settlement payment, close of  
 259 discovery, or commencement of trial, whichever is earlier  
 260 ~~sooner~~; provided the ability to plead setoff is not precluded by  
 261 the delay. This setoff applies ~~shall apply~~ only against that

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262 part of the settlement or judgment payable to the claimant,  
 263 minus claimant's reasonable attorney ~~attorney's~~ fees and costs.  
 264 Incomplete or inaccurate disclosure of unpaid adjudicated claims  
 265 due the state ~~or~~, its agency, officer, or subdivision, may be  
 266 excused by the court upon a showing by the preponderance of the  
 267 evidence of the claimant's lack of knowledge of an adjudicated  
 268 claim and reasonable inquiry by, or on behalf of, the claimant  
 269 to obtain the information from public records. Unless the  
 270 appropriate agency had actual notice of the information required  
 271 to be disclosed by paragraph (c) in time to assert a setoff, an  
 272 unexcused failure to disclose shall, upon hearing and order of  
 273 court, cause the claimant to be liable for double the original  
 274 undisclosed judgment and, upon further motion, the court shall  
 275 enter judgment for the agency in that amount. Except as provided  
 276 otherwise in this subsection, the failure of the Department of  
 277 Financial Services or the appropriate agency to make final  
 278 disposition of a claim within 4 months ~~6 months~~ after it is  
 279 filed shall be deemed a final denial of the claim for purposes  
 280 of this section. For purposes of this subsection, in medical  
 281 malpractice actions and in wrongful death actions, the failure  
 282 of the Department of Financial Services or the appropriate  
 283 agency to make final disposition of a claim within 90 days after  
 284 it is filed shall be deemed a final denial of the claim. The  
 285 statute of limitations ~~for medical malpractice actions and~~  
 286 ~~wrongful death actions~~ is tolled as to all prospective  
 287 defendants for the period of time taken by the Department of  
 288 Financial Services or the appropriate agency to deny the claim.  
 289 ~~The provisions of This subsection does~~ ~~de~~ not apply to ~~such~~  
 290 claims that ~~as~~ may be asserted by counterclaim pursuant to s.

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291 768.14.

292 (7) In actions brought pursuant to this section, process  
 293 ~~must shall~~ be served upon the head of the agency concerned and  
 294 also, except as to a defendant municipality, county, or the  
 295 Florida Space Authority, upon the Department of Financial  
 296 Services, ~~and~~ The department or the agency served has concerned  
 297 ~~shall have~~ 30 days within which to file responsive pleadings  
 298 ~~plead thereto.~~

299 (8) ~~An~~ ~~No~~ attorney may not charge, demand, receive, or  
 300 collect, for services rendered, fees in excess of 25 percent of  
 301 any funds recovered as a result of judgment or settlement. In  
 302 the enactment of a claim bill, as to payments made to the  
 303 claimant in excess of the limits in paragraph (5) (a), the  
 304 Legislature has the sole discretion to award an attorney fee  
 305 applicable to the excess which is less than 25 percent,  
 306 notwithstanding any agreement. The Legislature may also limit  
 307 payments for costs or otherwise reserve a portion of the  
 308 proceeds to the claimant. This subsection is deemed to be a part  
 309 of any fee agreement.

310 (9) (a) An officer, employee, or agent of the state or of  
 311 any of its subdivisions may not be held personally liable in  
 312 tort or named as a party defendant in any action for any injury  
 313 or damage suffered as a result of any act, event, or omission of  
 314 action in the scope of her or his employment or function, unless  
 315 the ~~such~~ officer, employee, or agent acted in bad faith or with  
 316 malicious purpose or in a manner exhibiting wanton and willful  
 317 disregard of human rights, safety, or property. However, the  
 318 ~~such~~ officer, employee, or agent shall be considered an adverse  
 319 witness in a tort action for any injury or damage suffered as a

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320 result of any act, event, or omission of action in the scope of  
 321 her or his employment or function. The exclusive remedy for  
 322 injury or damage suffered as a result of an act, event, or  
 323 omission of an officer, employee, or agent of the state or any  
 324 of its subdivisions or constitutional officers is by action  
 325 against the governmental entity, or the head of such entity in  
 326 her or his official capacity, or the constitutional officer of  
 327 which the officer, employee, or agent is an employee, unless the  
 328 ~~such~~ act or omission was committed in bad faith or with  
 329 malicious purpose or in a manner exhibiting wanton and willful  
 330 disregard of human rights, safety, or property. The state or its  
 331 subdivisions are not liable in tort for the acts or omissions of  
 332 an officer, employee, or agent committed while acting outside  
 333 the course and scope of her or his employment or committed in  
 334 bad faith or with malicious purpose or in a manner exhibiting  
 335 wanton and willful disregard of human rights, safety, or  
 336 property.

337 (b) As used in this subsection, the term:

338 1. "Employee" includes any volunteer firefighter.

339 2. "Officer, employee, or agent" includes, but is not  
 340 limited to, any health care provider when providing services  
 341 pursuant to s. 766.1115; any nonprofit independent college or  
 342 university located and chartered in this state which owns or  
 343 operates an accredited medical school, and its employees or  
 344 agents, when providing patient services pursuant to paragraph  
 345 (10) (f); any public defender or her or his employee or agent,  
 346 including an assistant public defender or an investigator; and  
 347 any member of a Child Protection Team, as defined in s. 39.01,  
 348 or any member of a threat management team, as described in s.

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349 1006.07(7), when carrying out her or his duties as a team member  
350 under the control, direction, and supervision of the state or  
351 any of its agencies or subdivisions.

352 (c) For purposes of the waiver of sovereign immunity only,  
353 a member of the Florida National Guard is not acting within the  
354 scope of state employment when performing duty under the  
355 provisions of Title 10 or Title 32 of the United States Code or  
356 other applicable federal law; and ~~neither~~ the state or ~~nor~~ any  
357 individual may not be named in any action under this chapter  
358 arising from the performance of such federal duty.

359 (d) The employing agency of a law enforcement officer as  
360 defined in s. 943.10 is not liable for injury, death, or  
361 property damage effected or caused by a person fleeing from a  
362 law enforcement officer in a motor vehicle if:

363 1. The pursuit is conducted in a manner that does not  
364 involve conduct by the officer which is so reckless or wanting  
365 in care as to constitute disregard of human life, human rights,  
366 safety, or the property of another;

367 2. At the time the law enforcement officer initiates the  
368 pursuit, the officer reasonably believes that the person fleeing  
369 has committed a forcible felony as defined in s. 776.08; and

370 3. The pursuit is conducted by the officer pursuant to a  
371 written policy governing high-speed pursuit adopted by the  
372 employing agency. The policy must contain specific procedures  
373 concerning the proper method to initiate and terminate high-  
374 speed pursuit. The law enforcement officer must have received  
375 instructional training from the employing agency on the written  
376 policy governing high-speed pursuit.

377 (10) (a) Health care providers or vendors, or any of their

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378 employees or agents, that have contractually agreed to act as  
379 agents of the Department of Corrections to provide health care  
380 services to inmates of the state correctional system shall be  
381 considered agents of the State of Florida, Department of  
382 Corrections, for the purposes of this section, while acting  
383 within the scope of and pursuant to guidelines established in  
384 their contracts ~~said contract~~ or by rule. The contracts must  
385 ~~shall~~ provide for the indemnification of the state by the agent  
386 for any liabilities incurred up to the limits set out in this  
387 chapter.

388 (b) This subsection may ~~shall~~ not be construed as  
389 designating persons providing contracted health care services to  
390 inmates as employees or agents of the state for the purposes of  
391 chapter 440.

392 (c) For purposes of this section, regional poison control  
393 centers created in accordance with s. 395.1027 and coordinated  
394 and supervised under the Division of Children's Medical Services  
395 Prevention and Intervention of the Department of Health, or any  
396 of their employees or agents, shall be considered agents of the  
397 State of Florida, Department of Health. Any contracts with  
398 poison control centers must provide, to the extent permitted by  
399 law, for the indemnification of the state by the agency for any  
400 liabilities incurred up to the limits set out in this chapter.

401 (d) For the purposes of this section, operators,  
402 dispatchers, and providers of security for rail services and  
403 rail facility maintenance providers in the South Florida Rail  
404 Corridor, or any of their employees or agents, performing ~~such~~  
405 services under contract with and on behalf of the South Florida  
406 Regional Transportation Authority or the Department of

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407 Transportation shall be considered agents of the state while  
 408 acting within the scope of and pursuant to guidelines  
 409 established in their contracts ~~said contract~~ or by rule.

410 (e) For purposes of this section, a professional firm that  
 411 provides monitoring and inspection services of the work required  
 412 for state roadway, bridge, or other transportation facility  
 413 construction projects, or any employee of a firm performing  
 414 those such services, is considered an agent of the Department of  
 415 Transportation while acting within the scope of the firm's  
 416 contract with the Department of Transportation to ensure that  
 417 the project is constructed in conformity with the project's  
 418 plans, specifications, and contract provisions. This paragraph  
 419 applies to a professional firm that is in direct contract with  
 420 the Department of Transportation, as well as any professional  
 421 firm providing monitoring and inspection services as a  
 422 consultant to the professional firm that is in direct contract  
 423 with the Department of Transportation. Any contract with a  
 424 professional firm must, to the extent permitted by law, provide  
 425 for the indemnification of the Department of Transportation for  
 426 any liability, including reasonable attorney fees, incurred up  
 427 to the limits set out in this chapter to the extent caused by  
 428 the negligence of the firm or its employees. This paragraph may  
 429 not be construed as designating persons who provide monitoring  
 430 and inspection services as employees or agents of the state for  
 431 purposes of chapter 440. This paragraph is not applicable to the  
 432 professional firm or its employees if involved in an accident  
 433 while operating a motor vehicle. This paragraph is not  
 434 applicable to a firm engaged by the Department of Transportation  
 435 for the design or construction of a state roadway, bridge, or

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436 other transportation facility construction project or to its  
 437 employees, agents, or subcontractors.

438 (f) For purposes of this section, any nonprofit independent  
 439 college or university located and chartered in this state which  
 440 owns or operates an accredited medical school, or any of its  
 441 employees or agents, and which has agreed in an affiliation  
 442 agreement or other contract to provide, or permit its employees  
 443 or agents to provide, patient services as agents of a teaching  
 444 hospital, is considered an agent of the teaching hospital while  
 445 acting within the scope of and pursuant to guidelines  
 446 established in the affiliation agreement or other contract. To  
 447 the extent allowed by law, the contract must provide for the  
 448 indemnification of the teaching hospital, up to the limits set  
 449 out in this chapter, by the agent for any liability incurred  
 450 which was caused by the negligence of the college or university  
 451 or its employees or agents. The contract must also provide that  
 452 those limited portions of the college, university, or medical  
 453 school which are directly providing services pursuant to the  
 454 contract and which are considered an agent of the teaching  
 455 hospital for purposes of this section are deemed to be acting on  
 456 behalf of a public agency as defined in s. 119.011(2).

457 1. For purposes of this paragraph, the term:

458 a. "Employee or agent" means an officer, employee, agent,  
 459 or servant of a nonprofit independent college or university  
 460 located and chartered in this state which owns or operates an  
 461 accredited medical school, including, but not limited to, the  
 462 faculty of the medical school, any health care practitioner or  
 463 licensee as defined in s. 456.001 for which the college or  
 464 university is vicariously liable, and the staff or

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465 administrators of the medical school.

466 b. "Patient services" means:

467 (I) Comprehensive health care services as defined in s.  
468 641.19, including any related administrative service, provided  
469 to patients in a teaching hospital;

470 (II) Training and supervision of interns, residents, and  
471 fellows providing patient services in a teaching hospital; or

472 (III) Training and supervision of medical students in a  
473 teaching hospital.

474 c. "Teaching hospital" means a teaching hospital as defined  
475 in s. 408.07 which is owned or operated by the state, a county  
476 or municipality, a public health trust, a special taxing  
477 district, a governmental entity having health care  
478 responsibilities, or a not-for-profit entity that operates such  
479 facility as an agent of the state, or a political subdivision of  
480 the state, under a lease or other contract.

481 2. The teaching hospital or the medical school, or its  
482 employees or agents, must provide notice to each patient, or the  
483 patient's legal representative, that the college or university  
484 that owns or operates the medical school and the employees or  
485 agents of that college or university are acting as agents of the  
486 teaching hospital and that the exclusive remedy for injury or  
487 damage suffered as the result of any act or omission of the  
488 teaching hospital, the college or university that owns or  
489 operates the medical school, or the employees or agents of the  
490 college or university, while acting within the scope of duties  
491 pursuant to the affiliation agreement or other contract with a  
492 teaching hospital, is by commencement of an action pursuant to  
493 the provisions of this section. This notice requirement may be

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494 met by posting the notice in a place conspicuous to all persons.

495 3. This paragraph does not designate any employee providing  
496 contracted patient services in a teaching hospital as an  
497 employee or agent of the state for purposes of chapter 440.

498 (g) For the purposes of this section, the executive  
499 director of the Board of Nursing, when serving as the state  
500 administrator of the Nurse Licensure Compact pursuant to s.  
501 464.0095, and any administrator, officer, executive director,  
502 employee, or representative of the Interstate Commission of  
503 Nurse Licensure Compact Administrators, when acting within the  
504 scope of their employment, duties, or responsibilities in this  
505 state, are considered agents of the state. The commission shall  
506 pay any claims or judgments pursuant to this section and may  
507 maintain insurance coverage to pay any such claims or judgments.

508 (h) For purposes of this section, the individual appointed  
509 under s. 491.004(8) as the state's delegate on the Counseling  
510 Compact Commission, when serving in that capacity pursuant to s.  
511 491.017, and any administrator, officer, executive director,  
512 employee, or representative of the commission, when acting  
513 within the scope of his or her employment, duties, or  
514 responsibilities in this state, is considered an agent of the  
515 state. The commission shall pay any claims or judgments pursuant  
516 to this section and may maintain insurance coverage to pay those  
517 ~~any such~~ claims or judgments.

518 (i) For purposes of this section, the individual appointed  
519 under s. 490.004(7) as the state's commissioner on the  
520 Psychology Interjurisdictional Compact Commission, when serving  
521 in that capacity pursuant to s. 490.0075, and any administrator,  
522 officer, executive director, employee, or representative of the

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523 Psychology Interjurisdictional Compact Commission, when acting  
 524 within the scope of his or her employment, duties, or  
 525 responsibilities in this state, is considered an agent of the  
 526 state. The commission shall pay any claims or judgments pursuant  
 527 to this section and may maintain insurance coverage to pay those  
 528 ~~any such~~ claims or judgments.

529 (j) For purposes of this section, the representative  
 530 appointed from the Board of Medicine and the representative  
 531 appointed from the Board of Osteopathic Medicine, when serving  
 532 as commissioners of the Interstate Medical Licensure Compact  
 533 Commission pursuant to s. 456.4501, and any administrator,  
 534 officer, executive director, employee, or representative of the  
 535 Interstate Medical Licensure Compact Commission, when acting  
 536 within the scope of their employment, duties, or  
 537 responsibilities in this state, are considered agents of the  
 538 state. The commission shall pay any claims or judgments pursuant  
 539 to this section and may maintain insurance coverage to pay those  
 540 ~~any such~~ claims or judgments.

541 (k) For purposes of this section, the individuals appointed  
 542 under s. 468.1135(4) as the state's delegates on the Audiology  
 543 and Speech-Language Pathology Interstate Compact Commission,  
 544 when serving in that capacity pursuant to s. 468.1335, and any  
 545 administrator, officer, executive director, employee, or  
 546 representative of the commission, when acting within the scope  
 547 of his or her employment, duties, or responsibilities in this  
 548 state, is considered an agent of the state. The commission shall  
 549 pay any claims or judgments pursuant to this section and may  
 550 maintain insurance coverage to pay those ~~any such~~ claims or  
 551 judgments.

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552 (l) For purposes of this section, the individual appointed  
 553 under s. 486.023(5) as the state's delegate on the Physical  
 554 Therapy Compact Commission, when serving in that capacity  
 555 pursuant to s. 486.112, and any administrator, officer,  
 556 executive director, employee, or representative of the Physical  
 557 Therapy Compact Commission, when acting within the scope of his  
 558 or her employment, duties, or responsibilities in this state, is  
 559 considered an agent of the state. The commission shall pay any  
 560 claims or judgments pursuant to this section and may maintain  
 561 insurance coverage to pay those ~~any such~~ claims or judgments.

562 (11) (a) Providers or vendors, or any of their employees or  
 563 agents, that have contractually agreed to act on behalf of the  
 564 state as agents of the Department of Juvenile Justice to provide  
 565 services to children in need of services, families in need of  
 566 services, or juvenile offenders are, solely with respect to such  
 567 services, agents of the state for purposes of this section while  
 568 acting within the scope of and pursuant to guidelines  
 569 established in the contract or by rule. A contract must provide  
 570 for the indemnification of the state by the agent for any  
 571 liabilities incurred up to the limits set out in this chapter.

572 (b) This subsection does not designate a person who  
 573 provides contracted services to juvenile offenders as an  
 574 employee or agent of the state for purposes of chapter 440.

575 (12) (a) A health care practitioner, as defined in s.  
 576 456.001(4), who has contractually agreed to act as an agent of a  
 577 state university board of trustees to provide medical services  
 578 to a student athlete for participation in or as a result of  
 579 intercollegiate athletics, to include team practices, training,  
 580 and competitions, shall be considered an agent of the respective

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581 state university board of trustees, for the purposes of this  
 582 section, while acting within the scope of and pursuant to  
 583 guidelines established in that contract. The contracts must  
 584 ~~shall~~ provide for the indemnification of the state by the agent  
 585 for any liabilities incurred up to the limits set out in this  
 586 chapter.

587 (b) This subsection ~~may shall~~ not be construed as  
 588 designating persons providing contracted health care services to  
 589 athletes as employees or agents of a state university board of  
 590 trustees for the purposes of chapter 440.

591 (13) Laws allowing the state or its agencies or  
 592 subdivisions to buy insurance are still in force and effect and  
 593 are not restricted in any way by the terms of this section act.

594 (14) A Every claim against the state or one of its agencies  
 595 or subdivisions for damages for a negligent or wrongful act or  
 596 omission pursuant to this section is shall be forever barred  
 597 unless the civil action is commenced by filing a complaint in  
 598 the court of appropriate jurisdiction:

599 (a) Within 2 years for an action founded on negligence.

600 (b) Within the limitations provided in s. 768.31(4) for an  
 601 action for contribution.

602 (c) Within the limitations provided in s. 95.11(5) for an  
 603 action for damages arising from medical malpractice or wrongful  
 604 death.

605 (d) At any time for an action arising from an act  
 606 constituting a violation of s. 794.011 involving a victim who  
 607 was under the age of 16 years at the time of the act. This  
 608 paragraph applies to any such action other than an action that  
 609 would have been time barred on or before October 1, 2026.

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610 (e) Within 4 years for any other action not specified in  
 611 this subsection 4 years after the such claim accrues, except  
 612 that an action for contribution must be commenced within the  
 613 limitations provided in s. 768.31(4), and an action for damages  
 614 arising from medical malpractice or wrongful death must be  
 615 commenced within the limitations for such actions in s.  
 616 95.11(5).

617 (15) An ~~No~~ action may not be brought against the state or  
 618 any of its agencies or subdivisions by anyone who unlawfully  
 619 participates in a riot, unlawful assembly, public demonstration,  
 620 mob violence, or civil disobedience if the claim arises out of  
 621 the such riot, unlawful assembly, public demonstration, mob  
 622 violence, or civil disobedience. ~~Nothing in~~ This subsection does  
 623 not act shall abridge traditional immunities pertaining to  
 624 statements made in court.

625 (16) (a) The state and its agencies and subdivisions are  
 626 authorized to be self-insured, to enter into risk management  
 627 programs, or to purchase liability insurance for whatever  
 628 coverage they may choose, or to have any combination thereof, in  
 629 anticipation of any claim, judgment, and claims bill that which  
 630 they may be liable to pay pursuant to this section. Agencies or  
 631 subdivisions, and sheriffs, that are subject to homogeneous  
 632 risks may purchase insurance jointly or may join together as  
 633 self-insurers to provide other means of protection against tort  
 634 claims, any charter provisions or laws to the contrary  
 635 notwithstanding.

636 (b) Claims files maintained by any risk management program  
 637 administered by the state, its agencies, and its subdivisions  
 638 are confidential and exempt from the provisions of s. 119.07(1)

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639 and s. 24(a), Art. I of the State Constitution until termination  
 640 of all litigation and settlement of all claims arising out of  
 641 the same incident, although portions of the claims files may  
 642 remain exempt, as otherwise provided by law. Claims files  
 643 records may be released to other governmental agencies upon  
 644 written request and demonstration of need. ~~Any, such~~ records  
 645 held by the receiving agency remain confidential and exempt as  
 646 provided ~~for~~ in this paragraph.

647 (c) Portions of meetings and proceedings conducted pursuant  
 648 to any risk management program administered by the state, its  
 649 agencies, or its subdivisions, which relate solely to the  
 650 evaluation of claims filed with the risk management program or  
 651 which relate solely to offers of compromise of claims filed with  
 652 the risk management program are exempt from the provisions of s.  
 653 286.011 and s. 24(b), Art. I of the State Constitution. Until  
 654 termination of all litigation and settlement of all claims  
 655 arising out of the same incident, persons privy to discussions  
 656 pertinent to the evaluation of a filed claim are shall not be  
 657 subject to subpoena in any administrative or civil proceeding  
 658 with regard to the content of those discussions.

659 (d) Minutes of the meetings and proceedings of any risk  
 660 management program administered by the state, its agencies, or  
 661 its subdivisions, which relate solely to the evaluation of  
 662 claims filed with the risk management program or which relate  
 663 solely to offers of compromise of claims filed with the risk  
 664 management program are exempt from ~~the provisions of~~ s.  
 665 119.07(1) and s. 24(a), Art. I of the State Constitution until  
 666 termination of all litigation and settlement of all claims  
 667 arising out of the same incident.

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668 (17) ~~This section, as amended by chapter 81-317, Laws of~~  
 669 ~~Florida, shall apply only to causes of actions which accrue on~~  
 670 ~~or after October 1, 1981.~~

671 ~~(18) A~~ No provision of this section, or of any other  
 672 section of the Florida Statutes, whether read separately or in  
 673 conjunction with any other provision, may not shall be construed  
 674 to waive the immunity of the state or any of its agencies from  
 675 suit in federal court, as that such immunity is guaranteed by  
 676 the Eleventh Amendment to the Constitution of the United States,  
 677 unless the such waiver is explicitly and definitely stated to be  
 678 a waiver of the immunity of the state and its agencies from suit  
 679 in federal court. This subsection may shall not be construed to  
 680 mean that the state has at any time previously waived, by  
 681 implication, its immunity, or that of any of its agencies, from  
 682 suit in federal court through any statute in existence before  
 683 prior to June 24, 1984.

684 ~~(18)(19) Neither~~ The state or an ~~nor any~~ agency or  
 685 subdivision of the state does not waive ~~waives~~ any defense of  
 686 sovereign immunity, or increase ~~increases~~ the limits of its  
 687 liability, upon entering into a contract ~~contractual~~  
 688 ~~relationship~~ with another agency or subdivision of the state.  
 689 The Such ~~a~~ contract may must not contain any provision that  
 690 requires one party to indemnify or insure the other party for  
 691 the other party's negligence or to assume any liability for the  
 692 other party's negligence. This does not preclude a party from  
 693 requiring a nongovernmental entity to provide ~~such~~  
 694 indemnification or insurance. The restrictions of this  
 695 subsection do not prohibit prevent a regional water supply  
 696 authority from indemnifying and assuming the liabilities of its

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697 member governments for obligations arising from past acts or  
 698 omissions at or with property acquired from a member government  
 699 by the authority and arising from the acts or omissions of the  
 700 authority in performing activities contemplated by an interlocal  
 701 agreement. ~~The Such~~ indemnification may not be considered to  
 702 increase or otherwise waive the limits of liability to third-  
 703 party claimants established by this section.

704 ~~(19)(20)~~ Every municipality, and any of its agencies ~~agency~~  
 705 ~~thereof, may is authorized to undertake to~~ indemnify those  
 706 employees who ~~that~~ are exposed to personal liability pursuant to  
 707 the Clean Air Act Amendments of 1990, 42 U.S.C.A. ss. 7401 et  
 708 seq., and all rules and regulations adopted to implement that  
 709 act, for acts performed within the course and scope of their  
 710 employment with the municipality or its agency, including, but  
 711 not limited to, indemnification pertaining to the holding,  
 712 transfer, or disposition of allowances allocated to the  
 713 municipality's or its agency's electric generating units, and  
 714 the monitoring, submission, certification, and compliance with  
 715 permits, permit applications, records, compliance plans, and  
 716 reports for those units, when those ~~such~~ acts are performed  
 717 within the course and scope of their employment with the  
 718 municipality or its agency. The authority to indemnify under  
 719 this section covers every act by an employee which is ~~when such~~  
 720 ~~act~~ is performed within the course and scope of her or his  
 721 employment with the municipality or its agency, but does not  
 722 cover any act of willful misconduct or any intentional or  
 723 knowing violation of any law by the employee. The authority to  
 724 indemnify under this section includes, but is not limited to,  
 725 the authority to pay any fine and provide legal representation

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726 in any action.

727 Section 2. This act applies to causes of action that accrue  
 728 on or after October 1, 2026.

729 Section 3. Paragraph (b) of subsection (2) of section  
 730 29.0081, Florida Statutes, is amended to read:  
 731 29.0081 County funding of additional court personnel.—  
 732 (2) The agreement shall, at a minimum, provide that:  
 733 (b) The personnel whose employment is funded under the  
 734 agreement are hired, supervised, managed, and fired by personnel  
 735 of the judicial circuit. The county shall be considered the  
 736 employer for purposes of s. 440.10 and chapter 443. Employees  
 737 funded by the county under this section and other county  
 738 employees may be aggregated for purposes of a flexible benefits  
 739 plan pursuant to s. 125 of the Internal Revenue Code of 1986.  
 740 The judicial circuit shall supervise the personnel whose  
 741 employment is funded under the agreement; be responsible for  
 742 compliance with all requirements of federal and state employment  
 743 laws, including, but not limited to, Title VII of the Civil  
 744 Rights Act of 1964, Title I of the Americans with Disabilities  
 745 Act, 42 U.S.C. s. 1983, the Family Medical Leave Act, the Fair  
 746 Labor Standards Act, chapters 447 and 760, and ss. 112.3187,  
 747 440.105, and 440.205; and fully indemnify the county from any  
 748 liability under such laws, as authorized by s. 768.28(18) ~~s.~~  
 749 ~~768.28(19)~~, to the extent such liability is the result of the  
 750 acts or omissions of the judicial circuit or its agents or  
 751 employees.

752 Section 4. Paragraph (b) of subsection (2) of section  
 753 39.8297, Florida Statutes, is amended to read:  
 754 39.8297 County funding for guardian ad litem employees.—

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755 (2) The agreement, at a minimum, must provide that:  
 756 (b) The persons who are employed will be hired, supervised,  
 757 managed, and terminated by the executive director of the  
 758 Statewide Guardian ad Litem Office. The statewide office is  
 759 responsible for compliance with all requirements of federal and  
 760 state employment laws, and shall fully indemnify the county from  
 761 any liability under such laws, as authorized by s. 768.28(18) ~~s.~~  
 762 ~~768.28(19)~~, to the extent such liability is the result of the  
 763 acts or omissions of the Statewide Guardian ad Litem Office or  
 764 its agents or employees.

765 Section 5. Paragraph (a) of subsection (3) of section  
 766 343.811, Florida Statutes, is amended to read:  
 767 343.811 Power to assume indemnification and insurance  
 768 obligations.—

769 (3) ASSUMPTION OF OBLIGATIONS; PURCHASE OF INSURANCE.—In  
 770 conjunction with the development or operation of a commuter rail  
 771 service on the Coastal Link corridor, an agency may:  
 772 (a) Assume obligations pursuant to the following:  
 773 1.a. The agency may assume the obligation by contract to  
 774 protect, defend, indemnify, and hold harmless FECR and its  
 775 officers, agents, and employees from and against:  
 776 (I) Any liability, cost, and expense, including, but not  
 777 limited to, the agency's passengers and other rail corridor  
 778 invitees in, on, or about the Coastal Link corridor, regardless  
 779 of whether the loss, damage, destruction, injury, or death  
 780 giving rise to any such liability, cost, or expense is caused in  
 781 whole or in part, and to whatever nature or degree, by the  
 782 fault, failure, negligence, misconduct, nonfeasance, or  
 783 misfeasance of such freight rail operator, its successors, or

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784 its officers, agents, and employees, or any other person or  
 785 persons whomsoever.

786 (II) Any loss, injury, or damage incurred by other rail  
 787 corridor invitees up to the amount of the self-insurance  
 788 retention amount with respect to limited covered accidents  
 789 caused by the agency.

790 b. The agency may assume the obligation by contract to  
 791 protect, defend, indemnify, and hold harmless Brightline and its  
 792 officers, agents, and employees from and against:  
 793 (I) Any liability, cost, and expense, including, but not  
 794 limited to, the agency's passengers and rail corridor invitees  
 795 in the Coastal Link corridor, regardless of whether the loss,  
 796 damage, destruction, injury, or death giving rise to any such  
 797 liability, cost, or expense is caused in whole or in part, and  
 798 to whatever nature or degree, by the fault, failure, negligence,  
 799 misconduct, nonfeasance, or misfeasance of Brightline, its  
 800 successors, or its officers, agents, and employees, or any other  
 801 person or persons whomsoever.

802 (II) Any loss, injury, or damage incurred by other rail  
 803 corridor invitees up to the amount of the self-insurance  
 804 retention amount with respect to limited covered accidents  
 805 caused by the agency.

806 2. The assumption of liability of the agency by contract  
 807 pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b. may  
 808 not in any instance exceed the following parameters of  
 809 allocation of risk:  
 810 a. The agency may be solely responsible for any loss,  
 811 injury, or damage to the agency's passengers, or rail corridor  
 812 invitees, third parties, or trespassers, regardless of

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813 circumstances or cause, subject to sub-subparagraph b. and  
 814 subparagraphs 3., 4., and 5.

815 b. (I) In the event of a limited covered accident caused by  
 816 FECR, the authority of an agency to protect, defend, and  
 817 indemnify FECR for all liability, cost, and expense, including  
 818 punitive or exemplary damages, in excess of the self-insurance  
 819 retention amount exists only if FECR agrees, with respect to  
 820 such limited covered accident caused by FECR, to protect,  
 821 defend, and indemnify the agency for the amount of the self-  
 822 insurance retention amount.

823 (II) In the event of a limited covered accident caused by  
 824 Brightline, the authority of an agency to protect, defend, and  
 825 indemnify Brightline for all liability, cost, and expense,  
 826 including punitive or exemplary damages, in excess of the self-  
 827 insurance retention amount exists only if Brightline agrees,  
 828 with respect to such limited covered accident, to protect,  
 829 defend, and indemnify the agency for the amount of the self-  
 830 insurance retention amount.

831 3. When only one train is involved in an incident and:  
 832 a. The train is an agency's train, including an incident  
 833 with trespassers or at-grade crossings, the agency may be solely  
 834 responsible for any loss, injury, or damage.

835 b. The train is FECR's train, including an incident with  
 836 trespassers or at-grade crossings, FECR is solely responsible  
 837 for any loss, injury, or damage, except for the agency's  
 838 passengers and other rail corridor invitees, which are the  
 839 responsibility of the agency, and Brightline's passengers and  
 840 other rail corridor invitees, which are the responsibility of  
 841 Brightline.

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842 c. The train is Brightline's train, including an incident  
 843 with trespassers or at-grade crossings, Brightline is solely  
 844 responsible for any loss, injury, or damage, except for the  
 845 agency's passengers or rail corridor invitees, which are the  
 846 responsibility of the agency, and FECR's rail corridor invitees,  
 847 which are the responsibility of FECR.

848 4. When an incident involves more than one operator, each  
 849 operator is responsible for:

850 a. Its property; passengers; employees, excluding employees  
 851 who are, at the time of the incident, rail corridor invitees of  
 852 another operator; and other rail corridor invitees.

853 b. Its proportionate share of any loss or damage to the  
 854 joint infrastructure.

855 c. Its proportionate share of any loss, injury, or damage  
 856 to:

857 (I) Rail corridor invitees who are not rail corridor  
 858 invitees of operators, provided that the agency shall always be  
 859 responsible for its passengers and its rail corridor invitees  
 860 regardless of whether the agency was involved in the incident.

861 (II) Trespassers or third parties outside the Coastal Link  
 862 corridor as a result of the incident.

863 5. Any such contractual duty to protect, defend, indemnify,  
 864 and hold harmless FECR or Brightline with respect to claims by  
 865 rail passengers shall expressly include a specific cap on the  
 866 amount of the contractual duty, which amount may not exceed \$323  
 867 million per occurrence and shall be adjusted so that the per-  
 868 occurrence insurance requirement is equal to the aggregate  
 869 allowable awards to all rail passengers, against all defendants,  
 870 for all claims, including claims for punitive damages, arising

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871 from a single accident or incident in accordance with 49 U.S.C.  
872 s. 28103, or any successor provision, without prior legislative  
873 approval.

874 6. Notwithstanding any provision of this section to the  
875 contrary, the liabilities of the agency to the state or any  
876 other agency shall be as set forth in an agreement among such  
877 entities and limited by s. 768.28(18) ~~s. 768.28(19)~~.

878  
879 Neither the assumption by contract to protect, defend,  
880 indemnify, and hold harmless; the purchase of insurance; nor the  
881 establishment of a self-insurance retention fund shall be deemed  
882 to be a waiver of any defense of sovereign immunity for tort  
883 claims or deemed to increase the limits of the agency's  
884 liability for tort claims as provided in s. 768.28.

885 Section 6. Subsection (2) of section 944.713, Florida  
886 Statutes, is amended to read:

887 944.713 Insurance against liability.—

888 (2) The contract shall provide for indemnification of the  
889 state by the private vendor for any liabilities incurred up to  
890 the limits provided under s. 768.28(5). The contract shall  
891 provide that the private vendor, or the insurer of the private  
892 vendor, is liable to pay any claim or judgment for any one  
893 person which does not exceed the applicable maximum amount  
894 provided in s. 768.28(5) ~~sum of \$100,000 or any claim or~~  
895 ~~judgment, or portions thereof, which, when totaled with all~~  
896 ~~other claims or judgments arising out of the same incident or~~  
897 ~~occurrence, does not exceed the sum of \$200,000. In addition,~~  
898 the contractor must agree to defend, hold harmless, and  
899 indemnify the department against any and all actions, claims,

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900 damages and losses, including costs and attorney's fees.

901 Section 7. For the purpose of incorporating the amendment  
902 made by this act to section 768.28, Florida Statutes, in a  
903 reference thereto, subsection (5) of section 45.061, Florida  
904 Statutes, is reenacted to read:

905 45.061 Offers of settlement.—

906 (5) Sanctions authorized under this section may be imposed  
907 notwithstanding any limitation on recovery of costs or expenses  
908 which may be provided by contract or in other provisions of  
909 Florida law. This section shall not be construed to waive the  
910 limits of sovereign immunity set forth in s. 768.28.

911 Section 8. For the purpose of incorporating the amendment  
912 made by this act to section 768.28, Florida Statutes, in a  
913 reference thereto, paragraph (f) of subsection (6) of section  
914 95.11, Florida Statutes, is reenacted to read:

915 95.11 Limitations other than for the recovery of real  
916 property.—Actions other than for recovery of real property shall  
917 be commenced as follows:

918 (6) WITHIN ONE YEAR.—

919 (f) Except for actions described in subsection (9), or a  
920 petition challenging a criminal conviction, all petitions;  
921 extraordinary writs; tort actions, including those under s.  
922 768.28(14); or other actions which concern any condition of  
923 confinement of a prisoner filed by or on behalf of a prisoner as  
924 defined in s. 57.085. Any petition, writ, or action brought  
925 under this paragraph must be commenced within 1 year after the  
926 time the incident, conduct, or conditions occurred or within 1  
927 year after the time the incident, conduct, or conditions were  
928 discovered, or should have been discovered.

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929 Section 9. For the purpose of incorporating the amendment  
 930 made by this act to section 768.28, Florida Statutes, in a  
 931 reference thereto, subsection (4) of section 110.504, Florida  
 932 Statutes, is reenacted to read:  
 933 110.504 Volunteer benefits.—  
 934 (4) Volunteers shall be covered by state liability  
 935 protection in accordance with the definition of a volunteer and  
 936 the provisions of s. 768.28.  
 937 Section 10. For the purpose of incorporating the amendment  
 938 made by this act to section 768.28, Florida Statutes, in a  
 939 reference thereto, paragraph (a) of subsection (1) of section  
 940 111.071, Florida Statutes, is reenacted to read:  
 941 111.071 Payment of judgments or settlements against certain  
 942 public officers or employees.—  
 943 (1) Any county, municipality, political subdivision, or  
 944 agency of the state which has been excluded from participation  
 945 in the Insurance Risk Management Trust Fund is authorized to  
 946 expend available funds to pay:  
 947 (a) Any final judgment, including damages, costs, and  
 948 attorney's fees, arising from a complaint for damages or injury  
 949 suffered as a result of any act or omission of action of any  
 950 officer, employee, or agent in a civil or civil rights lawsuit  
 951 described in s. 111.07. If the civil action arises under s.  
 952 768.28 as a tort claim, the limitations and provisions of s.  
 953 768.28 governing payment shall apply. If the action is a civil  
 954 rights action arising under 42 U.S.C. s. 1983, or similar  
 955 federal statutes, payments for the full amount of the judgment  
 956 may be made unless the officer, employee, or agent has been  
 957 determined in the final judgment to have caused the harm

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958 intentionally.  
 959 Section 11. For the purpose of incorporating the amendment  
 960 made by this act to section 768.28, Florida Statutes, in a  
 961 reference thereto, paragraph (b) of subsection (2) of section  
 962 125.01015, Florida Statutes, is reenacted to read:  
 963 125.01015 Office of the sheriff.—  
 964 (2) To ensure the successful transfer of the exclusive  
 965 policing responsibility and authority to the sheriff in a  
 966 county, as defined in s. 125.011(1), the board of county  
 967 commissioners shall:  
 968 (b) After the election of the sheriff is certified:  
 969 1. Provide funding for all of the necessary staff and  
 970 office space for the sheriff-elect to establish an independent  
 971 office of the sheriff, so that the office may effectively  
 972 operate and perform all of the functions required by general law  
 973 when the sheriff-elect takes office.  
 974 2. Provide funding for the sheriff-elect to select any  
 975 necessary insurances not provided by the county through the  
 976 interlocal agreement required under sub-subparagraph 6.d. to  
 977 allow the sheriff to effectively operate and perform all of the  
 978 functions required by general law when he or she takes office.  
 979 3. Provide funding for the sheriff-elect to establish bank  
 980 and other accounts, as necessary, in his or her official  
 981 capacity as sheriff, so that such accounts become operational  
 982 when he or she takes office.  
 983 4. Unless otherwise transferable based on existing surety  
 984 bonds for the sheriff's deputies, provide funding for and  
 985 facilitate procurement of the required surety bonds for deputy  
 986 sheriffs pursuant to s. 30.09, so that such bonds are in place

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987 when the sheriff-elect takes office.

988 5. Prepare and deliver to the office of the sheriff all  
989 documents, property, and other items listed in subsection (4).

990 6. Notwithstanding any provision to the contrary, for a  
991 term commencing on January 7, 2025, and ending on or after  
992 September 30, 2028, provide the sheriff-elect taking office  
993 with, and require the sheriff-elect taking office to use, not  
994 less than the substantially and materially same support  
995 services, facilities, office space, and information technology  
996 infrastructure provided to county offices or departments  
997 performing the duties to be performed by the sheriff-elect upon  
998 taking office in the 1-year period before he or she takes  
999 office.

1000 a. As used in this subparagraph, the term "support  
1001 services" includes:

1002 (I) Property and facilities, and the management and  
1003 maintenance for such property and facilities.

1004 (II) Communications infrastructure, including telephone and  
1005 Internet connectivity.

1006 (III) Risk management, including processing, adjusting, and  
1007 payment of all claims and demands, including those made under s.  
1008 768.28. The county shall provide the sheriff with all required  
1009 general liability, property, and other insurance coverage  
1010 through its self-insurance program, a self-insurance risk pool,  
1011 or commercial insurance. If the county provides insurance  
1012 through a self-insurance program, the county must also provide  
1013 the sheriff with commercial stop-loss coverage in an amount and  
1014 with a self-insured retention agreed upon by the sheriff and the  
1015 county.

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1016 (IV) Legal representation and advice through the office of  
1017 the county attorney for all claims, demands, and causes of  
1018 action brought against the sheriff, his or her deputies, or  
1019 other personnel in their official and individual capacities,  
1020 while acting in their official and individual capacities,  
1021 including any required outside counsel due to conflicts of  
1022 interest. This sub-sub-subparagraph does not prohibit the  
1023 sheriff from employing or retaining his or her own legal  
1024 representation as he or she deems necessary.

1025 (V) Purchasing and procurement services using procedures  
1026 under the laws and ordinances applicable to the county for  
1027 purchases requiring competitive procurement.

1028 (VI) Budget and fiscal software and budget development  
1029 services.

1030 (VII) Human resource services, including, but not limited  
1031 to, facilitation of the hiring process, including employee  
1032 applicant screening and employee applicant background checks,  
1033 and employee benefit administration. The county may provide  
1034 human resource services to the sheriff. However, the sheriff is  
1035 the employer of his or her employees, and the sheriff retains  
1036 full and complete control and authority over the hiring of his  
1037 or her employees and the terms and conditions of employment,  
1038 including employee discipline and termination of employment. The  
1039 provision of human resource services by the county to the  
1040 sheriff does not create a joint-employer relationship. The  
1041 sheriff's employees shall remain members of the county's health  
1042 insurance and workers' compensation plans for at least the term  
1043 set forth in this subparagraph.

1044 (VIII) Fleet management, including procurement of all

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1045 vehicles and other mobile assets such as boats and aircraft, and  
 1046 all vehicle repair and maintenance.

1047 b. As used in this subparagraph, the term "information  
 1048 technology infrastructure" includes:

1049 (I) All hardware, including computers.  
 1050 (II) Budget and fiscal software, including payroll and  
 1051 purchasing software.  
 1052 (III) Computer-aided dispatch.

1053 c. Under a cost allocation plan agreed to by the county and  
 1054 the sheriff, the sheriff shall pay the county for such support  
 1055 services and information technology infrastructure from his or  
 1056 her general fund budget, except for any support services and  
 1057 information technology infrastructure costs that general law  
 1058 otherwise and expressly requires the county to fund outside the  
 1059 sheriff's budget.

1060 d. To satisfy compliance with this subsection and to  
 1061 establish the office of the sheriff in a manner that minimizes  
 1062 unnecessary financial expenditures, the county and the sheriff  
 1063 shall execute an interlocal agreement addressing the  
 1064 requirements of this subsection and other expenditures,  
 1065 including an appropriate phase-in period for identification of  
 1066 the sheriff's assets with the sheriff's markings to minimize the  
 1067 cost to taxpayers. The interlocal agreement shall have a term  
 1068 that ends no earlier than September 30, 2028, and may be  
 1069 amended, renewed, extended, or newly adopted at any time  
 1070 following the expiration or termination of the agreement. After  
 1071 the initial period ending no earlier than September 30, 2028, an  
 1072 interlocal agreement may be entered into between the county and  
 1073 the sheriff which provides for the same or different

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1074 requirements as set forth in this subsection.

1075 Section 12. For the purpose of incorporating the amendment  
 1076 made by this act to section 768.28, Florida Statutes, in  
 1077 references thereto, paragraph (h) of subsection (3) and  
 1078 paragraph (k) of subsection (15) of section 163.01, Florida  
 1079 Statutes, are reenacted to read:

1080 163.01 Florida Interlocal Cooperation Act of 1969.—  
 1081 (3) As used in this section:  
 1082 (h) "Local government liability pool" means a reciprocal  
 1083 insurer as defined in s. 629.011 or any self-insurance program  
 1084 created pursuant to s. 768.28(16), formed and controlled by  
 1085 counties or municipalities of this state to provide liability  
 1086 insurance coverage for counties, municipalities, or other public  
 1087 agencies of this state, which pool may contract with other  
 1088 parties for the purpose of providing claims administration,  
 1089 processing, accounting, and other administrative facilities.

1090 (15) Notwithstanding any other provision of this section or  
 1091 of any other law except s. 361.14, any public agency of this  
 1092 state which is an electric utility, or any separate legal entity  
 1093 created pursuant to the provisions of this section, the  
 1094 membership of which consists only of electric utilities, and  
 1095 which exercises or proposes to exercise the powers granted by  
 1096 part II of chapter 361, the Joint Power Act, may exercise any or  
 1097 all of the following powers:

1098 (k) The limitations on waiver in the provisions of s.  
 1099 768.28 or any other law to the contrary notwithstanding, the  
 1100 Legislature, in accordance with s. 13, Art. X of the State  
 1101 Constitution, hereby declares that any such legal entity or any  
 1102 public agency of this state that participates in any electric

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1103 project waives its sovereign immunity to:

1104 1. All other persons participating therein; and

1105 2. Any person in any manner contracting with a legal entity

1106 of which any such public agency is a member, with relation to:

1107 a. Ownership, operation, or any other activity set forth in

1108 sub-subparagraph (b)2.d. with relation to any electric project;

1109 or

1110 b. The supplying or purchasing of services, output,

1111 capacity, energy, or any combination thereof.

1112 Section 13. For the purpose of incorporating the amendment

1113 made by this act to section 768.28, Florida Statutes, in a

1114 reference thereto, section 190.043, Florida Statutes, is

1115 reenacted to read:

1116 190.043 Suits against the district.—Any suit or action

1117 brought or maintained against the district for damages arising

1118 out of tort, including, without limitation, any claim arising

1119 upon account of an act causing an injury or loss of property,

1120 personal injury, or death, shall be subject to the limitations

1121 provided in s. 768.28.

1122 Section 14. For the purpose of incorporating the amendment

1123 made by this act to section 768.28, Florida Statutes, in a

1124 reference thereto, subsection (13) of section 213.015, Florida

1125 Statutes, is reenacted to read:

1126 213.015 Taxpayer rights.—There is created a Florida

1127 Taxpayer’s Bill of Rights to guarantee that the rights, privacy,

1128 and property of Florida taxpayers are adequately safeguarded and

1129 protected during tax assessment, collection, and enforcement

1130 processes administered under the revenue laws of this state. The

1131 Taxpayer’s Bill of Rights compiles, in one document, brief but

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1132 comprehensive statements which explain, in simple, nontechnical

1133 terms, the rights and obligations of the Department of Revenue

1134 and taxpayers. Section 192.0105 provides additional rights

1135 afforded to payors of property taxes and assessments. The rights

1136 afforded taxpayers to ensure that their privacy and property are

1137 safeguarded and protected during tax assessment and collection

1138 are available only insofar as they are implemented in other

1139 parts of the Florida Statutes or rules of the Department of

1140 Revenue. The rights so guaranteed Florida taxpayers in the

1141 Florida Statutes and the departmental rules are:

1142 (13) The right to an action at law within the limitations

1143 of s. 768.28, relating to sovereign immunity, to recover damages

1144 against the state or the Department of Revenue for injury caused

1145 by the wrongful or negligent act or omission of a department

1146 officer or employee (see s. 768.28).

1147 Section 15. For the purpose of incorporating the amendment

1148 made by this act to section 768.28, Florida Statutes, in a

1149 reference thereto, section 252.51, Florida Statutes, is

1150 reenacted to read:

1151 252.51 Liability.—Any person or organization, public or

1152 private, owning or controlling real estate or other premises who

1153 voluntarily and without compensation, other than payment or

1154 reimbursement of costs and expenses, grants a license or

1155 privilege or otherwise permits the designation by the local

1156 emergency management agency or use of the whole or any part of

1157 such real estate or premises for the purpose of sheltering

1158 persons during an actual, impending, mock, or practice

1159 emergency, together with her or his successor in interest, if

1160 any, shall not be liable for the death of, or injury to, any

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1161 person on or about such real estate or premises during the  
 1162 actual, impending, mock, or practice emergency, or for loss of,  
 1163 or damage to, the property of such person, solely by reason or  
 1164 as a result of such license, privilege, designation, or use,  
 1165 unless the gross negligence or the willful and wanton misconduct  
 1166 of such person owning or controlling such real estate or  
 1167 premises or her or his successor in interest is the proximate  
 1168 cause of such death, injury, loss, or damage occurring during  
 1169 such sheltering period. Any such person or organization who  
 1170 provides such shelter space for compensation shall be deemed to  
 1171 be an instrumentality of the state or its applicable agency or  
 1172 subdivision for the purposes of s. 768.28.

1173 Section 16. For the purpose of incorporating the amendment  
 1174 made by this act to section 768.28, Florida Statutes, in a  
 1175 reference thereto, section 252.89, Florida Statutes, is  
 1176 reenacted to read:

1177 252.89 Tort liability.—The commission and the committees  
 1178 shall be state agencies, and the members of the commission and  
 1179 committees shall be officers, employees, or agents of the state  
 1180 for the purposes of s. 768.28.

1181 Section 17. For the purpose of incorporating the amendment  
 1182 made by this act to section 768.28, Florida Statutes, in a  
 1183 reference thereto, section 252.944, Florida Statutes, is  
 1184 reenacted to read:

1185 252.944 Tort liability.—The commission and the committees  
 1186 are state agencies, and the members of the commission and  
 1187 committees are officers, employees, or agents of the state for  
 1188 the purpose of s. 768.28.

1189 Section 18. For the purpose of incorporating the amendment

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1190 made by this act to section 768.28, Florida Statutes, in a  
 1191 reference thereto, subsection (2) of section 260.0125, Florida  
 1192 Statutes, is reenacted to read:

1193 260.0125 Limitation on liability of private landowners  
 1194 whose property is designated as part of the statewide system of  
 1195 greenways and trails.—

1196 (2) Any private landowner who consents to designation of  
 1197 his or her land as part of the statewide system of greenways and  
 1198 trails pursuant to s. 260.016(2)(d) without compensation shall  
 1199 be considered a volunteer, as defined in s. 110.501, and shall  
 1200 be covered by state liability protection pursuant to s. 768.28,  
 1201 including s. 768.28(9).

1202 Section 19. For the purpose of incorporating the amendment  
 1203 made by this act to section 768.28, Florida Statutes, in a  
 1204 reference thereto, section 284.31, Florida Statutes, is  
 1205 reenacted to read:

1206 284.31 Scope and types of coverages; separate accounts.—The  
 1207 Insurance Risk Management Trust Fund must, unless specifically  
 1208 excluded by the Department of Financial Services, cover all  
 1209 departments of the State of Florida and their employees, agents,  
 1210 and volunteers and must provide separate accounts for workers'  
 1211 compensation, general liability, fleet automotive liability,  
 1212 federal civil rights actions under 42 U.S.C. s. 1983 or similar  
 1213 federal statutes, state agency firefighter cancer benefits  
 1214 payable under s. 112.1816(2), and court-awarded attorney fees in  
 1215 other proceedings against the state except for such awards in  
 1216 eminent domain or for inverse condemnation or for awards by the  
 1217 Public Employees Relations Commission. Unless specifically  
 1218 excluded by the Department of Financial Services, the Insurance

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1219 Risk Management Trust Fund must provide fleet automotive  
 1220 liability coverage to motor vehicles titled to the state, or to  
 1221 any department of the state, when such motor vehicles are used  
 1222 by community transportation coordinators performing, under  
 1223 contract to the appropriate department of the state, services  
 1224 for the transportation disadvantaged under part I of chapter  
 1225 427. Such fleet automotive liability coverage is primary and is  
 1226 subject to s. 768.28 and parts II and III of chapter 284, and  
 1227 applicable rules adopted thereunder, and the terms and  
 1228 conditions of the certificate of coverage issued by the  
 1229 Department of Financial Services.

1230 Section 20. For the purpose of incorporating the amendment  
 1231 made by this act to section 768.28, Florida Statutes, in  
 1232 references thereto, section 284.38, Florida Statutes, is  
 1233 reenacted to read:

1234 284.38 Waiver of sovereign immunity; effect.—The insurance  
 1235 programs developed herein shall provide limits as established by  
 1236 the provisions of s. 768.28 if a tort claim. The limits provided  
 1237 in s. 768.28 shall not apply to a civil rights action arising  
 1238 under 42 U.S.C. s. 1983 or similar federal statute. Payment of a  
 1239 pending or future claim or judgment arising under any of said  
 1240 statutes may be made upon this act becoming a law, unless the  
 1241 officer, employee, or agent has been determined in the final  
 1242 judgment to have caused the harm intentionally; however, the  
 1243 fund is authorized to pay all other court-ordered attorney's  
 1244 fees as provided under s. 284.31.

1245 Section 21. For the purpose of incorporating the amendment  
 1246 made by this act to section 768.28, Florida Statutes, in a  
 1247 reference thereto, paragraph (b) of subsection (1) of section

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1248 322.13, Florida Statutes, is reenacted to read:

1249 322.13 Driver license examiners.—

1250 (1)

1251 (b) Those persons serving as driver license examiners are  
 1252 not liable for actions taken within the scope of their  
 1253 employment or designation, except as provided by s. 768.28.

1254 Section 22. For the purpose of incorporating the amendment  
 1255 made by this act to section 768.28, Florida Statutes, in a  
 1256 reference thereto, subsection (1) of section 337.19, Florida  
 1257 Statutes, is reenacted to read:

1258 337.19 Suits by and against department; limitation of  
 1259 actions; forum.—

1260 (1) Suits at law and in equity may be brought and  
 1261 maintained by and against the department on any contract claim  
 1262 arising from breach of an express provision or an implied  
 1263 covenant of a written agreement or a written directive issued by  
 1264 the department pursuant to the written agreement. In any such  
 1265 suit, the department and the contractor shall have all of the  
 1266 same rights and obligations as a private person under a like  
 1267 contract except that no liability may be based on an oral  
 1268 modification of either the written contract or written  
 1269 directive. Nothing herein shall be construed to waive the  
 1270 sovereign immunity of the state and its political subdivisions  
 1271 from equitable claims and equitable remedies. Notwithstanding  
 1272 anything to the contrary contained in this section, no employee  
 1273 or agent of the department may be held personally liable to an  
 1274 extent greater than that pursuant to s. 768.28 provided that no  
 1275 suit sounding in tort shall be maintained against the  
 1276 department.

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1277 Section 23. For the purpose of incorporating the amendment  
 1278 made by this act to section 768.28, Florida Statutes, in a  
 1279 reference thereto, subsection (17) of section 341.302, Florida  
 1280 Statutes, is reenacted to read:

1281 341.302 Rail program; duties and responsibilities of the  
 1282 department.—The department, in conjunction with other  
 1283 governmental entities, including the rail enterprise and the  
 1284 private sector, shall develop and implement a rail program of  
 1285 statewide application designed to ensure the proper maintenance,  
 1286 safety, revitalization, and expansion of the rail system to  
 1287 assure its continued and increased availability to respond to  
 1288 statewide mobility needs. Within the resources provided pursuant  
 1289 to chapter 216, and as authorized under federal law, the  
 1290 department shall:

1291 (17) In conjunction with the acquisition, ownership,  
 1292 construction, operation, maintenance, and management of a rail  
 1293 corridor, have the authority to:

1294 (a) Assume obligations pursuant to the following:

1295 1.a. The department may assume the obligation by contract  
 1296 to forever protect, defend, indemnify, and hold harmless the  
 1297 freight rail operator, or its successors, from whom the  
 1298 department has acquired a real property interest in the rail  
 1299 corridor, and that freight rail operator's officers, agents, and  
 1300 employees, from and against any liability, cost, and expense,  
 1301 including, but not limited to, commuter rail passengers and rail  
 1302 corridor invitees in the rail corridor, regardless of whether  
 1303 the loss, damage, destruction, injury, or death giving rise to  
 1304 any such liability, cost, or expense is caused in whole or in  
 1305 part, and to whatever nature or degree, by the fault, failure,

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1306 negligence, misconduct, nonfeasance, or misfeasance of such  
 1307 freight rail operator, its successors, or its officers, agents,  
 1308 and employees, or any other person or persons whomsoever; or

1309 b. The department may assume the obligation by contract to  
 1310 forever protect, defend, indemnify, and hold harmless National  
 1311 Railroad Passenger Corporation, or its successors, and officers,  
 1312 agents, and employees of National Railroad Passenger  
 1313 Corporation, from and against any liability, cost, and expense,  
 1314 including, but not limited to, commuter rail passengers and rail  
 1315 corridor invitees in the rail corridor, regardless of whether  
 1316 the loss, damage, destruction, injury, or death giving rise to  
 1317 any such liability, cost, or expense is caused in whole or in  
 1318 part, and to whatever nature or degree, by the fault, failure,  
 1319 negligence, misconduct, nonfeasance, or misfeasance of National  
 1320 Railroad Passenger Corporation, its successors, or its officers,  
 1321 agents, and employees, or any other person or persons  
 1322 whomsoever.

1323 2. The assumption of liability of the department by  
 1324 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph  
 1325 1.b. may not in any instance exceed the following parameters of  
 1326 allocation of risk:

1327 a. The department may be solely responsible for any loss,  
 1328 injury, or damage to commuter rail passengers, or rail corridor  
 1329 invitees, or trespassers, regardless of circumstances or cause,  
 1330 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and  
 1331 6.

1332 b.(I) In the event of a limited covered accident, the  
 1333 authority of the department to protect, defend, and indemnify  
 1334 the freight operator for all liability, cost, and expense,

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1335 including punitive or exemplary damages, in excess of the  
 1336 deductible or self-insurance retention fund established under  
 1337 paragraph (b) and actually in force at the time of the limited  
 1338 covered accident exists only if the freight operator agrees,  
 1339 with respect to the limited covered accident, to protect,  
 1340 defend, and indemnify the department for the amount of the  
 1341 deductible or self-insurance retention fund established under  
 1342 paragraph (b) and actually in force at the time of the limited  
 1343 covered accident.

1344 (II) In the event of a limited covered accident, the  
 1345 authority of the department to protect, defend, and indemnify  
 1346 National Railroad Passenger Corporation for all liability, cost,  
 1347 and expense, including punitive or exemplary damages, in excess  
 1348 of the deductible or self-insurance retention fund established  
 1349 under paragraph (b) and actually in force at the time of the  
 1350 limited covered accident exists only if National Railroad  
 1351 Passenger Corporation agrees, with respect to the limited  
 1352 covered accident, to protect, defend, and indemnify the  
 1353 department for the amount of the deductible or self-insurance  
 1354 retention fund established under paragraph (b) and actually in  
 1355 force at the time of the limited covered accident.

1356 3. When only one train is involved in an incident, the  
 1357 department may be solely responsible for any loss, injury, or  
 1358 damage if the train is a department train or other train  
 1359 pursuant to subparagraph 4., but only if:

1360 a. When an incident occurs with only a freight train  
 1361 involved, including incidents with trespassers or at grade  
 1362 crossings, the freight rail operator is solely responsible for  
 1363 any loss, injury, or damage, except for commuter rail passengers

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1364 and rail corridor invitees; or

1365 b. When an incident occurs with only a National Railroad  
 1366 Passenger Corporation train involved, including incidents with  
 1367 trespassers or at grade crossings, National Railroad Passenger  
 1368 Corporation is solely responsible for any loss, injury, or  
 1369 damage, except for commuter rail passengers and rail corridor  
 1370 invitees.

1371 4. For the purposes of this subsection:

1372 a. Any train involved in an incident that is neither the  
 1373 department's train nor the freight rail operator's train,  
 1374 hereinafter referred to in this subsection as an "other train,"  
 1375 may be treated as a department train, solely for purposes of any  
 1376 allocation of liability between the department and the freight  
 1377 rail operator only, but only if the department and the freight  
 1378 rail operator share responsibility equally as to third parties  
 1379 outside the rail corridor who incur loss, injury, or damage as a  
 1380 result of any incident involving both a department train and a  
 1381 freight rail operator train, and the allocation as between the  
 1382 department and the freight rail operator, regardless of whether  
 1383 the other train is treated as a department train, shall remain  
 1384 one-half each as to third parties outside the rail corridor who  
 1385 incur loss, injury, or damage as a result of the incident. The  
 1386 involvement of any other train shall not alter the sharing of  
 1387 equal responsibility as to third parties outside the rail  
 1388 corridor who incur loss, injury, or damage as a result of the  
 1389 incident; or

1390 b. Any train involved in an incident that is neither the  
 1391 department's train nor the National Railroad Passenger  
 1392 Corporation's train, hereinafter referred to in this subsection

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1393 as an "other train," may be treated as a department train,  
 1394 solely for purposes of any allocation of liability between the  
 1395 department and National Railroad Passenger Corporation only, but  
 1396 only if the department and National Railroad Passenger  
 1397 Corporation share responsibility equally as to third parties  
 1398 outside the rail corridor who incur loss, injury, or damage as a  
 1399 result of any incident involving both a department train and a  
 1400 National Railroad Passenger Corporation train, and the  
 1401 allocation as between the department and National Railroad  
 1402 Passenger Corporation, regardless of whether the other train is  
 1403 treated as a department train, shall remain one-half each as to  
 1404 third parties outside the rail corridor who incur loss, injury,  
 1405 or damage as a result of the incident. The involvement of any  
 1406 other train shall not alter the sharing of equal responsibility  
 1407 as to third parties outside the rail corridor who incur loss,  
 1408 injury, or damage as a result of the incident.

1409 5. When more than one train is involved in an incident:

1410 a.(I) If only a department train and freight rail  
 1411 operator's train, or only an other train as described in sub-  
 1412 subparagraph 4.a. and a freight rail operator's train, are  
 1413 involved in an incident, the department may be responsible for  
 1414 its property and all of its people, all commuter rail  
 1415 passengers, and rail corridor invitees, but only if the freight  
 1416 rail operator is responsible for its property and all of its  
 1417 people, and the department and the freight rail operator each  
 1418 share one-half responsibility as to trespassers or third parties  
 1419 outside the rail corridor who incur loss, injury, or damage as a  
 1420 result of the incident; or

1421 (II) If only a department train and a National Railroad

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1422 Passenger Corporation train, or only an other train as described  
 1423 in sub-subparagraph 4.b. and a National Railroad Passenger  
 1424 Corporation train, are involved in an incident, the department  
 1425 may be responsible for its property and all of its people, all  
 1426 commuter rail passengers, and rail corridor invitees, but only  
 1427 if National Railroad Passenger Corporation is responsible for  
 1428 its property and all of its people, all National Railroad  
 1429 Passenger Corporation's rail passengers, and the department and  
 1430 National Railroad Passenger Corporation each share one-half  
 1431 responsibility as to trespassers or third parties outside the  
 1432 rail corridor who incur loss, injury, or damage as a result of  
 1433 the incident.

1434 b.(I) If a department train, a freight rail operator train,  
 1435 and any other train are involved in an incident, the allocation  
 1436 of liability between the department and the freight rail  
 1437 operator, regardless of whether the other train is treated as a  
 1438 department train, shall remain one-half each as to third parties  
 1439 outside the rail corridor who incur loss, injury, or damage as a  
 1440 result of the incident; the involvement of any other train shall  
 1441 not alter the sharing of equal responsibility as to third  
 1442 parties outside the rail corridor who incur loss, injury, or  
 1443 damage as a result of the incident; and, if the owner, operator,  
 1444 or insurer of the other train makes any payment to injured third  
 1445 parties outside the rail corridor who incur loss, injury, or  
 1446 damage as a result of the incident, the allocation of credit  
 1447 between the department and the freight rail operator as to such  
 1448 payment shall not in any case reduce the freight rail operator's  
 1449 third-party-sharing allocation of one-half under this paragraph  
 1450 to less than one-third of the total third party liability; or

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1451 (II) If a department train, a National Railroad Passenger  
 1452 Corporation train, and any other train are involved in an  
 1453 incident, the allocation of liability between the department and  
 1454 National Railroad Passenger Corporation, regardless of whether  
 1455 the other train is treated as a department train, shall remain  
 1456 one-half each as to third parties outside the rail corridor who  
 1457 incur loss, injury, or damage as a result of the incident; the  
 1458 involvement of any other train shall not alter the sharing of  
 1459 equal responsibility as to third parties outside the rail  
 1460 corridor who incur loss, injury, or damage as a result of the  
 1461 incident; and, if the owner, operator, or insurer of the other  
 1462 train makes any payment to injured third parties outside the  
 1463 rail corridor who incur loss, injury, or damage as a result of  
 1464 the incident, the allocation of credit between the department  
 1465 and National Railroad Passenger Corporation as to such payment  
 1466 shall not in any case reduce National Railroad Passenger  
 1467 Corporation's third-party-sharing allocation of one-half under  
 1468 this sub-subparagraph to less than one-third of the total third  
 1469 party liability.

1470 6. Any such contractual duty to protect, defend, indemnify,  
 1471 and hold harmless such a freight rail operator or National  
 1472 Railroad Passenger Corporation shall expressly include a  
 1473 specific cap on the amount of the contractual duty, which amount  
 1474 shall not exceed \$200 million without prior legislative  
 1475 approval, and the department to purchase liability insurance and  
 1476 establish a self-insurance retention fund in the amount of the  
 1477 specific cap established under this subparagraph, provided that:

1478 a. No such contractual duty shall in any case be effective  
 1479 nor otherwise extend the department's liability in scope and

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1480 effect beyond the contractual liability insurance and self-  
 1481 insurance retention fund required pursuant to this paragraph;  
 1482 and

1483 b.(I) The freight rail operator's compensation to the  
 1484 department for future use of the department's rail corridor  
 1485 shall include a monetary contribution to the cost of such  
 1486 liability coverage for the sole benefit of the freight rail  
 1487 operator.

1488 (II) National Railroad Passenger Corporation's compensation  
 1489 to the department for future use of the department's rail  
 1490 corridor shall include a monetary contribution to the cost of  
 1491 such liability coverage for the sole benefit of National  
 1492 Railroad Passenger Corporation.

1493 (b) Purchase liability insurance, which amount shall not  
 1494 exceed \$200 million, and establish a self-insurance retention  
 1495 fund for the purpose of paying the deductible limit established  
 1496 in the insurance policies it may obtain, including coverage for  
 1497 the department, any freight rail operator as described in  
 1498 paragraph (a), National Railroad Passenger Corporation, commuter  
 1499 rail service providers, governmental entities, or any ancillary  
 1500 development, which self-insurance retention fund or deductible  
 1501 shall not exceed \$10 million. The insureds shall pay a  
 1502 reasonable monetary contribution to the cost of such liability  
 1503 coverage for the sole benefit of the insured. Such insurance and  
 1504 self-insurance retention fund may provide coverage for all  
 1505 damages, including, but not limited to, compensatory, special,  
 1506 and exemplary, and be maintained to provide an adequate fund to  
 1507 cover claims and liabilities for loss, injury, or damage arising  
 1508 out of or connected with the ownership, operation, maintenance,

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1509 and management of a rail corridor.

1510 (c) Incur expenses for the purchase of advertisements,  
1511 marketing, and promotional items.

1512 (d) Without altering any of the rights granted to the  
1513 department under this section, agree to assume the obligations  
1514 to indemnify and insure, pursuant to s. 343.545, freight rail  
1515 service, intercity passenger rail service, and commuter rail  
1516 service on a department-owned rail corridor, whether ownership  
1517 is in fee or by easement, or on a rail corridor where the  
1518 department has the right to operate.

1519

1520 Neither the assumption by contract to protect, defend,  
1521 indemnify, and hold harmless; the purchase of insurance; nor the  
1522 establishment of a self-insurance retention fund shall be deemed  
1523 to be a waiver of any defense of sovereign immunity for torts  
1524 nor deemed to increase the limits of the department's or the  
1525 governmental entity's liability for torts as provided in s.  
1526 768.28. The requirements of s. 287.022(1) shall not apply to the  
1527 purchase of any insurance under this subsection. The provisions  
1528 of this subsection shall apply and inure fully as to any other  
1529 governmental entity providing commuter rail service and  
1530 constructing, operating, maintaining, or managing a rail  
1531 corridor on publicly owned right-of-way under contract by the  
1532 governmental entity with the department or a governmental entity  
1533 designated by the department. Notwithstanding any law to the  
1534 contrary, procurement for the construction, operation,  
1535 maintenance, and management of any rail corridor described in  
1536 this subsection, whether by the department, a governmental  
1537 entity under contract with the department, or a governmental

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1538 entity designated by the department, shall be pursuant to s.  
1539 287.057 and shall include, but not be limited to, criteria for  
1540 the consideration of qualifications, technical aspects of the  
1541 proposal, and price. Further, any such contract for design-build  
1542 shall be procured pursuant to the criteria in s. 337.11(7).

1543 Section 24. For the purpose of incorporating the amendment  
1544 made by this act to section 768.28, Florida Statutes, in a  
1545 reference thereto, subsection (3) of section 343.811, Florida  
1546 Statutes, is reenacted to read:

1547 343.811 Power to assume indemnification and insurance  
1548 obligations.—

1549 (3) ASSUMPTION OF OBLIGATIONS; PURCHASE OF INSURANCE.—In  
1550 conjunction with the development or operation of a commuter rail  
1551 service on the Coastal Link corridor, an agency may:

1552 (a) Assume obligations pursuant to the following:

1553 1.a. The agency may assume the obligation by contract to  
1554 protect, defend, indemnify, and hold harmless FECR and its  
1555 officers, agents, and employees from and against:

1556 (I) Any liability, cost, and expense, including, but not  
1557 limited to, the agency's passengers and other rail corridor  
1558 invitees in, on, or about the Coastal Link corridor, regardless  
1559 of whether the loss, damage, destruction, injury, or death  
1560 giving rise to any such liability, cost, or expense is caused in  
1561 whole or in part, and to whatever nature or degree, by the  
1562 fault, failure, negligence, misconduct, nonfeasance, or  
1563 misfeasance of such freight rail operator, its successors, or  
1564 its officers, agents, and employees, or any other person or  
1565 persons whomsoever.

1566 (II) Any loss, injury, or damage incurred by other rail

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1567 corridor invitees up to the amount of the self-insurance  
1568 retention amount with respect to limited covered accidents  
1569 caused by the agency.

1570 b. The agency may assume the obligation by contract to  
1571 protect, defend, indemnify, and hold harmless Brightline and its  
1572 officers, agents, and employees from and against:

1573 (I) Any liability, cost, and expense, including, but not  
1574 limited to, the agency's passengers and rail corridor invitees  
1575 in the Coastal Link corridor, regardless of whether the loss,  
1576 damage, destruction, injury, or death giving rise to any such  
1577 liability, cost, or expense is caused in whole or in part, and  
1578 to whatever nature or degree, by the fault, failure, negligence,  
1579 misconduct, nonfeasance, or misfeasance of Brightline, its  
1580 successors, or its officers, agents, and employees, or any other  
1581 person or persons whomsoever.

1582 (II) Any loss, injury, or damage incurred by other rail  
1583 corridor invitees up to the amount of the self-insurance  
1584 retention amount with respect to limited covered accidents  
1585 caused by the agency.

1586 2. The assumption of liability of the agency by contract  
1587 pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b. may  
1588 not in any instance exceed the following parameters of  
1589 allocation of risk:

1590 a. The agency may be solely responsible for any loss,  
1591 injury, or damage to the agency's passengers, or rail corridor  
1592 invitees, third parties, or trespassers, regardless of  
1593 circumstances or cause, subject to sub-subparagraph b. and  
1594 subparagraphs 3., 4., and 5.

1595 b.(I) In the event of a limited covered accident caused by

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1596 FECR, the authority of an agency to protect, defend, and  
1597 indemnify FECR for all liability, cost, and expense, including  
1598 punitive or exemplary damages, in excess of the self-insurance  
1599 retention amount exists only if FECR agrees, with respect to  
1600 such limited covered accident caused by FECR, to protect,  
1601 defend, and indemnify the agency for the amount of the self-  
1602 insurance retention amount.

1603 (II) In the event of a limited covered accident caused by  
1604 Brightline, the authority of an agency to protect, defend, and  
1605 indemnify Brightline for all liability, cost, and expense,  
1606 including punitive or exemplary damages, in excess of the self-  
1607 insurance retention amount exists only if Brightline agrees,  
1608 with respect to such limited covered accident, to protect,  
1609 defend, and indemnify the agency for the amount of the self-  
1610 insurance retention amount.

1611 3. When only one train is involved in an incident and:

1612 a. The train is an agency's train, including an incident  
1613 with trespassers or at-grade crossings, the agency may be solely  
1614 responsible for any loss, injury, or damage.

1615 b. The train is FECR's train, including an incident with  
1616 trespassers or at-grade crossings, FECR is solely responsible  
1617 for any loss, injury, or damage, except for the agency's  
1618 passengers and other rail corridor invitees, which are the  
1619 responsibility of the agency, and Brightline's passengers and  
1620 other rail corridor invitees, which are the responsibility of  
1621 Brightline.

1622 c. The train is Brightline's train, including an incident  
1623 with trespassers or at-grade crossings, Brightline is solely  
1624 responsible for any loss, injury, or damage, except for the

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1625 agency's passengers or rail corridor invitees, which are the  
 1626 responsibility of the agency, and FECR's rail corridor invitees,  
 1627 which are the responsibility of FECR.

1628 4. When an incident involves more than one operator, each  
 1629 operator is responsible for:

1630 a. Its property; passengers; employees, excluding employees  
 1631 who are, at the time of the incident, rail corridor invitees of  
 1632 another operator; and other rail corridor invitees.

1633 b. Its proportionate share of any loss or damage to the  
 1634 joint infrastructure.

1635 c. Its proportionate share of any loss, injury, or damage  
 1636 to:

1637 (I) Rail corridor invitees who are not rail corridor  
 1638 invitees of operators, provided that the agency shall always be  
 1639 responsible for its passengers and its rail corridor invitees  
 1640 regardless of whether the agency was involved in the incident.

1641 (II) Trespassers or third parties outside the Coastal Link  
 1642 corridor as a result of the incident.

1643 5. Any such contractual duty to protect, defend, indemnify,  
 1644 and hold harmless FECR or Brightline with respect to claims by  
 1645 rail passengers shall expressly include a specific cap on the  
 1646 amount of the contractual duty, which amount may not exceed \$323  
 1647 million per occurrence and shall be adjusted so that the per-  
 1648 occurrence insurance requirement is equal to the aggregate  
 1649 allowable awards to all rail passengers, against all defendants,  
 1650 for all claims, including claims for punitive damages, arising  
 1651 from a single accident or incident in accordance with 49 U.S.C.  
 1652 s. 28103, or any successor provision, without prior legislative  
 1653 approval.

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1654 6. Notwithstanding any provision of this section to the  
 1655 contrary, the liabilities of the agency to the state or any  
 1656 other agency shall be as set forth in an agreement among such  
 1657 entities and limited by s. 768.28(19).

1658 (b) Purchase liability insurance, which amount may not  
 1659 exceed \$323 million per occurrence, which amount shall be  
 1660 adjusted so that the per-occurrence insurance requirement is  
 1661 equal to the aggregate allowable awards to all rail passengers,  
 1662 against all defendants, for all claims, including claims for  
 1663 punitive damages, arising from a single accident or incident in  
 1664 accordance with 49 U.S.C. s. 28103, or any successor provision,  
 1665 and establish a self-insurance retention fund for the purpose of  
 1666 paying the deductible limit established in the insurance  
 1667 policies it may obtain, including coverage for a county agency,  
 1668 any freight rail operator as described in paragraph (a),  
 1669 Brightline, commuter rail service providers, governmental  
 1670 entities, or any ancillary development, which self-insurance  
 1671 retention fund or deductible shall not exceed the self-insurance  
 1672 retention amount.

1673 1. Such insurance and self-insurance retention fund may  
 1674 provide coverage for all damages, including, but not limited to,  
 1675 compensatory, special, and exemplary, and be maintained to  
 1676 provide an adequate fund to cover claims and liabilities for  
 1677 loss, injury, or damage arising out of or connected with the  
 1678 ownership, operation, maintenance, and management of the Coastal  
 1679 Link corridor.

1680 2. Any self-insured retention account shall be a segregated  
 1681 account of the agency and shall be subject to the same  
 1682 conditions, restrictions, exclusions, obligations, and duties

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1683 included in any and all of the policies of liability insurance  
1684 purchased under this paragraph.

1685 3. Unless otherwise specifically provided by general law,  
1686 FECR and Brightline, and their respective officers, agents, and  
1687 employees, are not officers, agents, employees, or subdivisions  
1688 of the state and are not entitled to sovereign immunity.  
1689

1690 Neither the assumption by contract to protect, defend,  
1691 indemnify, and hold harmless; the purchase of insurance; nor the  
1692 establishment of a self-insurance retention fund shall be deemed  
1693 to be a waiver of any defense of sovereign immunity for tort  
1694 claims or deemed to increase the limits of the agency's  
1695 liability for tort claims as provided in s. 768.28.

1696 Section 25. For the purpose of incorporating the amendment  
1697 made by this act to section 768.28, Florida Statutes, in a  
1698 reference thereto, paragraph (c) of subsection (4) of section  
1699 351.03, Florida Statutes, is reenacted to read:

1700 351.03 Railroad-highway grade-crossing warning signs and  
1701 signals; audible warnings; exercise of reasonable care; blocking  
1702 highways, roads, and streets during darkness.—

1703 (4)

1704 (c) Nothing in this subsection shall be construed to  
1705 nullify the liability provisions of s. 768.28.

1706 Section 26. For the purpose of incorporating the amendment  
1707 made by this act to section 768.28, Florida Statutes, in a  
1708 reference thereto, subsection (6) of section 373.1395, Florida  
1709 Statutes, is reenacted to read:

1710 373.1395 Limitation on liability of water management  
1711 district with respect to areas made available to the public for

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1712 recreational purposes without charge.—

1713 (6) This section does not relieve any water management  
1714 district of any liability that would otherwise exist for gross  
1715 negligence or a deliberate, willful, or malicious injury to a  
1716 person or property. This section does not create or increase the  
1717 liability of any water management district or person beyond that  
1718 which is authorized by s. 768.28.

1719 Section 27. For the purpose of incorporating the amendment  
1720 made by this act to section 768.28, Florida Statutes, in a  
1721 reference thereto, paragraph (a) of subsection (3) of section  
1722 375.251, Florida Statutes, is reenacted to read:

1723 375.251 Limitation on liability of persons making available  
1724 to public certain areas for recreational purposes without  
1725 charge.—

1726 (3) (a) An owner of an area who enters into a written  
1727 agreement concerning the area with a state agency for outdoor  
1728 recreational purposes, where such agreement recognizes that the  
1729 state agency is responsible for personal injury, loss, or damage  
1730 resulting in whole or in part from the state agency's use of the  
1731 area under the terms of the agreement subject to the limitations  
1732 and conditions specified in s. 768.28, owes no duty of care to  
1733 keep the area safe for entry or use by others, or to give  
1734 warning to persons entering or going on the area of any  
1735 hazardous conditions, structures, or activities thereon. An  
1736 owner who enters into a written agreement concerning the area  
1737 with a state agency for outdoor recreational purposes:

1738 1. Is not presumed to extend any assurance that the area is  
1739 safe for any purpose;

1740 2. Does not incur any duty of care toward a person who goes

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1741 on the area that is subject to the agreement; or

1742 3. Is not liable or responsible for any injury to persons  
1743 or property caused by the act or omission of a person who goes  
1744 on the area that is subject to the agreement.

1745 Section 28. For the purpose of incorporating the amendment  
1746 made by this act to section 768.28, Florida Statutes, in a  
1747 reference thereto, subsection (9) of section 381.0056, Florida  
1748 Statutes, is reenacted to read:

1749 381.0056 School health services program.—

1750 (9) Any health care entity that provides school health  
1751 services under contract with the department pursuant to a school  
1752 health services plan developed under this section, and as part  
1753 of a school nurse services public-private partnership, is deemed  
1754 to be a corporation acting primarily as an instrumentality of  
1755 the state solely for the purpose of limiting liability pursuant  
1756 to s. 768.28(5). The limitations on tort actions contained in s.  
1757 768.28(5) shall apply to any action against the entity with  
1758 respect to the provision of school health services, if the  
1759 entity is acting within the scope of and pursuant to guidelines  
1760 established in the contract or by rule of the department. The  
1761 contract must require the entity, or the partnership on behalf  
1762 of the entity, to obtain general liability insurance coverage,  
1763 with any additional endorsement necessary to insure the entity  
1764 for liability assumed by its contract with the department. The  
1765 Legislature intends that insurance be purchased by entities, or  
1766 by partnerships on behalf of the entity, to cover all liability  
1767 claims, and under no circumstances shall the state or the  
1768 department be responsible for payment of any claims or defense  
1769 costs for claims brought against the entity or its subcontractor

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1770 for services performed under the contract with the department.  
1771 This subsection does not preclude consideration by the  
1772 Legislature for payment by the state of any claims bill  
1773 involving an entity contracting with the department pursuant to  
1774 this section.

1775 Section 29. For the purpose of incorporating the amendment  
1776 made by this act to section 768.28, Florida Statutes, in a  
1777 reference thereto, subsection (3) of section 393.075, Florida  
1778 Statutes, is reenacted to read:

1779 393.075 General liability coverage.—

1780 (3) This section shall not be construed as designating or  
1781 not designating that a person who owns or operates a foster care  
1782 facility or group home facility as described in this section or  
1783 any other person is an employee or agent of the state. Nothing  
1784 in this section amends, expands, or supersedes the provisions of  
1785 s. 768.28.

1786 Section 30. For the purpose of incorporating the amendment  
1787 made by this act to section 768.28, Florida Statutes, in a  
1788 reference thereto, subsection (7) of section 394.9085, Florida  
1789 Statutes, is reenacted to read:

1790 394.9085 Behavioral provider liability.—

1791 (7) This section shall not be construed to waive sovereign  
1792 immunity for any governmental unit or other entity protected by  
1793 sovereign immunity. Section 768.28 shall continue to apply to  
1794 all governmental units and such entities.

1795 Section 31. For the purpose of incorporating the amendment  
1796 made by this act to section 768.28, Florida Statutes, in a  
1797 reference thereto, paragraph (g) of subsection (10) of section  
1798 395.1055, Florida Statutes, is reenacted to read:

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1799 395.1055 Rules and enforcement.-

1800 (10) The agency shall establish a pediatric cardiac  
1801 technical advisory panel, pursuant to s. 20.052, to develop  
1802 procedures and standards for measuring outcomes of pediatric  
1803 cardiac catheterization programs and pediatric cardiovascular  
1804 surgery programs.

1805 (g) Panel members are agents of the state for purposes of  
1806 s. 768.28 throughout the good faith performance of the duties  
1807 assigned to them by the Secretary of Health Care Administration.

1808 Section 32. For the purpose of incorporating the amendment  
1809 made by this act to section 768.28, Florida Statutes, in a  
1810 reference thereto, paragraph (c) of subsection (17) of section  
1811 403.706, Florida Statutes, is reenacted to read:

1812 403.706 Local government solid waste responsibilities.-

1813 (17) To effect the purposes of this part, counties and  
1814 municipalities are authorized, in addition to other powers  
1815 granted pursuant to this part:

1816 (c) To waive sovereign immunity and immunity from suit in  
1817 federal court by vote of the governing body of the county or  
1818 municipality to the extent necessary to carry out the authority  
1819 granted in paragraphs (a) and (b), notwithstanding the  
1820 limitations prescribed in s. 768.28.

1821 Section 33. For the purpose of incorporating the amendment  
1822 made by this act to section 768.28, Florida Statutes, in a  
1823 reference thereto, paragraph (b) of subsection (15) of section  
1824 409.175, Florida Statutes, is reenacted to read:

1825 409.175 Licensure of family foster homes, residential  
1826 child-caring agencies, and child-placing agencies; public  
1827 records exemption.-

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1828 (15)

1829 (b) This subsection may not be construed as designating or  
1830 not designating that a person who owns or operates a family  
1831 foster home as described in this subsection or any other person  
1832 is an employee or agent of the state. Nothing in this subsection  
1833 amends, expands, or supersedes the provisions of s. 768.28.

1834 Section 34. For the purpose of incorporating the amendment  
1835 made by this act to section 768.28, Florida Statutes, in  
1836 references thereto, subsection (1), paragraph (a) of subsection  
1837 (2), and paragraph (a) of subsection (3) of section 409.993,  
1838 Florida Statutes, are reenacted to read:

1839 409.993 Lead agencies and subcontractor liability.-

1840 (1) FINDINGS.-

1841 (a) The Legislature finds that the state has traditionally  
1842 provided foster care services to children who are the  
1843 responsibility of the state. As such, foster children have not  
1844 had the right to recover for injuries beyond the limitations  
1845 specified in s. 768.28. The Legislature has determined that  
1846 foster care and related services should be outsourced pursuant  
1847 to this section and that the provision of such services is of  
1848 paramount importance to the state. The purpose of such  
1849 outsourcing is to increase the level of safety, security, and  
1850 stability of children who are or become the responsibility of  
1851 the state. One of the components necessary to secure a safe and  
1852 stable environment for such children is the requirement that  
1853 private providers maintain liability insurance. As such,  
1854 insurance needs to be available and remain available to  
1855 nongovernmental foster care and related services providers  
1856 without the resources of such providers being significantly

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1857 reduced by the cost of maintaining such insurance.

1858 (b) The Legislature further finds that, by requiring the  
1859 following minimum levels of insurance, children in outsourced  
1860 foster care and related services will gain increased protection  
1861 and rights of recovery in the event of injury than currently  
1862 provided in s. 768.28.

1863 (2) LEAD AGENCY LIABILITY.—

1864 (a) Other than an entity to which s. 768.28 applies, an  
1865 eligible community-based care lead agency, or its employees or  
1866 officers, except as otherwise provided in paragraph (b), shall,  
1867 as a part of its contract, obtain a minimum of \$1 million per  
1868 occurrence with a policy period aggregate limit of \$3 million in  
1869 general liability insurance coverage. The lead agency must also  
1870 require that staff who transport client children and families in  
1871 their personal automobiles in order to carry out their job  
1872 responsibilities obtain minimum bodily injury liability  
1873 insurance in the amount of \$100,000 per person per any one  
1874 automobile accident, and subject to such limits for each person,  
1875 \$300,000 for all damages resulting from any one automobile  
1876 accident, on their personal automobiles. In lieu of personal  
1877 motor vehicle insurance, the lead agency's casualty, liability,  
1878 or motor vehicle insurance carrier may provide nonowned  
1879 automobile liability coverage. This insurance provides liability  
1880 insurance for an automobile that the lead agency uses in  
1881 connection with the lead agency's business but does not own,  
1882 lease, rent, or borrow. This coverage includes an automobile  
1883 owned by an employee of the lead agency or a member of the  
1884 employee's household but only while the automobile is used in  
1885 connection with the lead agency's business. The nonowned

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1886 automobile coverage for the lead agency applies as excess  
1887 coverage over any other collectible insurance. The personal  
1888 automobile policy for the employee of the lead agency shall be  
1889 primary insurance, and the nonowned automobile coverage of the  
1890 lead agency acts as excess insurance to the primary insurance.  
1891 The lead agency shall provide a minimum limit of \$1 million in  
1892 nonowned automobile coverage. In a tort action brought against  
1893 such a lead agency or employee, net economic damages shall be  
1894 limited to \$2 million per liability claim and \$200,000 per  
1895 automobile claim, including, but not limited to, past and future  
1896 medical expenses, wage loss, and loss of earning capacity,  
1897 offset by any collateral source payment paid or payable. In any  
1898 tort action brought against a lead agency, noneconomic damages  
1899 shall be limited to \$400,000 per claim. A claims bill may be  
1900 brought on behalf of a claimant pursuant to s. 768.28 for any  
1901 amount exceeding the limits specified in this paragraph. Any  
1902 offset of collateral source payments made as of the date of the  
1903 settlement or judgment shall be in accordance with s. 768.76.  
1904 The lead agency is not liable in tort for the acts or omissions  
1905 of its subcontractors or the officers, agents, or employees of  
1906 its subcontractors.

1907 (3) SUBCONTRACTOR LIABILITY.—

1908 (a) A subcontractor of an eligible community-based care  
1909 lead agency that is a direct provider of foster care and related  
1910 services to children and families, and its employees or  
1911 officers, except as otherwise provided in paragraph (c), must,  
1912 as a part of its contract, obtain a minimum of \$1 million per  
1913 occurrence with a policy period aggregate limit of \$3 million in  
1914 general liability insurance coverage. The subcontractor of a

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1915 lead agency must also require that staff who transport client  
 1916 children and families in their personal automobiles in order to  
 1917 carry out their job responsibilities obtain minimum bodily  
 1918 injury liability insurance in the amount of \$100,000 per person  
 1919 in any one automobile accident, and subject to such limits for  
 1920 each person, \$300,000 for all damages resulting from any one  
 1921 automobile accident, on their personal automobiles. In lieu of  
 1922 personal motor vehicle insurance, the subcontractor's casualty,  
 1923 liability, or motor vehicle insurance carrier may provide  
 1924 nonowned automobile liability coverage. This insurance provides  
 1925 liability insurance for automobiles that the subcontractor uses  
 1926 in connection with the subcontractor's business but does not  
 1927 own, lease, rent, or borrow. This coverage includes automobiles  
 1928 owned by the employees of the subcontractor or a member of the  
 1929 employee's household but only while the automobiles are used in  
 1930 connection with the subcontractor's business. The nonowned  
 1931 automobile coverage for the subcontractor applies as excess  
 1932 coverage over any other collectible insurance. The personal  
 1933 automobile policy for the employee of the subcontractor shall be  
 1934 primary insurance, and the nonowned automobile coverage of the  
 1935 subcontractor acts as excess insurance to the primary insurance.  
 1936 The subcontractor shall provide a minimum limit of \$1 million in  
 1937 nonowned automobile coverage. In a tort action brought against  
 1938 such subcontractor or employee, net economic damages shall be  
 1939 limited to \$2 million per liability claim and \$200,000 per  
 1940 automobile claim, including, but not limited to, past and future  
 1941 medical expenses, wage loss, and loss of earning capacity,  
 1942 offset by any collateral source payment paid or payable. In a  
 1943 tort action brought against such subcontractor, noneconomic

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1944 damages shall be limited to \$400,000 per claim. A claims bill  
 1945 may be brought on behalf of a claimant pursuant to s. 768.28 for  
 1946 any amount exceeding the limits specified in this paragraph. Any  
 1947 offset of collateral source payments made as of the date of the  
 1948 settlement or judgment shall be in accordance with s. 768.76.  
 1949 Section 35. For the purpose of incorporating the amendment  
 1950 made by this act to section 768.28, Florida Statutes, in a  
 1951 reference thereto, subsection (8) of section 420.504, Florida  
 1952 Statutes, is reenacted to read:  
 1953 420.504 Public corporation; creation, membership, terms,  
 1954 expenses.-  
 1955 (8) The corporation is a corporation primarily acting as an  
 1956 instrumentality of the state, within the meaning of s. 768.28.  
 1957 Section 36. For the purpose of incorporating the amendment  
 1958 made by this act to section 768.28, Florida Statutes, in a  
 1959 reference thereto, subsection (3) of section 455.221, Florida  
 1960 Statutes, is reenacted to read:  
 1961 455.221 Legal and investigative services.-  
 1962 (3) Any person retained by the department under contract to  
 1963 review materials, make site visits, or provide expert testimony  
 1964 regarding any complaint or application filed with the department  
 1965 relating to a profession under the jurisdiction of the  
 1966 department shall be considered an agent of the department in  
 1967 determining the state insurance coverage and sovereign immunity  
 1968 protection applicability of ss. 284.31 and 768.28.  
 1969 Section 37. For the purpose of incorporating the amendment  
 1970 made by this act to section 768.28, Florida Statutes, in a  
 1971 reference thereto, subsection (5) of section 455.32, Florida  
 1972 Statutes, is reenacted to read:

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1973 455.32 Management Privatization Act.—  
 1974 (5) Any such corporation may hire staff as necessary to  
 1975 carry out its functions. Such staff are not public employees for  
 1976 the purposes of chapter 110 or chapter 112, except that the  
 1977 board of directors and the employees of the corporation are  
 1978 subject to the provisions of s. 112.061 and part III of chapter  
 1979 112. The provisions of s. 768.28 apply to each such corporation,  
 1980 which is deemed to be a corporation primarily acting as an  
 1981 instrumentality of the state but which is not an agency within  
 1982 the meaning of s. 20.03(1).

1983 Section 38. For the purpose of incorporating the amendment  
 1984 made by this act to section 768.28, Florida Statutes, in a  
 1985 reference thereto, subsection (3) of section 456.009, Florida  
 1986 Statutes, is reenacted to read:

1987 456.009 Legal and investigative services.—

1988 (3) Any person retained by the department under contract to  
 1989 review materials, make site visits, or provide expert testimony  
 1990 regarding any complaint or application filed with the department  
 1991 relating to a profession under the jurisdiction of the  
 1992 department shall be considered an agent of the department in  
 1993 determining the state insurance coverage and sovereign immunity  
 1994 protection applicability of ss. 284.31 and 768.28.

1995 Section 39. For the purpose of incorporating the amendment  
 1996 made by this act to section 768.28, Florida Statutes, in a  
 1997 reference thereto, paragraph (a) of subsection (15) of section  
 1998 456.076, Florida Statutes, is reenacted to read:

1999 456.076 Impaired practitioner programs.—

2000 (15)(a) A consultant retained pursuant to this section and  
 2001 a consultant's directors, officers, employees, or agents shall

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2002 be considered agents of the department for purposes of s. 768.28  
 2003 while acting within the scope of the consultant's duties under  
 2004 the contract with the department.

2005 Section 40. For the purpose of incorporating the amendment  
 2006 made by this act to section 768.28, Florida Statutes, in a  
 2007 reference thereto, subsection (3) of section 471.038, Florida  
 2008 Statutes, is reenacted to read:

2009 471.038 Florida Engineers Management Corporation.—

2010 (3) The Florida Engineers Management Corporation is created  
 2011 to provide administrative, investigative, and prosecutorial  
 2012 services to the board in accordance with the provisions of  
 2013 chapter 455 and this chapter. The management corporation may  
 2014 hire staff as necessary to carry out its functions. Such staff  
 2015 are not public employees for the purposes of chapter 110 or  
 2016 chapter 112, except that the board of directors and the staff  
 2017 are subject to the provisions of s. 112.061. The provisions of  
 2018 s. 768.28 apply to the management corporation, which is deemed  
 2019 to be a corporation primarily acting as an instrumentality of  
 2020 the state, but which is not an agency within the meaning of s.  
 2021 20.03(1). The management corporation shall:

2022 (a) Be a Florida corporation not for profit, incorporated  
 2023 under the provisions of chapter 617.

2024 (b) Provide administrative, investigative, and  
 2025 prosecutorial services to the board in accordance with the  
 2026 provisions of chapter 455, this chapter, and the contract  
 2027 required by this section.

2028 (c) Receive, hold, and administer property and make only  
 2029 prudent expenditures directly related to the responsibilities of  
 2030 the board, and in accordance with the contract required by this

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2031 section.

2032 (d) Be approved by the board, and the department, to

2033 operate for the benefit of the board and in the best interest of

2034 the state.

2035 (e) Operate under a fiscal year that begins on July 1 of

2036 each year and ends on June 30 of the following year.

2037 (f) Have a seven-member board of directors, five of whom

2038 are to be appointed by the board and must be registrants

2039 regulated by the board and two of whom are to be appointed by

2040 the secretary and must be laypersons not regulated by the board.

2041 All appointments shall be for 4-year terms. No member shall

2042 serve more than two consecutive terms. Failure to attend three

2043 consecutive meetings shall be deemed a resignation from the

2044 board, and the vacancy shall be filled by a new appointment.

2045 (g) Select its officers in accordance with its bylaws. The

2046 members of the board of directors who were appointed by the

2047 board may be removed by the board.

2048 (h) Select the president of the management corporation, who

2049 shall also serve as executive director to the board, subject to

2050 approval of the board.

2051 (i) Use a portion of the interest derived from the

2052 management corporation account to offset the costs associated

2053 with the use of credit cards for payment of fees by applicants

2054 or licensees.

2055 (j) Operate under a written contract with the department

2056 which is approved by the board. The contract must provide for,

2057 but is not limited to:

2058 1. Submission by the management corporation of an annual

2059 budget that complies with board rules for approval by the board

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2060 and the department.

2061 2. Annual certification by the board and the department

2062 that the management corporation is complying with the terms of

2063 the contract in a manner consistent with the goals and purposes

2064 of the board and in the best interest of the state. This

2065 certification must be reported in the board's minutes. The

2066 contract must also provide for methods and mechanisms to resolve

2067 any situation in which the certification process determines

2068 noncompliance.

2069 3. Funding of the management corporation through

2070 appropriations allocated to the regulation of professional

2071 engineers from the Professional Regulation Trust Fund.

2072 4. The reversion to the board, or the state if the board

2073 ceases to exist, of moneys, records, data, and property held in

2074 trust by the management corporation for the benefit of the

2075 board, if the management corporation is no longer approved to

2076 operate for the board or the board ceases to exist. All records

2077 and data in a computerized database shall be returned to the

2078 department in a form that is compatible with the computerized

2079 database of the department.

2080 5. The securing and maintaining by the management

2081 corporation, during the term of the contract and for all acts

2082 performed during the term of the contract, of all liability

2083 insurance coverages in an amount to be approved by the board to

2084 defend, indemnify, and hold harmless the management corporation

2085 and its officers and employees, the department and its

2086 employees, and the state against all claims arising from state

2087 and federal laws. Such insurance coverage must be with insurers

2088 qualified and doing business in the state. The management

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2089 corporation must provide proof of insurance to the department.  
 2090 The department and its employees and the state are exempt from  
 2091 and are not liable for any sum of money which represents a  
 2092 deductible, which sums shall be the sole responsibility of the  
 2093 management corporation. Violation of this subparagraph shall be  
 2094 grounds for terminating the contract.

2095 6. Payment by the management corporation, out of its  
 2096 allocated budget, to the department of all costs of  
 2097 representation by the board counsel, including salary and  
 2098 benefits, travel, and any other compensation traditionally paid  
 2099 by the department to other board counsel.

2100 7. Payment by the management corporation, out of its  
 2101 allocated budget, to the department of all costs incurred by the  
 2102 management corporation or the board for the Division of  
 2103 Administrative Hearings of the Department of Management Services  
 2104 and any other cost for utilization of these state services.

2105 8. Payment by the management corporation, out of its  
 2106 allocated budget, to the department of reasonable costs  
 2107 associated with the contract monitor.

2108 (k) Provide for an annual financial audit of its financial  
 2109 accounts and records by an independent certified public  
 2110 accountant. The annual audit report shall include a management  
 2111 letter in accordance with s. 11.45 and a detailed supplemental  
 2112 schedule of expenditures for each expenditure category. The  
 2113 annual audit report must be submitted to the board, the  
 2114 department, and the Auditor General for review.

2115 (l) Provide for persons not employed by the corporation who  
 2116 are charged with the responsibility of receiving and depositing  
 2117 fee and fine revenues to have a faithful performance bond in

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2118 such an amount and according to such terms as shall be  
 2119 determined in the contract.

2120 (m) Submit to the secretary, the board, and the  
 2121 Legislature, on or before October 1 of each year, a report on  
 2122 the status of the corporation which includes, but is not limited  
 2123 to, information concerning the programs and funds that have been  
 2124 transferred to the corporation. The report must include: the  
 2125 number of license applications received; the number approved and  
 2126 denied and the number of licenses issued; the number of  
 2127 examinations administered and the number of applicants who  
 2128 passed or failed the examination; the number of complaints  
 2129 received; the number determined to be legally sufficient; the  
 2130 number dismissed; the number determined to have probable cause;  
 2131 the number of administrative complaints issued and the status of  
 2132 the complaints; and the number and nature of disciplinary  
 2133 actions taken by the board.

2134 (n) Develop and submit to the department, performance  
 2135 standards and measurable outcomes for the board to adopt by rule  
 2136 in order to facilitate efficient and cost-effective regulation.

2137 Section 41. For the purpose of incorporating the amendment  
 2138 made by this act to section 768.28, Florida Statutes, in a  
 2139 reference thereto, paragraph (b) of subsection (11) of section  
 2140 472.006, Florida Statutes, is reenacted to read:

2141 472.006 Department; powers and duties.—The department  
 2142 shall:

2143 (11) Provide legal counsel for the board by contracting  
 2144 with the Department of Legal Affairs, by retaining private  
 2145 counsel pursuant to s. 287.059, or by providing department staff  
 2146 counsel. The board shall periodically review and evaluate the

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2147 services provided by its board counsel. Fees and costs of such  
2148 counsel shall be paid from the General Inspection Trust Fund,  
2149 subject to ss. 215.37 and 472.011. All contracts for independent  
2150 legal counsel must provide for periodic review and evaluation by  
2151 the board and the department of services provided.

2152 (b) Any person retained by the department under contract to  
2153 review materials, make site visits, or provide expert testimony  
2154 regarding any complaint or application filed with the department  
2155 relating to the practice of surveying and mapping shall be  
2156 considered an agent of the department in determining the state  
2157 insurance coverage and sovereign immunity protection  
2158 applicability of ss. 284.31 and 768.28.

2159 Section 42. For the purpose of incorporating the amendment  
2160 made by this act to section 768.28, Florida Statutes, in a  
2161 reference thereto, subsection (7) of section 497.167, Florida  
2162 Statutes, is reenacted to read:

2163 497.167 Administrative matters.—

2164 (7) Any person retained by the department under contract to  
2165 review materials, make site visits, or provide expert testimony  
2166 regarding any complaint or application filed with the  
2167 department, relating to regulation under this chapter, shall be  
2168 considered an agent of the department in determining the state  
2169 insurance coverage and sovereign immunity protection  
2170 applicability of ss. 284.31 and 768.28.

2171 Section 43. For the purpose of incorporating the amendment  
2172 made by this act to section 768.28, Florida Statutes, in a  
2173 reference thereto, subsection (2) of section 513.118, Florida  
2174 Statutes, is reenacted to read:

2175 513.118 Conduct on premises; refusal of service.—

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2176 (2) The operator of a recreational vehicle park may request  
2177 that a transient guest or visitor who violates subsection (1)  
2178 leave the premises immediately. A person who refuses to leave  
2179 the premises commits the offense of trespass as provided in s.  
2180 810.08, and the operator may call a law enforcement officer to  
2181 have the person and his or her property removed under the  
2182 supervision of the officer. A law enforcement officer is not  
2183 liable for any claim involving the removal of the person or  
2184 property from the recreational vehicle park under this section,  
2185 except as provided in s. 768.28. If conditions do not allow for  
2186 immediate removal of the person's property, he or she may  
2187 arrange a reasonable time, not to exceed 48 hours, with the  
2188 operator to come remove the property, accompanied by a law  
2189 enforcement officer.

2190 Section 44. For the purpose of incorporating the amendment  
2191 made by this act to section 768.28, Florida Statutes, in a  
2192 reference thereto, subsection (1) of section 548.046, Florida  
2193 Statutes, is reenacted to read:

2194 548.046 Physician's attendance at match; examinations;  
2195 cancellation of match.—

2196 (1) The commission, or the commission representative, shall  
2197 assign to each match at least one physician who shall observe  
2198 the physical condition of the participants and advise the  
2199 commissioner or commission representative in charge and the  
2200 referee of the participants' conditions before, during, and  
2201 after the match. The commission shall establish a schedule of  
2202 fees for the physician's services. The physician's fee shall be  
2203 paid by the promoter of the match attended by the physician. The  
2204 physician shall be considered an agent of the commission in

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2205 determining the state insurance coverage and sovereign immunity  
 2206 protection applicability of ss. 284.31 and 768.28.

2207 Section 45. For the purpose of incorporating the amendment  
 2208 made by this act to section 768.28, Florida Statutes, in a  
 2209 reference thereto, subsection (8) of section 556.106, Florida  
 2210 Statutes, is reenacted to read:

2211 556.106 Liability of the member operator, excavator, and  
 2212 system.—

2213 (8) Any liability of the state, its agencies, or its  
 2214 subdivisions which arises out of this chapter is subject to the  
 2215 provisions of s. 768.28.

2216 Section 46. For the purpose of incorporating the amendment  
 2217 made by this act to section 768.28, Florida Statutes, in a  
 2218 reference thereto, paragraph (e) of subsection (4) of section  
 2219 589.19, Florida Statutes, is reenacted to read:

2220 589.19 Creation of certain state forests; naming of certain  
 2221 state forests; Operation Outdoor Freedom Program.—

2222 (4)

2223 (e)1. A private landowner who provides land for designation  
 2224 and use as an Operation Outdoor Freedom Program hunting site  
 2225 shall have limited liability pursuant to s. 375.251.

2226 2. A private landowner who consents to the designation and  
 2227 use of land as part of the Operation Outdoor Freedom Program  
 2228 without compensation shall be considered a volunteer, as defined  
 2229 in s. 110.501, and shall be covered by state liability  
 2230 protection pursuant to s. 768.28, including s. 768.28(9).

2231 3. This subsection does not:

2232 a. Relieve any person of liability that would otherwise  
 2233 exist for deliberate, willful, or malicious injury to persons or

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2234 property.

2235 b. Create or increase the liability of any person.

2236 Section 47. For the purpose of incorporating the amendment  
 2237 made by this act to section 768.28, Florida Statutes, in  
 2238 references thereto, subsections (3) and (4) of section 627.7491,  
 2239 Florida Statutes, are reenacted to read:

2240 627.7491 Official law enforcement vehicles; motor vehicle  
 2241 insurance requirements.—

2242 (3) Any suit or action brought or maintained against an  
 2243 employing agency for damages arising out of tort pursuant to  
 2244 this section, including, without limitation, any claim arising  
 2245 upon account of an act causing loss of property, personal  
 2246 injury, or death, shall be subject to the limitations provided  
 2247 in s. 768.28(5).

2248 (4) The requirements of this section may be met by any  
 2249 method authorized by s. 768.28(16).

2250 Section 48. For the purpose of incorporating the amendment  
 2251 made by this act to section 768.28, Florida Statutes, in a  
 2252 reference thereto, paragraph (c) of subsection (2) of section  
 2253 723.0611, Florida Statutes, is reenacted to read:

2254 723.0611 Florida Mobile Home Relocation Corporation.—

2255 (2)

2256 (c) The corporation shall, for purposes of s. 768.28, be  
 2257 considered an agency of the state. Agents or employees of the  
 2258 corporation, members of the board of directors of the  
 2259 corporation, or representatives of the Division of Florida  
 2260 Condominiums, Timeshares, and Mobile Homes shall be considered  
 2261 officers, employees, or agents of the state, and actions against  
 2262 them and the corporation shall be governed by s. 768.28.

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2263 Section 49. For the purpose of incorporating the amendment  
 2264 made by this act to section 768.28, Florida Statutes, in a  
 2265 reference thereto, subsection (5) of section 760.11, Florida  
 2266 Statutes, is reenacted to read:

2267 760.11 Administrative and civil remedies; construction.—

2268 (5) In any civil action brought under this section, the  
 2269 court may issue an order prohibiting the discriminatory practice  
 2270 and providing affirmative relief from the effects of the  
 2271 practice, including back pay. The court may also award  
 2272 compensatory damages, including, but not limited to, damages for  
 2273 mental anguish, loss of dignity, and any other intangible  
 2274 injuries, and punitive damages. The provisions of ss. 768.72 and  
 2275 768.73 do not apply to this section. The judgment for the total  
 2276 amount of punitive damages awarded under this section to an  
 2277 aggrieved person shall not exceed \$100,000. In any action or  
 2278 proceeding under this subsection, the court, in its discretion,  
 2279 may allow the prevailing party a reasonable attorney's fee as  
 2280 part of the costs. It is the intent of the Legislature that this  
 2281 provision for attorney's fees be interpreted in a manner  
 2282 consistent with federal case law involving a Title VII action.  
 2283 The right to trial by jury is preserved in any such private  
 2284 right of action in which the aggrieved person is seeking  
 2285 compensatory or punitive damages, and any party may demand a  
 2286 trial by jury. The commission's determination of reasonable  
 2287 cause is not admissible into evidence in any civil proceeding,  
 2288 including any hearing or trial, except to establish for the  
 2289 court the right to maintain the private right of action. A civil  
 2290 action brought under this section shall be commenced no later  
 2291 than 1 year after the date of determination of reasonable cause

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2292 by the commission. The commencement of such action shall divest  
 2293 the commission of jurisdiction of the complaint, except that the  
 2294 commission may intervene in the civil action as a matter of  
 2295 right. Notwithstanding the above, the state and its agencies and  
 2296 subdivisions shall not be liable for punitive damages. The total  
 2297 amount of recovery against the state and its agencies and  
 2298 subdivisions shall not exceed the limitation as set forth in s.  
 2299 768.28(5).

2300 Section 50. For the purpose of incorporating the amendment  
 2301 made by this act to section 768.28, Florida Statutes, in a  
 2302 reference thereto, subsection (4) of section 766.1115, Florida  
 2303 Statutes, is reenacted to read:

2304 766.1115 Health care providers; creation of agency  
 2305 relationship with governmental contractors.—

2306 (4) CONTRACT REQUIREMENTS.—A health care provider that  
 2307 executes a contract with a governmental contractor to deliver  
 2308 health care services on or after April 17, 1992, as an agent of  
 2309 the governmental contractor is an agent for purposes of s.  
 2310 768.28(9), while acting within the scope of duties under the  
 2311 contract, if the contract complies with the requirements of this  
 2312 section and regardless of whether the individual treated is  
 2313 later found to be ineligible. A health care provider shall  
 2314 continue to be an agent for purposes of s. 768.28(9) for 30 days  
 2315 after a determination of ineligibility to allow for treatment  
 2316 until the individual transitions to treatment by another health  
 2317 care provider. A health care provider under contract with the  
 2318 state may not be named as a defendant in any action arising out  
 2319 of medical care or treatment provided on or after April 17,  
 2320 1992, under contracts entered into under this section. The

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2321 contract must provide that:

2322 (a) The right of dismissal or termination of any health  
2323 care provider delivering services under the contract is retained  
2324 by the governmental contractor.

2325 (b) The governmental contractor has access to the patient  
2326 records of any health care provider delivering services under  
2327 the contract.

2328 (c) Adverse incidents and information on treatment outcomes  
2329 must be reported by any health care provider to the governmental  
2330 contractor if the incidents and information pertain to a patient  
2331 treated under the contract. The health care provider shall  
2332 submit the reports required by s. 395.0197. If an incident  
2333 involves a professional licensed by the Department of Health or  
2334 a facility licensed by the Agency for Health Care  
2335 Administration, the governmental contractor shall submit such  
2336 incident reports to the appropriate department or agency, which  
2337 shall review each incident and determine whether it involves  
2338 conduct by the licensee that is subject to disciplinary action.  
2339 All patient medical records and any identifying information  
2340 contained in adverse incident reports and treatment outcomes  
2341 which are obtained by governmental entities under this paragraph  
2342 are confidential and exempt from the provisions of s. 119.07(1)  
2343 and s. 24(a), Art. I of the State Constitution.

2344 (d) Patient selection and initial referral must be made by  
2345 the governmental contractor or the provider. Patients may not be  
2346 transferred to the provider based on a violation of the  
2347 antidumping provisions of the Omnibus Budget Reconciliation Act  
2348 of 1989, the Omnibus Budget Reconciliation Act of 1990, or  
2349 chapter 395.

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2350 (e) If emergency care is required, the patient need not be  
2351 referred before receiving treatment, but must be referred within  
2352 48 hours after treatment is commenced or within 48 hours after  
2353 the patient has the mental capacity to consent to treatment,  
2354 whichever occurs later.

2355 (f) The provider is subject to supervision and regular  
2356 inspection by the governmental contractor.

2357 (g) As an agent of the governmental contractor for purposes  
2358 of s. 768.28(9), while acting within the scope of duties under  
2359 the contract, a health care provider licensed under chapter 466  
2360 may allow a patient, or a parent or guardian of the patient, to  
2361 voluntarily contribute a monetary amount to cover costs of  
2362 dental laboratory work related to the services provided to the  
2363 patient. This contribution may not exceed the actual cost of the  
2364 dental laboratory charges.

2365 A governmental contractor that is also a health care provider is  
2366 not required to enter into a contract under this section with  
2367 respect to the health care services delivered by its employees.

2368 Section 51. For the purpose of incorporating the amendment  
2369 made by this act to section 768.28, Florida Statutes, in a  
2370 reference thereto, subsection (2) of section 766.112, Florida  
2371 Statutes, is reenacted to read:

2372 766.112 Comparative fault.—

2373 (2) In an action for damages for personal injury or  
2374 wrongful death arising out of medical negligence, whether in  
2375 contract or tort, when an apportionment of damages pursuant to  
2376 s. 768.81 is attributed to a board of trustees of a state  
2377 university, the court shall enter judgment against the board of  
2378

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2379 trustees on the basis of the board's percentage of fault and not  
 2380 on the basis of the doctrine of joint and several liability. The  
 2381 sole remedy available to a claimant to collect a judgment or  
 2382 settlement against a board of trustees, subject to the  
 2383 provisions of this subsection, shall be pursuant to s. 768.28.  
 2384 Section 52. For the purpose of incorporating the amendment  
 2385 made by this act to section 768.28, Florida Statutes, in a  
 2386 reference thereto, subsection (3) of section 768.1355, Florida  
 2387 Statutes, is reenacted to read:  
 2388 768.1355 Florida Volunteer Protection Act.—  
 2389 (3) Members of elected or appointed boards, councils, and  
 2390 commissions of the state, counties, municipalities, authorities,  
 2391 and special districts shall incur no civil liability and shall  
 2392 have immunity from suit as provided in s. 768.28 for acts or  
 2393 omissions by members relating to members' conduct of their  
 2394 official duties. It is the intent of the Legislature to  
 2395 encourage our best and brightest people to serve on elected and  
 2396 appointed boards, councils, and commissions.  
 2397 Section 53. For the purpose of incorporating the amendment  
 2398 made by this act to section 768.28, Florida Statutes, in a  
 2399 reference thereto, subsection (7) of section 768.1382, Florida  
 2400 Statutes, is reenacted to read:  
 2401 768.1382 Streetlights, security lights, and other similar  
 2402 illumination; limitation on liability.—  
 2403 (7) In the event that there is any conflict between this  
 2404 section and s. 768.81, or any other section of the Florida  
 2405 Statutes, this section shall control. Further, nothing in this  
 2406 section shall impact or waive any provision of s. 768.28.  
 2407 Section 54. For the purpose of incorporating the amendment

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2408 made by this act to section 768.28, Florida Statutes, in a  
 2409 reference thereto, subsection (4) of section 768.295, Florida  
 2410 Statutes, is reenacted to read:  
 2411 768.295 Strategic Lawsuits Against Public Participation  
 2412 (SLAPP) prohibited.—  
 2413 (4) A person or entity sued by a governmental entity or  
 2414 another person in violation of this section has a right to an  
 2415 expeditious resolution of a claim that the suit is in violation  
 2416 of this section. A person or entity may move the court for an  
 2417 order dismissing the action or granting final judgment in favor  
 2418 of that person or entity. The person or entity may file a motion  
 2419 for summary judgment, together with supplemental affidavits,  
 2420 seeking a determination that the claimant's or governmental  
 2421 entity's lawsuit has been brought in violation of this section.  
 2422 The claimant or governmental entity shall thereafter file a  
 2423 response and any supplemental affidavits. As soon as  
 2424 practicable, the court shall set a hearing on the motion, which  
 2425 shall be held at the earliest possible time after the filing of  
 2426 the claimant's or governmental entity's response. The court may  
 2427 award, subject to the limitations in s. 768.28, the party sued  
 2428 by a governmental entity actual damages arising from a  
 2429 governmental entity's violation of this section. The court shall  
 2430 award the prevailing party reasonable attorney fees and costs  
 2431 incurred in connection with a claim that an action was filed in  
 2432 violation of this section.  
 2433 Section 55. For the purpose of incorporating the amendment  
 2434 made by this act to section 768.28, Florida Statutes, in a  
 2435 reference thereto, section 946.5026, Florida Statutes, is  
 2436 reenacted to read:

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2437 946.5026 Sovereign immunity in tort actions.—The provisions  
 2438 of s. 768.28 shall be applicable to the corporation established  
 2439 under this part, which is deemed to be a corporation primarily  
 2440 acting as an instrumentality of the state.

2441 Section 56. For the purpose of incorporating the amendment  
 2442 made by this act to section 768.28, Florida Statutes, in a  
 2443 reference thereto, subsection (3) of section 946.514, Florida  
 2444 Statutes, is reenacted to read:

2445 946.514 Civil rights of inmates; inmates not state  
 2446 employees; liability of corporation for inmate injuries.—

2447 (3) The corporation is liable for inmate injury to the  
 2448 extent specified in s. 768.28; however, the members of the board  
 2449 of directors are not individually liable to any inmate for any  
 2450 injury sustained in any correctional work program operated by  
 2451 the corporation.

2452 Section 57. For the purpose of incorporating the amendment  
 2453 made by this act to section 768.28, Florida Statutes, in a  
 2454 reference thereto, subsection (8) of section 961.06, Florida  
 2455 Statutes, is reenacted to read:

2456 961.06 Compensation for wrongful incarceration.—

2457 (8) Any payment made under this act does not constitute a  
 2458 waiver of any defense of sovereign immunity or an increase in  
 2459 the limits of liability on behalf of the state or any person  
 2460 subject to s. 768.28 or any other law.

2461 Section 58. For the purpose of incorporating the amendment  
 2462 made by this act to section 768.28, Florida Statutes, in a  
 2463 reference thereto, subsection (3) of section 984.09, Florida  
 2464 Statutes, is reenacted to read:

2465 984.09 Punishment for contempt of court; alternative

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2466 sanctions.—

2467 (3) ALTERNATIVE SANCTIONS.—Upon determining that a child  
 2468 has committed direct contempt of court or indirect contempt of a  
 2469 valid court order, the court may immediately request the circuit  
 2470 alternative sanctions coordinator to recommend the most  
 2471 appropriate available alternative sanction and shall order the  
 2472 child to perform up to 50 hours of community service or a  
 2473 similar alternative sanction, unless an alternative sanction is  
 2474 unavailable or inappropriate, or unless the child has failed to  
 2475 comply with a prior alternative sanction. Alternative contempt  
 2476 sanctions may be provided by local industry or by any nonprofit  
 2477 organization or any public or private business or service entity  
 2478 that has entered into a contract with the department to act as  
 2479 an agent of the state to provide voluntary supervision of  
 2480 children on behalf of the state in exchange for the labor of  
 2481 children and limited immunity in accordance with s. 768.28(11).

2482 Section 59. For the purpose of incorporating the amendment  
 2483 made by this act to section 768.28, Florida Statutes, in a  
 2484 reference thereto, paragraph (h) of subsection (12) of section  
 2485 1002.33, Florida Statutes, is reenacted to read:

2486 1002.33 Charter schools.—

2487 (12) EMPLOYEES OF CHARTER SCHOOLS.—

2488 (h) For the purposes of tort liability, the charter school,  
 2489 including its governing body and employees, shall be governed by  
 2490 s. 768.28. This paragraph does not include any for-profit entity  
 2491 contracted by the charter school or its governing body.

2492 Section 60. For the purpose of incorporating the amendment  
 2493 made by this act to section 768.28, Florida Statutes, in a  
 2494 reference thereto, paragraph (b) of subsection (6) of section

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2495 1002.333, Florida Statutes, is reenacted to read:  
 2496 1002.333 Persistently low-performing schools.-  
 2497 (6) STATUTORY AUTHORITY.-  
 2498 (b) For the purposes of tort liability, the hope operator,  
 2499 the school of hope, and its employees or agents shall be  
 2500 governed by s. 768.28. The sponsor shall not be liable for civil  
 2501 damages under state law for the employment actions or personal  
 2502 injury, property damage, or death resulting from an act or  
 2503 omission of a hope operator, the school of hope, or its  
 2504 employees or agents. This paragraph does not include any for-  
 2505 profit entity contracted by the charter school or its governing  
 2506 body.

2507 Section 61. For the purpose of incorporating the amendment  
 2508 made by this act to section 768.28, Florida Statutes, in a  
 2509 reference thereto, subsection (17) of section 1002.34, Florida  
 2510 Statutes, is reenacted to read:  
 2511 1002.34 Charter technical career centers.-  
 2512 (17) IMMUNITY.-For the purposes of tort liability, the  
 2513 governing body and employees of a center are governed by s.  
 2514 768.28.

2515 Section 62. For the purpose of incorporating the amendment  
 2516 made by this act to section 768.28, Florida Statutes, in a  
 2517 reference thereto, subsection (2) of section 1002.37, Florida  
 2518 Statutes, is reenacted to read:  
 2519 1002.37 The Florida Virtual School.-  
 2520 (2) The Florida Virtual School shall be governed by a board  
 2521 of trustees comprised of seven members appointed by the Governor  
 2522 to 4-year staggered terms. The board of trustees shall be a  
 2523 public agency entitled to sovereign immunity pursuant to s.

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2524 768.28, and board members shall be public officers who shall  
 2525 bear fiduciary responsibility for the Florida Virtual School.  
 2526 The board of trustees shall have the following powers and  
 2527 duties:

2528 (a)1. The board of trustees shall meet at least 4 times  
 2529 each year, upon the call of the chair, or at the request of a  
 2530 majority of the membership.

2531 2. The fiscal year for the Florida Virtual School shall be  
 2532 the state fiscal year as provided in s. 216.011(1)(q).

2533 (b) The board of trustees shall be responsible for the  
 2534 Florida Virtual School's development of a state-of-the-art  
 2535 technology-based education delivery system that is cost-  
 2536 effective, educationally sound, marketable, and capable of  
 2537 sustaining a self-sufficient delivery system through the Florida  
 2538 Education Finance Program.

2539 (c) The board of trustees shall aggressively seek avenues  
 2540 to generate revenue to support its future endeavors, and shall  
 2541 enter into agreements with distance learning providers. The  
 2542 board of trustees may acquire, enjoy, use, and dispose of  
 2543 patents, copyrights, and trademarks and any licenses and other  
 2544 rights or interests thereunder or therein. Ownership of all such  
 2545 patents, copyrights, trademarks, licenses, and rights or  
 2546 interests thereunder or therein shall vest in the state, with  
 2547 the board of trustees having full right of use and full right to  
 2548 retain the revenues derived therefrom. Any funds realized from  
 2549 patents, copyrights, trademarks, or licenses shall be considered  
 2550 internal funds as provided in s. 1011.07. Such funds shall be  
 2551 used to support the school's marketing and research and  
 2552 development activities in order to improve courseware and

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2553 services to its students.

2554 (d) The board of trustees shall be responsible for the  
2555 administration and control of all local school funds derived  
2556 from all activities or sources and shall prescribe the  
2557 principles and procedures to be followed in administering these  
2558 funds.

2559 (e) The Florida Virtual School may accrue supplemental  
2560 revenue from supplemental support organizations, which include,  
2561 but are not limited to, alumni associations, foundations,  
2562 parent-teacher associations, and booster associations. The  
2563 governing body of each supplemental support organization shall  
2564 recommend the expenditure of moneys collected by the  
2565 organization for the benefit of the school. Such expenditures  
2566 shall be contingent upon the review of the executive director.  
2567 The executive director may override any proposed expenditure of  
2568 the organization that would violate Florida law or breach sound  
2569 educational management.

2570 (f) In accordance with law and rules of the State Board of  
2571 Education, the board of trustees shall administer and maintain  
2572 personnel programs for all employees of the board of trustees  
2573 and the Florida Virtual School. The board of trustees may adopt  
2574 rules, policies, and procedures related to the appointment,  
2575 employment, and removal of personnel.

2576 1. The board of trustees shall determine the compensation,  
2577 including salaries and fringe benefits, and other conditions of  
2578 employment for such personnel.

2579 2. The board of trustees may establish and maintain a  
2580 personnel loan or exchange program by which persons employed by  
2581 the board of trustees for the Florida Virtual School as academic

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2582 administrative and instructional staff may be loaned to, or  
2583 exchanged with persons employed in like capacities by, public  
2584 agencies either within or without this state, or by private  
2585 industry. With respect to public agency employees, the program  
2586 authorized by this subparagraph shall be consistent with the  
2587 requirements of part II of chapter 112. The salary and benefits  
2588 of board of trustees personnel participating in the loan or  
2589 exchange program shall be continued during the period of time  
2590 they participate in a loan or exchange program, and such  
2591 personnel shall be deemed to have no break in creditable or  
2592 continuous service or employment during such time. The salary  
2593 and benefits of persons participating in the personnel loan or  
2594 exchange program who are employed by public agencies or private  
2595 industry shall be paid by the originating employers of those  
2596 participants, and such personnel shall be deemed to have no  
2597 break in creditable or continuous service or employment during  
2598 such time.

2599 3. The employment of all Florida Virtual School academic  
2600 administrative and instructional personnel shall be subject to  
2601 rejection for cause by the board of trustees, and shall be  
2602 subject to policies of the board of trustees relative to  
2603 certification, tenure, leaves of absence, sabbaticals,  
2604 remuneration, and such other conditions of employment as the  
2605 board of trustees deems necessary and proper, not inconsistent  
2606 with law.

2607 4. Each person employed by the board of trustees in an  
2608 academic administrative or instructional capacity with the  
2609 Florida Virtual School shall be entitled to a contract as  
2610 provided by rules of the board of trustees.

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2611 5. All employees except temporary, seasonal, and student  
 2612 employees may be state employees for the purpose of being  
 2613 eligible to participate in the Florida Retirement System and  
 2614 receive benefits. The classification and pay plan, including  
 2615 terminal leave and other benefits, and any amendments thereto,  
 2616 shall be subject to review and approval by the Department of  
 2617 Management Services and the Executive Office of the Governor  
 2618 prior to adoption.

2619 (g) The board of trustees shall establish priorities for  
 2620 admission of students in accordance with paragraph (1)(b).

2621 (h) The board of trustees shall establish and distribute to  
 2622 all school districts and high schools in the state procedures  
 2623 for enrollment of students in courses offered by the Florida  
 2624 Virtual School.

2625 (i) The board of trustees shall establish criteria defining  
 2626 the elements of an approved franchise. The board of trustees may  
 2627 enter into franchise agreements with Florida district school  
 2628 boards and may establish the terms and conditions governing such  
 2629 agreements. The board of trustees shall establish the  
 2630 performance and accountability measures and report the  
 2631 performance of each school district franchise to the  
 2632 Commissioner of Education.

2633 (j) The board of trustees shall submit to the State Board  
 2634 of Education both forecasted and actual enrollments and credit  
 2635 completions for the Florida Virtual School, according to  
 2636 procedures established by the State Board of Education. At a  
 2637 minimum, such procedures must include the number of public,  
 2638 private, and home education students served by program and by  
 2639 county of residence.

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2640 (k) The board of trustees shall provide for the content and  
 2641 custody of student and employee personnel records. Student  
 2642 records shall be subject to the provisions of s. 1002.22.  
 2643 Employee records shall be subject to the provisions of s.  
 2644 1012.31.

2645 (l) The financial records and accounts of the Florida  
 2646 Virtual School shall be maintained under the direction of the  
 2647 board of trustees and under rules adopted by the State Board of  
 2648 Education for the uniform system of financial records and  
 2649 accounts for the schools of the state.

2650  
 2651 The Governor shall designate the initial chair of the board of  
 2652 trustees to serve a term of 4 years. Members of the board of  
 2653 trustees shall serve without compensation, but may be reimbursed  
 2654 for per diem and travel expenses pursuant to s. 112.061. The  
 2655 board of trustees shall be a body corporate with all the powers  
 2656 of a body corporate and such authority as is needed for the  
 2657 proper operation and improvement of the Florida Virtual School.  
 2658 The board of trustees is specifically authorized to adopt rules,  
 2659 policies, and procedures, consistent with law and rules of the  
 2660 State Board of Education related to governance, personnel,  
 2661 budget and finance, administration, programs, curriculum and  
 2662 instruction, travel and purchasing, technology, students,  
 2663 contracts and grants, and property as necessary for optimal,  
 2664 efficient operation of the Florida Virtual School. Tangible  
 2665 personal property owned by the board of trustees shall be  
 2666 subject to the provisions of chapter 273.

2667 Section 63. For the purpose of incorporating the amendment  
 2668 made by this act to section 768.28, Florida Statutes, in a

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2669 reference thereto, paragraph (1) of subsection (3) of section  
2670 1002.55, Florida Statutes, is reenacted to read:

2671 1002.55 School-year prekindergarten program delivered by  
2672 private prekindergarten providers.-

2673 (3) To be eligible to deliver the prekindergarten program,  
2674 a private prekindergarten provider must meet each of the  
2675 following requirements:

2676 (1) Notwithstanding paragraph (j), for a private  
2677 prekindergarten provider that is a state agency or a subdivision  
2678 thereof, as defined in s. 768.28(2), the provider must agree to  
2679 notify the coalition of any additional liability coverage  
2680 maintained by the provider in addition to that otherwise  
2681 established under s. 768.28. The provider shall indemnify the  
2682 coalition to the extent permitted by s. 768.28. Notwithstanding  
2683 paragraph (j), for a child development program that is  
2684 accredited by a national accrediting body and operates on a  
2685 military installation that is certified by the United States  
2686 Department of Defense, the provider may demonstrate liability  
2687 coverage by affirming that it is subject to the Federal Tort  
2688 Claims Act, 28 U.S.C. ss. 2671 et seq.

2689 Section 64. For the purpose of incorporating the amendment  
2690 made by this act to section 768.28, Florida Statutes, in a  
2691 reference thereto, subsection (10) of section 1002.83, Florida  
2692 Statutes, is reenacted to read:

2693 1002.83 Early learning coalitions.-

2694 (10) For purposes of tort liability, each member or  
2695 employee of an early learning coalition shall be governed by s.  
2696 768.28.

2697 Section 65. For the purpose of incorporating the amendment

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2698 made by this act to section 768.28, Florida Statutes, in a  
2699 reference thereto, paragraph (p) of subsection (1) of section  
2700 1002.88, Florida Statutes, is reenacted to read:

2701 1002.88 School readiness program provider standards;  
2702 eligibility to deliver the school readiness program.-

2703 (1) To be eligible to deliver the school readiness program,  
2704 a school readiness program provider must:

2705 (p) Notwithstanding paragraph (m), for a provider that is a  
2706 state agency or a subdivision thereof, as defined in s.  
2707 768.28(2), agree to notify the coalition of any additional  
2708 liability coverage maintained by the provider in addition to  
2709 that otherwise established under s. 768.28. The provider shall  
2710 indemnify the coalition to the extent permitted by s. 768.28.  
2711 Notwithstanding paragraph (m), for a child development program  
2712 that is accredited by a national accrediting body and operates  
2713 on a military installation that is certified by the United  
2714 States Department of Defense, the provider may demonstrate  
2715 liability coverage by affirming that it is subject to the  
2716 Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

2717 Section 66. For the purpose of incorporating the amendment  
2718 made by this act to section 768.28, Florida Statutes, in a  
2719 reference thereto, subsection (1) of section 1006.24, Florida  
2720 Statutes, is reenacted to read:

2721 1006.24 Tort liability; liability insurance.-

2722 (1) Each district school board shall be liable for tort  
2723 claims arising out of any incident or occurrence involving a  
2724 school bus or other motor vehicle owned, maintained, operated,  
2725 or used by the district school board to transport persons, to  
2726 the same extent and in the same manner as the state or any of

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2727 its agencies or subdivisions is liable for tort claims under s.  
2728 768.28, except that the total liability to persons being  
2729 transported for all claims or judgments of such persons arising  
2730 out of the same incident or occurrence shall not exceed an  
2731 amount equal to \$5,000 multiplied by the rated seating capacity  
2732 of the school bus or other vehicle, as determined by rules of  
2733 the State Board of Education, or \$100,000, whichever is greater.  
2734 The provisions of s. 768.28 apply to all claims or actions  
2735 brought against district school boards, as authorized in this  
2736 subsection.

2737 Section 67. For the purpose of incorporating the amendment  
2738 made by this act to section 768.28, Florida Statutes, in a  
2739 reference thereto, paragraph (b) of subsection (2) of section  
2740 1006.261, Florida Statutes, is reenacted to read:

2741 1006.261 Use of school buses for public purposes.—

2742 (2)

2743 (b) For purposes of liability for negligence, state  
2744 agencies or subdivisions as defined in s. 768.28(2) shall be  
2745 covered by s. 768.28. Every other corporation or organization  
2746 shall provide liability insurance coverage in the minimum  
2747 amounts of \$100,000 on any claim or judgment and \$200,000 on all  
2748 claims and judgments arising from the same incident or  
2749 occurrence.

2750 Section 68. This act shall take effect October 1, 2026.



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 20, 2026

---

I respectfully request that **Senate Bill #1366**, relating to Claims Against the Government, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "Jason Brodeur".

---

Senator Jason Brodeur  
Florida Senate, District 10

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SB 1366

Bill Number or Topic

Sen. Judiciary

Committee

Bill

Amendment Barcode (if applicable)

Name Mark Delegal

Phone 850 583-2400

Address 215 S. Monroe

Email Mark@dacfl.com

Tallahassee FL 323201

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

SafetyNet Hospital Alliance of FL

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/26

Meeting Date

1366

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name David Cruz

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Email DCRUZ@FLcities.com

Street

Tallahassee

FL

32302

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida League of Cities

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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2/3/26  
Meeting Date

1366  
Bill Number or Topic

Judiciary  
Committee

Amendment Barcode (if applicable)

Name BOB HARRIS Phone 850-222-0720

Address 2618 Centennial Place, TLH FL Email bharris@lawfla.com  
Street

TLH FL 32308  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Panhandle Area Educational Consortium (PAEC)

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

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S-001 (08/10/2021)

2/3/26

Meeting Date

Judiciary

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 1366

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JEFF SCALA

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Email

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Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Association of Counties

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022JointRules.pdf\(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

SB1366

02/03/2025

Meeting Date

Bill Number or Topic

Judiciary

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

Committee

Amendment Barcode (if applicable)

Name Howard E. "Gene" Adams

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Street

Tallahassee

FL

32301

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Preferred Governmental Insurance Trust**

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-3-26

Meeting Date

1366

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Chris Doolin

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850-508-5492

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Street

Tallahassee, FL

State

32303

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Small County / Small School District Coalition Consortium

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

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**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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/SB 1632

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Ideologies Inconsistent with American Principles

DATE: February 3, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 1632 protects the state from ideologies inconsistent with American principals. The bill seeks to protect those principles by:

- Prohibiting a court or tribunal from enforcing a provision of religious law or foreign law against any person if such application would violate a constitutional right of such person under the United States Constitution or the State Constitution;
- Providing that a domestic terrorist organization is subject to the same laws and restrictions that currently apply to a foreign terrorist organization;
- Providing that the current criminal penalty for joining a foreign terrorist organization applies to the act of joining, supporting or assisting a domestic terrorist organization;
- Allowing the Chief of Domestic Security (within FDLE), with the approval of the Governor and Cabinet, to designate a qualifying organization to be a domestic terrorist organization or a foreign terrorist organization;
- Prohibiting the state and its subdivisions from expending any monies to support a terrorist organization;
- Providing that a private school accepting vouchers may not contract with, and the school may not be owned or operated by a person affiliated with, a terrorist organization or criminal organization;
- Providing that a state university or college may not advocate for a terrorist organization, and that the state may withhold performance-based funding as a penalty for such advocacy; and

- Requiring a college or university to report to the U.S. Department of Homeland Security if a student is promoting terrorism. The student must be expelled, and the student loses the benefit of in-state tuition, fee waiver, scholarship, financial aid, and tuition assistance.

The bill is effective July 1, 2026.

## II. Present Situation:

### American Principles – In General

This bill seeks to promote American principles and protect those principles from the people who would advocate against them in a harmful manner. American principles are not defined or listed in one source, and the details of those principles is a discussion far beyond the scope of this analysis. One might say that American principles are found in our laws, our interpretation of those laws, and the collective morality of our people. The first broad statement of American principles was in the Declaration of Independence, which provides in part:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.<sup>1</sup>

The United States Constitution starts with a similar statement expressing American principles:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.<sup>2</sup>

### Foreign Laws in the Court System

It may seem odd to learn that a Florida court may refer to and even enforce a foreign civil law. It is, however, so common that law students take a course entitled “Conflict of Laws” that teaches the concepts of how to apply foreign law.<sup>3</sup> The term “foreign law” is somewhat confusing, in that technically the law of another state in the union is also considered a foreign law.

For instance, if an automobile accident occurred in Thomasville, Georgia, a lawsuit regarding that accident would normally be filed in Georgia. If, however, the at-fault driver lives in Tallahassee, the laws regarding jurisdiction of a court provide that a plaintiff can elect to file the lawsuit where the accident occurred or where the defendant resides. If the plaintiff elects to sue the defendant in Leon County court, the Leon County court may use conflict of laws principles

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<sup>1</sup> United States of America, *Declaration of Independence*, July 4, 1776.

<sup>2</sup> United States of America, *Constitution – Preamble*, September 17, 1887.

<sup>3</sup> See, e.g., FSU College of Law, *Conflict of Laws*. “This course examines the legal problems that arise when an occurrence or a case cuts across state or national boundaries: jurisdiction of courts, enforceability of foreign judgments, and choice of applicable law. The focus is on the policies, the rules of law, and the constitutional requirements in private interstate law.”

Published at <https://law.fsu.edu/courses/conflict-laws>.

that provide that the law of a foreign state, Georgia, determines the applicable traffic laws and fault for the accident.

Florida courts honor the concept of “comity,” which is the principle that “the courts of one state or jurisdiction will give effect to the laws and judicial decisions of another state, not as a matter of obligation, but out of deference and respect.”<sup>4</sup> “[T]he rules of comity may not be departed from, unless in certain cases for the purpose of necessary protection of our own citizens, or of enforcing some paramount rule of public policy.”<sup>5</sup> The concept is found in the United States Constitution, which provides: “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.”<sup>6</sup>

Most cases in the courts are not decided under the foreign law of another nation, they are decided by local, state and federal laws that conform to the constitutions of the United States and Florida. The law of a foreign country’s jurisdiction or system may, however, be recognized in Florida in a variety of circumstances.

The statutes provide that a “court may take judicial notice of . . . laws of foreign nations and of an organization of nations.”<sup>7</sup> However, even if recognized, the laws of foreign nations are not necessarily enforced unless there is a reason to do so, usually by prior agreement of the parties. Where the parties have used their freedom to enter into a contract and to include in that contract an agreement to use a foreign law, one may argue that this still follows American principles.

If an agreement includes a choice of law clause providing that it will be governed and construed in accordance with the laws of another nation, the choice of law clause may be enforceable, even if the law to be applied is different than Florida law.<sup>8</sup> For instance, Florida courts may enforce a prenuptial contract according to the law of the place where it was entered into unless enforcement would be contrary to public policy or unconstitutional.<sup>9</sup> In *Akileh v. Elchahal*,<sup>10</sup> the court enforced the parties’ Islamic ante-nuptial agreement, arguably a religious arrangement, since it complied with Florida contract law and the court found nothing in the contract unconscionable. However, if a foreign law frustrates the public policy of this state or is not established with specificity as a matter of fact,<sup>11</sup> it will not be enforced. On the other hand, where the husband sought to enforce a Danish prenuptial agreement which left nothing to the wife in the event of divorce, the court refused because “to do so would bring harm to a Florida citizen or would frustrate an established public policy of this state.”<sup>12</sup>

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<sup>4</sup> *Hopkins v. Lockheed Aircraft Corp.*, 201 So. 2d 743 (Fla. 1967).

<sup>5</sup> *State Farm Mut. Auto. Ins. Co., v. Roach*, 945 So. 2d 1160, 1164 (Fla. 2006).

<sup>6</sup> U.S. CONST., art. IV, s. 1 (capitalization in original).

<sup>7</sup> Section 90.202, F.S.

<sup>8</sup> *McNamara v. McNamara*, 40 So.3d 78, 80 (Fla. 5th DCA 2010).

<sup>9</sup> *Gessler v. Gessler*, 273 F.2d 302 (5th Cir. 1959).

<sup>10</sup> 666 So.2d 246 (Fla. 2d DCA 1996).

<sup>11</sup> See *Courtlandt Corp. v. Whitmer*, 121 So.2d 57 (Fla. 2d DCA 1960); cf. *Hieber v. Hieber*, 151 So.2d 646 (Fla. 3d DCA 1963) (law of foreign state).

<sup>12</sup> *Gustafson v. Jensen*, 515 So.2d 1298 (Fla. 3d DCA 1987).

Florida courts may also defer to ecclesiastical law. The First Amendment prevents courts from resolving internal church disputes that would require adjudication of questions of religious doctrine. . . . It is not within the judicial function and judicial competence of civil courts to determine which of two competing interpretations of scripture are correct. Instead, civil courts must defer to the interpretations of religious doctrine made by the highest ecclesiastical tribunal. Thus, the First Amendment provides churches with the power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.<sup>13</sup>

Current Florida statutes address these issues. Law in the family law context includes the “Uniform Premarital Agreement Act,” which provides that premarital agreements, including their choice of law provisions, are generally enforceable.<sup>14</sup> Court orders from a support or dissolution of marriage proceeding in another jurisdiction are generally valid and enforceable in Florida courts pursuant to the Uniform Interstate Family Support Act.<sup>15</sup> A request to apply the law of a foreign country to a family law case in Florida is void if the foreign law contravenes the strong public policy of this state or if the law is unjust or unreasonable.<sup>16</sup>

In the general civil law, a Florida court may recognize a legitimate money judgment from another country and may enforce collection of the judgment. The Uniform Out-of-Country Foreign Money-Judgment Recognition Act governs the registration and enforcement of a civil judgment entered by a court in a foreign country that the judgment creditor is trying to enforce against a Florida resident or against Florida property.<sup>17</sup>

The Act provides that an out-of-country foreign judgment is not conclusive if:

- The judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
- The foreign court did not have personal jurisdiction over the defendant; or
- The foreign court did not have jurisdiction over the subject matter.<sup>18</sup>

An out-of-country foreign judgment need not be recognized if:

- The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him or her to defend;
- The judgment was obtained by fraud;
- The cause of action or claim for relief on which the judgment is based is repugnant to the public policy of this state;
- The judgment conflicts with another final and conclusive order;
- The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; or
- In the case of jurisdiction based only on personal service:
  - The foreign court was a seriously inconvenient forum for the trial of the action;

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<sup>13</sup> *Malicki v. Doe*, 814 So. 2d 347, 355–56 (Fla. 2002) (internal quotes and citations omitted).

<sup>14</sup> See s. 61.079, F.S.

<sup>15</sup> Section 88.6041, F.S. See generally ch. 88, F.S.; *Keeton v. Keeton*, 807 So.2d 186 (Fla. 1st DCA 2002) (holding that property settlement agreement was enforceable in Florida with Kentucky law controlling), and *Blitz v. Florida Dept. of Revenue ex rel. Maxwell*, 898 So.2d 121, 125 (Fla. 4th DCA 2005).

<sup>16</sup> Section 61.0401, F.S.

<sup>17</sup> Section 55.601-.607, F.S.

<sup>18</sup> Section 65.605(1), F.S.

- The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state;
- The cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States unless the court sitting in this state before which the matter is brought first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press in that case as would be provided by the United States Constitution and the State Constitution;
- The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or
- The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.<sup>19</sup>

### **Terrorism – In General**

Acts of terrorism are currently prohibited by numerous federal and state laws. At its most basic level, a terrorist uses violence, whether actual or threatened, in an attempt to change society and government to conform to the terrorist's ideals of how society and government should operate. The terrorist intends to interfere with the American principles of freedom, principles such as the freedom to live, the freedom to be protected from harm, the freedom to travel, the freedom to associate with others, the freedom to speak out for peaceful change, and the freedom to quietly live pursuant to our own beliefs so long as we do not harm others.

The state criminal code definition of terrorism is the commission of a criminal act that is violent or dangerous to human life and that is intended to intimidate, injure or coerce the civilian population, or to influence or coerce a government, or otherwise affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.<sup>20</sup>

### **Terrorism – Recruitment and Promotion in the Education System**

“The long-term survival of terrorist organizations relies on their ability to attract new members and maintain an ongoing terrorist recruitment cycle. The numbers of terrorist organization members may decrease due to counterterrorism operations or defections, forcing the leaders of those groups to seek new members. Preventing terrorist recruitment is one of the most effective and least lethal methods of countering terrorism, and yet it is often overlooked by those combating terrorism.”<sup>21</sup>

“Young people are a vital source of support for many terrorist groups, with roles ranging from cooks to armed fighters. But the ways young people are recruited vary widely across contexts. In many cases, young people join terrorist groups because they are duped, trafficked, kidnapped, or forcibly recruited. Others join terrorist groups voluntarily owing to the appeal of a group-based identity; perceptions of exclusion, grievances, or cultural threats; the promise of economic

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<sup>19</sup> Section 65.605(2), F.S.

<sup>20</sup> Section 775.30, F.S.

<sup>21</sup> Yayla, *Prevention of Recruitment to Terrorism*, ch. 13 of Handbook of Terrorism Prevention and Preparedness, International Centre for Counter-Terrorism, <https://icct.nl/handbook-terrorism-prevention-and-preparedness>.

stability; prospects of fame, glory, or respect; and personal connections, including family and friendship networks.”<sup>22</sup>

College campuses are often targeted by terrorist organizations for recruitment activities. For instance, the “influence of Hamas and its associated networks on US campuses represents a strategic adaptation that exploits academic freedom and civil liberties to further its extremist agenda.”<sup>23</sup>

In the current state fiscal year, the Legislature appropriated \$31.5 billion to education, representing 27.4% of the total expenditures.<sup>24</sup> Nearly half of the state’s general revenue funding is used for education.<sup>25</sup>

### **Chief of Domestic Security**

The executive director of the Department of Law Enforcement, or a member of the department designated by the executive director, is the Chief of Domestic Security.<sup>26</sup> Current duties of the Chief of Domestic Security include:

- Coordinating the efforts of the department in the ongoing assessment of this state's vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state and immigration enforcement incidents within or affecting this state.
- Prepare recommendations for the Governor, the President of the Senate, and the Speaker of the House of Representatives, which are based upon ongoing assessments to limit the vulnerability of the state to terrorism and immigration enforcement incidents.
- Coordinate the collection of proposals to limit the vulnerability of the state to terrorism and immigration enforcement incidents.

## **III. Effect of Proposed Changes:**

### **Limiting How a Court may Apply Foreign Laws**

The bill creates s. 2.05, F.S. to address the application of religious law or foreign law. The bill applies to all areas in which a court might refer to religious law or foreign law and to all judicial officers and others who make legal decisions. It provides that a court, an administrative law judge, a hearing officer, an agency, or an arbitration panel or tribunal may not enforce a provision of religious law or foreign law against a person if such application would violate a constitutional right of such person under the United States Constitution or the State Constitution. The specific circumstances for the enforcement of a foreign law or religious law that might

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<sup>22</sup> Darden, *Tackling Terrorists’ Exploitation of Youth*, p.1 (2019), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/report/tackling-terrorists-exploitation-of-youth/Tackling-Terrorists-Exploitation-of-Youth.pdf>.

<sup>23</sup> George Washington University, *Hamas’s Influence on US Campuses: A Study of Networks, Strategies, and Ideological Advocacy*, p. 21 (2024), [https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2024-11/Pamphlet\\_compressed.pdf](https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2024-11/Pamphlet_compressed.pdf).

<sup>24</sup> The Florida Legislature, *Fiscal Analysis in Brief, 2025 Legislative Session*, p. 2.

<sup>25</sup> *Id.* at 5. Actual GR funding is \$22,780.6 billion or 45.3%.

<sup>26</sup> Section 943.0311(1), F.S.

violate a person's constitutional rights seem most likely to arise from a contractual choice of law clause.

The bill defines these terms:

- “Foreign law” means a legal code or formal system of law of a foreign country or nation, or of an international organization.
- “Religious law” means a legal code or formal system of law associated with a religion and based on the sacred texts or traditions of such religion. The term includes Sharia law.

There are exceptions to the terms “religious law” and “foreign law” which have the effect that the following laws are not regulated or limited by this bill:

- The natural law or natural rights, as such law or rights are understood within the legal tradition of this state or the United States.
- A provision of the United States Constitution or a constitution of any one of the several states.
- A provision of domestic federal or state law.
- The common law, including the common law as described in s. 2.01, F.S.
- A provision of law of a Native American tribe within a state or territory of the United States.

The bill also creates an exception to provide that the statute does not apply to adjudication of ecclesiastical matters of a religious organization, including the selection, appointment, discipline, or removal of clergy or an interpretation of doctrine.

### **Expanding the Scope of Terrorism-Related Criminal Offenses**

The bill expands numerous felony offenses related to terrorism by a foreign terrorist organization to also make unlawful the same act if the offense is committed in relation to a domestic terrorist organization. A “domestic terrorist organization” means an organization designated as a domestic terrorist organization by the Chief of Domestic Security under s. 943.03102, F.S. The expanded offenses are:

- The current second degree felony offense for using terrorist training provided by a foreign terrorist organization with the intent to harm, and the related first degree felony if the act results in serious bodily injury or death to a person, in s. 775.32, F.S., is amended to also criminalize that same conduct if related to a domestic terrorist organization. The same penalties apply.
- The current first degree felony offense for providing material support or resources to a foreign terrorist organization in s. 775.33, F.S., is amended to also criminalize providing support to a domestic terrorist organization. The same penalties apply.
- The current second degree felony applicable where a person willfully becomes a member of a foreign terrorist organization with the intent to engage in terrorism, in s. 775.34, F.S., is amended to also criminalize the act of willfully joining a domestic terrorist organization with the intent to engage in terrorism. The same penalties apply.

The bill also clarifies the criminal laws on gangs at ch. 874, F.S., to change references to terrorism to instead reference foreign or domestic terrorism.

## Designation as a Terrorist Organization

The bill creates s. 943.03102, F.S., regarding designation of a terrorist organization, removal of the designation, and the effect of designation.

The Chief of Domestic Security may designate an organization as a domestic terrorist organization, with the approval of the Governor and Cabinet, if the Chief finds that the organization meets the following criteria:

- The organization is based in or operates in this state or in the United States.
- The organization engages in terrorist activities that:
  - Involve acts dangerous to human life which violate state or federal law; and
  - Are intended to:
    - Intimidate or coerce a civilian population;
    - Influence the policy of a government by intimidation or coercion; or
    - Affect the conduct of a government by mass destruction, assassination, or kidnapping.
- The terrorist activity of the organization is an ongoing threat to the security of this state or the United States.

The Chief of Domestic Security may designate an organization as a foreign terrorist organization if the Chief finds that the organization meets the following criteria:

- The organization is designated as a foreign terrorist organization by the United States Secretary of State pursuant to s. 219 of the Immigration and Nationality Act.
- The terrorist activity of the organization is an ongoing threat to the security of this state or the United States.

The bill requires the Chief of Domestic Security to maintain a list of organizations that have been designated as a domestic terrorist organization or a foreign terrorist organization. At least once every 5 years, the Chief of Domestic Security must review each designation that has labeled an organization a domestic terrorist organization or a foreign terrorist organization.

Prior to making an initial designation, the Chief of Domestic Security must provide to the Governor and Cabinet written notice at least 7 days prior to the designation of his or her intent to designate an organization as a foreign terrorist organization or a domestic terrorist organization. The notice must be accompanied by written findings regarding the basis for such designation. The Governor and Cabinet may, by a majority vote, approve or reject a designation.

Within 7 days after approval by the Governor and Cabinet of a designation made by the Chief of Domestic Security, the Chief must publish the designation in the Florida Administrative Register. Within 30 days after publication of a designation in the Florida Administrative Register, the organization designated as a foreign terrorist organization or a domestic terrorist organization, or any member of the designated organization, may challenge the designation in the Circuit Court of the Second Judicial Circuit in and for Leon County.

An organization designated as a domestic terrorist organization or a foreign terrorist organization may petition the Department of Law Enforcement, at any time, for the removal of such designation. At any time, the Governor and Cabinet may, by a majority vote, remove a designation.

In addition to the other effects upon an organization that is designated, the bill provides that a state agency, political subdivision, or public school district authorized to expend state-appropriated funds or levy ad valorem taxes may not expend such funds or taxes to support an organization, or a member of an organization, designated as a domestic terrorist organization or a foreign terrorist organization.

The bill directs the Department of Law Enforcement to adopt rules to implement the designation of an organization.

### **Addressing Terrorism Links to Educational Institutions**

#### ***Private Schools Accepting School Choice Vouchers***

The bill amends s. 1002.421, F.S., to add an additional requirement that a private school must meet in order to qualify to participate in the school choice scholarship program. A private school participating in an educational scholarship program must prohibit employment of, contracting with, ownership or operation by, or acceptance of funds from a person or an entity that is affiliated with or in any way controlled by:

- A designated foreign terrorist organization, or a member of such an organization;
- A criminal gang or a criminal gang member;
- A terrorist organization;
- A transnational crime organization or a member of such an organization;
- A domestic terrorist organization;
- A person or an entity that has provided material support or resources to, or received such support or resources from, a designated foreign terrorist organization, a domestic terrorist organization, a criminal gang, a terrorist organization, or a transnational crime organization;
- or
- A person or an entity that has demonstrated a pattern or practice of supporting or advocating for terrorism.

#### ***Universities and Colleges***

The bill amends s. 1004.06, F.S., to add that a Florida College System institution, state university, Florida College System institution direct-support organization, or state university direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that advocate for a foreign terrorist organization or a domestic terrorist organization. The State Board of Education or the Board of Governors, as applicable, may withhold performance-based funding of a Florida College System institution or state university that violates this restriction.

#### ***Postsecondary Students Found to be Promoting Terrorism***

The bill requires that a postsecondary educational institution take the following actions upon finding that a student attending the institution pursuant to a student visa has promoted a foreign or domestic terrorist organization:

- Report the status of the student to the Department of Homeland Security;
- Immediately expel the student;

- Assess the student the out-of-state tuition fee;
- Disqualify the student from receiving any form of fee waiver; and
- Disqualify the student from receiving any form of grant, financial aid, scholarship or tuition assistance.

The bill is effective July 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

The bill does not define what it means to “promote” terrorism so it is possible that this bill may implicate First Amendment principles. On the other hand, the courts have allowed prosecution of individuals associated with a known terrorist organization who were providing training in nonviolent advocacy<sup>27</sup>

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

A person promoting terrorism might incur significant costs and loss of income due to this bill. A postsecondary student promoting terrorism could lose scholarships, grants, and the like while incurring fees that will be owed to the institution.

---

<sup>27</sup> *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010) (ruling that individuals advocating for a designated foreign terrorist organization were providing material support to a terrorist organization and were not protected by the First Amendment).

C. **Government Sector Impact:**

Government institutions, including educational institutions, may lose an unknown amount of funding while incurring unknown expenses enforcing this bill.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 775.30, 775.32, 775.33, 775.34, 874.03, 1002.421, 1004.06, 1006.61, 1009.01, 1009.23, 1009.24, and 1009.26. This bill creates the following sections of the Florida Statutes: 2.05, 943.03102, and 1009.8963.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

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

**CS by Judiciary on February 3, 2026:**

The committee substitute changes the definition of a terrorist organization by changing an “or” to “and” to limit the scope of the definition, thereby reflecting the historical and traditional definition of terrorist; replaces references to the “Cabinet” with references to the “Governor and Cabinet,” thereby referring to the traditional voting body (and reflecting that technically the Governor is not a member of Cabinet); and corrects a cross-reference.

B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

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The Committee on Judiciary (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 260 - 389

and insert:

state or federal law; and

(II) Are intended to:

(A) Intimidate or coerce a civilian population;

(B) Influence the policy of a government by intimidation or coercion; or

(C) Affect the conduct of a government by mass destruction, assassination, or kidnapping.



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12 c. The terrorist activity of the organization is an ongoing  
13 threat to the security of this state or the United States.

14 2. A foreign terrorist organization if the Chief of  
15 Domestic Security finds that the organization meets the  
16 following criteria:

17 a. The organization is designated as a foreign terrorist  
18 organization by the United States Secretary of State pursuant to  
19 s. 219 of the Immigration and Nationality Act.

20 b. The terrorist activity of the organization is an ongoing  
21 threat to the security of this state or the United States.

22 (b) The Chief of Domestic Security shall maintain a list of  
23 organizations that he or she designates as domestic terrorist  
24 organizations or foreign terrorist organizations.

25 (c) At least once every 5 years, the Chief of Domestic  
26 Security shall review each designation made under paragraph (a)  
27 which labels an organization a domestic terrorist organization  
28 or a foreign terrorist organization.

29 (2) (a) At least 7 days before making a designation under  
30 subsection (1), the Chief of Domestic Security shall provide  
31 written notice to the Governor and Cabinet of his or her intent  
32 to designate an organization as a foreign terrorist organization  
33 or a domestic terrorist organization, which notice must be  
34 accompanied by written findings regarding the basis for such  
35 designation.

36 (b) Upon receipt of written notice made pursuant to  
37 paragraph (a), the Governor and Cabinet may, by a majority vote,  
38 approve or reject a designation made by the Chief of Domestic  
39 Security under subsection (1).

40 (c) Within 7 days after approval by the Governor and



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41 Cabinet of a designation made by the Chief of Domestic Security  
42 under subsection (1), the Chief of Domestic Security shall  
43 publish the designation in the Florida Administrative Register.

44 (d) Within 30 days after publication of a designation in  
45 the Florida Administrative Register, the organization designated  
46 as a foreign terrorist organization or a domestic terrorist  
47 organization, or any member of such organizations, may challenge  
48 such designation in the Circuit Court of the Second Judicial  
49 Circuit in and for Leon County.

50 (e) Any criminal penalty imposed against a terrorist  
51 organization may be enhanced as provided by law.

52 (3) (a) An organization designated as a domestic terrorist  
53 organization or a foreign terrorist organization may petition  
54 the department, at any time, for the removal of such  
55 designation.

56 (b) At any time, the Governor and Cabinet may, by a  
57 majority vote, remove a designation made by the Chief of  
58 Domestic Security under subsection (1).

59 (4) A state agency, political subdivision, or public school  
60 district authorized to expend state-appropriated funds or levy  
61 ad valorem taxes may not expend such funds or taxes to support  
62 an organization, or a member of an organization, designated as a  
63 domestic terrorist organization or a foreign terrorist  
64 organization.

65 (5) The department shall adopt rules to implement this  
66 section.

67 Section 8. Paragraph (t) is added to subsection (1) of  
68 section 1002.421, Florida Statutes, to read:

69 1002.421 State school choice scholarship program



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70 accountability and oversight.—

71 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
72 school participating in an educational scholarship program  
73 established pursuant to this chapter must be a private school as  
74 defined in s. 1002.01 in this state, be registered, and be in  
75 compliance with all requirements of this section in addition to  
76 private school requirements outlined in s. 1002.42, specific  
77 requirements identified within respective scholarship program  
78 laws, and other provisions of Florida law that apply to private  
79 schools, and must:

80 (t) Prohibit:

81 1. Employment of, or contracting with;

82 2. Ownership or operation by; or

83 3. Acceptance of funds from a person or an entity that is  
84 affiliated with or in any way controlled by:

85 a. A designated foreign terrorist organization, as defined  
86 in s. 775.32(1), or a member of such an organization;

87 b. A criminal gang or a criminal gang member as defined in  
88 s. 874.03;

89 c. A terrorist organization as defined in s. 874.03;

90 d. A transnational crime organization, as defined in s.  
91 874.03, or a member of such an organization;

92 e. A domestic terrorist organization as defined in s.  
93 775.32;

94 f. A person or an entity that has:

95 (I) Provided material support or resources, as defined in  
96 s. 775.33(1), to; or

97 (II) Received such support or resources from a designated  
98 foreign terrorist organization or a domestic terrorist



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99 organization, as defined in s. 775.32, or a criminal gang,  
100 terrorist organization, or transnational crime organization, as  
101 defined in s. 874.03; or

102 g. A person or an entity that has demonstrated a pattern or  
103 practice of supporting or advocating for terrorism as defined in  
104 s. 775.30(1).

105  
106 The department shall suspend the payment of funds to a private  
107 school that knowingly fails to comply with this subsection, and  
108 shall prohibit the school from enrolling new scholarship  
109 students, for 1 fiscal year and until the school complies. If a  
110 private school fails to meet the requirements of this subsection  
111 or has consecutive years of material exceptions listed in the  
112 report required under paragraph (q), the commissioner may  
113 determine that the private school is ineligible to participate  
114 in a scholarship program.

115 Section 9. Subsection (2) of section 1004.06, Florida  
116 Statutes, is amended to read:

117 1004.06 Prohibited expenditures.—

118 (2) (a) A Florida College System institution or state  
119 university, Florida College System institution direct-support  
120 organization, or state university direct-support organization  
121 may not expend any state or federal funds to promote, support,  
122 or maintain any programs or campus activities that:

123 1.(a) Violate s. 1000.05; ~~or~~

124 2.(b) Advocate for diversity, equity, and inclusion, or  
125 promote or engage in political or social activism, as defined by  
126 rules of the State Board of Education and regulations of the  
127 Board of Governors; or



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128       3. Advocate for a foreign terrorist organization or a  
129 domestic terrorist organization as designated by the Chief of  
130 Domestic Security under s. 943.03102.

131       (b) The State Board of Education or the Board of Governors,  
132 as applicable, may withhold performance-based funding of a  
133 Florida College System institution or state university that  
134 violates subparagraph (a)3.

135  
136 ===== T I T L E   A M E N D M E N T =====

137 And the title is amended as follows:

138       Delete lines 38 - 51

139 and insert:

140       provide specified written notice to the Governor and  
141       Cabinet within a certain timeframe before making a  
142       designation; authorizing the Governor and Cabinet to  
143       approve or reject the designation by a majority vote;  
144       requiring the Chief of Domestic Security to publish  
145       such designation in the Florida Administrative  
146       Register within a specified timeframe after approval  
147       of the designation by the Governor and Cabinet;  
148       authorizing a designated organization to seek judicial  
149       review within a specified timeframe in a specified  
150       court; authorizing the enhancement of certain  
151       penalties; authorizing a designated organization to  
152       petition for removal of such designation in certain  
153       circumstances; authorizing the Governor and Cabinet,  
154       by a majority vote, to remove such

155

By Senator Grall

29-01453B-26

20261632\_\_

1 A bill to be entitled  
 2 An act relating to ideologies inconsistent with  
 3 American principles; creating s. 2.05, F.S.; defining  
 4 the terms "religious law" and "foreign law";  
 5 prohibiting the application of certain law in  
 6 adjudicatory proceedings in a manner that violates a  
 7 constitutional right; providing applicability;  
 8 amending s. 775.30, F.S.; defining the term "domestic  
 9 terrorist organization"; amending s. 775.32, F.S.;  
 10 defining the term "domestic terrorist organization";  
 11 amending s. 775.33, F.S.; defining the term "domestic  
 12 terrorist organization"; providing that a person who  
 13 knowingly provides or attempts or conspires to provide  
 14 material support or resources to a domestic terrorist  
 15 organization commits a specified felony; providing  
 16 criminal penalties; providing, for purposes of  
 17 prosecution under specified provisions, that a person  
 18 is deemed to commit such felony if certain conditions  
 19 are met; amending s. 775.34, F.S.; defining the terms  
 20 "designated foreign terrorist organization" and  
 21 "domestic terrorist organization"; providing that a  
 22 person who willfully becomes a member of a domestic  
 23 terrorist organization and serves under the direction  
 24 or control of such organization with a specified  
 25 intent commits a specified felony; providing criminal  
 26 penalties; amending s. 874.03, F.S.; revising the  
 27 definition of the term "terrorist organization" to  
 28 include a foreign terrorist organization and a  
 29 domestic terrorist organization; creating s.

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

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30 943.03102, F.S.; authorizing the Chief of Domestic  
 31 Security to designate an organization a foreign  
 32 terrorist organization or a domestic terrorist  
 33 organization if certain criteria are met; requiring  
 34 the Chief of Domestic Security to maintain a list of  
 35 such organizations; requiring the Chief of Domestic  
 36 Security to review each designation within a specified  
 37 timeframe; requiring the Chief of Domestic Security to  
 38 provide specified written notice to the Cabinet within  
 39 a certain timeframe before making a designation;  
 40 authorizing the Cabinet to approve or reject the  
 41 designation by a majority vote; requiring the Chief of  
 42 Domestic Security to publish such designation in the  
 43 Florida Administrative Register within a specified  
 44 timeframe after approval of the designation by the  
 45 Cabinet; authorizing a designated organization to seek  
 46 judicial review within a specified timeframe in a  
 47 specified court; authorizing the enhancement of  
 48 certain penalties; authorizing a designated  
 49 organization to petition for removal of such  
 50 designation in certain circumstances; authorizing the  
 51 Cabinet, by a majority vote, to remove such  
 52 designation; prohibiting state agencies, political  
 53 subdivisions, and public school districts from  
 54 expending certain public funds to support an  
 55 organization designated as a foreign terrorist  
 56 organization or a domestic terrorist organization;  
 57 requiring the Department of Law Enforcement to adopt  
 58 rules; amending s. 1002.421, F.S.; revising

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59 eligibility and obligations of private schools that  
 60 participate in the state school choice scholarship  
 61 program; amending s. 1004.06, F.S.; prohibiting  
 62 certain institutions from expending public funds to  
 63 promote, support, or maintain programs or campus  
 64 activities that advocate for foreign terrorist  
 65 organizations or domestic terrorist organizations;  
 66 authorizing the State Board of Education or the Board  
 67 of Governors, as applicable, to withhold specified  
 68 funding from certain institutions; amending s.  
 69 1006.61, F.S.; requiring public postsecondary  
 70 educational institutions to report specified  
 71 information relating to certain students in certain  
 72 circumstances; authorizing immediate expulsion of such  
 73 student from the institution under certain  
 74 circumstances; defining the terms "domestic terrorist  
 75 organization" and "foreign terrorist organization";  
 76 reordering and amending s. 1009.01, F.S.; defining the  
 77 terms "domestic terrorist organization" and "foreign  
 78 terrorist organization"; amending ss. 1009.23 and  
 79 1009.24, F.S.; requiring that certain students of  
 80 Florida College System institutions and state  
 81 universities, respectively, be immediately expelled  
 82 and assessed a certain out-of-state fee; amending s.  
 83 1009.26, F.S.; providing that certain students of  
 84 school districts and Florida College System  
 85 institutions are ineligible for specified fee waivers;  
 86 creating s. 1009.8963, F.S.; prohibiting students who  
 87 have been determined to have promoted designated

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88 foreign terrorist organizations or domestic terrorist  
 89 organizations from being awarded certain public  
 90 institution funds; providing an effective date.  
 91  
 92 Be It Enacted by the Legislature of the State of Florida:  
 93  
 94 Section 1. Section 2.05, Florida Statutes, is created to  
 95 read:  
 96 2.05 Application of religious or foreign law.-  
 97 (1) For purposes of this section, the term:  
 98 (a) "Foreign law" means a legal code or formal system of  
 99 law of a foreign country or nation, or of an international  
 100 organization.  
 101 (b) "Religious law" means a legal code or formal system of  
 102 law associated with a religion and based on the sacred texts or  
 103 traditions of such religion. The term includes Sharia law.  
 104 (2) Notwithstanding subsection (1), the terms "religious  
 105 law" and "foreign law" do not include any of the following:  
 106 (a) The natural law or natural rights, as such law or  
 107 rights are understood within the legal tradition of this state  
 108 or the United States.  
 109 (b) A provision of the United States Constitution or a  
 110 constitution of any one of the several states.  
 111 (c) A provision of domestic federal or state law.  
 112 (d) The common law, including the common law as described  
 113 in s. 2.01.  
 114 (e) A provision of law of a Native American tribe within a  
 115 state or territory of the United States.  
 116 (3) A court, an administrative law judge, a hearing

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117 officer, an agency, or an arbitration panel or tribunal may not  
 118 enforce a provision of religious law or foreign law against a  
 119 person if such application would violate a constitutional right  
 120 of such person under the United States Constitution or the State  
 121 Constitution.

122 (4) This section does not apply to adjudication of  
 123 ecclesiastical matters of a religious organization, including  
 124 the selection, appointment, discipline, or removal of clergy or  
 125 interpretation of doctrine.

126 Section 2. Subsections (1) and (3) of section 775.30,  
 127 Florida Statutes, are amended to read:

128 775.30 Terrorism; defined; penalties.—

129 (1) As used in this chapter and the Florida Criminal Code,  
 130 the term:

131 (a) terms "Terrorism" or "terrorist activity" means ~~mean~~ an  
 132 activity that:

133 1.(a) Involves:

134 a.1- A violent act or an act dangerous to human life which  
 135 is a violation of the criminal laws of this state or of the  
 136 United States; or

137 b.2- A violation of s. 815.06; and

138 2.(b) Is intended to:

139 a.1- Intimidate, injure, or coerce a civilian population;

140 b.2- Influence the policy of a government by intimidation  
 141 or coercion; or

142 c.3- Affect the conduct of government through destruction  
 143 of property, assassination, murder, kidnapping, or aircraft  
 144 piracy.

145 (b) "Domestic terrorist organization" means an organization

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146 designated as a domestic terrorist organization by the Chief of  
 147 Domestic Security under s. 943.03102.

148 (3) A person who violates ~~commits a violation of~~ subsection  
 149 (2), resulting which results in death or serious bodily injury,  
 150 commits a life felony, punishable as provided in s. 775.082, s.  
 151 775.083, or s. 775.084. As used in this subsection, the term  
 152 "serious bodily injury" means an injury to a person which  
 153 creates a substantial risk of death, serious personal  
 154 disfigurement, or protracted loss or impairment of the function  
 155 of a bodily member or an organ.

156 Section 3. Present paragraphs (c), (d), and (e) of  
 157 subsection (1) of section 775.32, Florida Statutes, are  
 158 redesignated as paragraphs (d), (e), and (f), respectively, a  
 159 new paragraph (c) is added to that subsection, and subsections  
 160 (2), (3), and (4) of that section are amended, to read:

161 775.32 Use of military-type training provided by a  
 162 ~~designated foreign terrorist organizations organization.-~~

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

164 (c) "Domestic terrorist organization" means an organization  
 165 designated as a domestic terrorist organization by the Chief of  
 166 Domestic Security under s. 943.03102.

167 (2) A person who has received military-type training from a  
 168 designated foreign terrorist organization or domestic terrorist  
 169 organization may not use, attempt to use, or conspire to use  
 170 such military-type training with the intent to unlawfully harm  
 171 another person or damage a critical infrastructure facility.

172 (3) A person who violates ~~commits a violation of~~ subsection  
 173 (2) commits a felony of the second degree, punishable as  
 174 provided in s. 775.082, s. 775.083, or s. 775.084.

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175 (4) A person who violates ~~commits a violation of~~ subsection  
176 (2), ~~resulting which results~~ in the death of, or serious bodily  
177 injury to, a person, commits a felony of the first degree,  
178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

179 Section 4. Present paragraphs (b) through (e) of subsection  
180 (1) of section 775.33, Florida Statutes, are redesignated as  
181 paragraphs (c) through (f), respectively, a new paragraph (b) is  
182 added to that subsection, and subsections (3) and (5) of that  
183 section are amended, to read:

184 775.33 Providing material support or resources for  
185 terrorism or to terrorist organizations.—

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

187 (b) “Domestic terrorist organization” means an organization  
188 designated as a domestic terrorist organization by the Chief of  
189 Domestic Security under s. 943.03102.

190 (3) A person who knowingly provides material support or  
191 resources to a designated foreign terrorist organization or  
192 domestic terrorist organization, or attempts or conspires to do  
193 so, commits a felony of the first degree, punishable as provided  
194 in s. 775.082, s. 775.083, or s. 775.084. To violate this  
195 subsection, a person must have knowledge that the organization  
196 is a designated foreign terrorist organization or domestic  
197 terrorist organization or that the organization has engaged in  
198 or engages in terrorism or terrorist activity.

199 (5) (a) For purposes of prosecution under subsection (2) or  
200 subsection (3), a person is deemed to provide material support  
201 or resources by providing personnel if the person knowingly  
202 provides, attempts to provide, or conspires to provide himself  
203 or herself or another person to:

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204 1. Work under the direction and control of a designated  
205 foreign terrorist organization or domestic terrorist  
206 organization, or a person engaged in, or intending to engage in,  
207 an act of terrorism; or

208 2. Organize, manage, supervise, or otherwise direct the  
209 operations of a designated foreign terrorist organization or  
210 domestic terrorist organization, or a person engaged in, or  
211 intending to engage in, an act of terrorism.

212 (b) An individual who acts entirely independently of the  
213 designated foreign terrorist organization or domestic terrorist  
214 organization, or the person engaged in, or intending to engage  
215 in, an act of terrorism, to advance the organization’s or  
216 person’s goals or objectives is not working under the direction  
217 and control of the designated foreign terrorist organization or  
218 domestic terrorist organization, or person engaged in, or  
219 intending to engage in, an act of terrorism.

220 Section 5. Section 775.34, Florida Statutes, is amended to  
221 read:

222 775.34 Membership in a designated foreign terrorist  
223 organization.—

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

225 (a) “Designated foreign terrorist organization” has the  
226 same meaning as provided in s. 775.32.

227 (b) “Domestic terrorist organization” has the same meaning  
228 as in s. 943.03102.

229 (2) A person who willfully becomes a member of a designated  
230 foreign terrorist organization or domestic terrorist  
231 organization and serves under the direction or control of that  
232 organization with the intent to further the illegal acts of the

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233 organization commits a felony of the second degree, punishable  
 234 as provided in s. 775.082, s. 775.083, or s. 775.084. ~~As used in~~  
 235 ~~this section, the term "Designated foreign terrorist~~  
 236 ~~organization" has the same meaning as provided in s. 775.32.~~

237 Section 6. Subsection (7) of section 874.03, Florida  
 238 Statutes, is amended to read:

239 874.03 Definitions.—As used in this chapter:

240 (7) "Terrorist organization" means any organized group  
 241 engaged in or organized for the purpose of engaging in terrorism  
 242 as defined in s. 775.30. The term includes a foreign terrorist  
 243 organization and a domestic terrorist organization, as  
 244 designated by the Chief of Domestic Security under s. 943.03102.  
 245 This definition does not shall not be construed to prevent  
 246 prosecution under this chapter of individuals acting alone.

247 Section 7. Section 943.03102, Florida Statutes, is created  
 248 to read:

249 943.03102 Designation of terrorist organizations.—  
 250 (1) (a) In order to ensure the safety of this state and the  
 251 safety of the residents of this state, the Chief of Domestic  
 252 Security may designate an organization:

253 1. A domestic terrorist organization if the Chief of  
 254 Domestic Security finds that the organization meets the  
 255 following criteria:

256 a. The organization is based or operates in this state or  
 257 in the United States.

258 b. The organization engages in terrorist activities that:

259 (I) Involve acts dangerous to human life which violate  
 260 state or federal law; or

261 (II) Are intended to:

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262 (A) Intimidate or coerce a civilian population;  
 263 (B) Influence the policy of a government by intimidation or  
 264 coercion; or  
 265 (C) Affect the conduct of a government by mass destruction,  
 266 assassination, or kidnapping.

267 c. The terrorist activity of the organization is an ongoing  
 268 threat to the security of this state or the United States.

269 2. A foreign terrorist organization if the Chief of  
 270 Domestic Security finds that the organization meets the  
 271 following criteria:

272 a. The organization is designated as a foreign terrorist  
 273 organization by the United States Secretary of State pursuant to  
 274 s. 219 of the Immigration and Nationality Act.

275 b. The terrorist activity of the organization is an ongoing  
 276 threat to the security of this state or the United States.

277 (b) The Chief of Domestic Security shall maintain a list of  
 278 organizations that he or she designates as domestic terrorist  
 279 organizations or foreign terrorist organizations.

280 (c) At least once every 5 years, the Chief of Domestic  
 281 Security shall review each designation made under paragraph (a)  
 282 which labels an organization a domestic terrorist organization  
 283 or a foreign terrorist organization.

284 (2) (a) At least 7 days before making a designation under  
 285 subsection (1), the Chief of Domestic Security shall provide  
 286 written notice to the Cabinet of his or her intent to designate  
 287 an organization as a foreign terrorist organization or a  
 288 domestic terrorist organization, which notice must be  
 289 accompanied by written findings regarding the basis for such  
 290 designation.

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291 (b) Upon receipt of written notice made pursuant to  
 292 paragraph (a), the Cabinet may, by a majority vote, approve or  
 293 reject a designation made by the Chief of Domestic Security  
 294 under subsection (1).

295 (c) Within 7 days after approval by the Cabinet of a  
 296 designation made by the Chief of Domestic Security under  
 297 subsection (1), the Chief of Domestic Security shall publish the  
 298 designation in the Florida Administrative Register.

299 (d) Within 30 days after publication of a designation in  
 300 the Florida Administrative Register, the organization designated  
 301 as a foreign terrorist organization or a domestic terrorist  
 302 organization, or any member of such organizations, may challenge  
 303 such designation in the Circuit Court of the Second Judicial  
 304 Circuit in and for Leon County.

305 (e) Any criminal penalty imposed against a terrorist  
 306 organization may be enhanced as provided by law.

307 (3) (a) An organization designated as a domestic terrorist  
 308 organization or a foreign terrorist organization may petition  
 309 the department, at any time, for the removal of such  
 310 designation.

311 (b) At any time, the Cabinet may, by a majority vote,  
 312 remove a designation made by the Chief of Domestic Security  
 313 under subsection (1).

314 (4) A state agency, political subdivision, or public school  
 315 district authorized to expend state-appropriated funds or levy  
 316 ad valorem taxes may not expend such funds or taxes to support  
 317 an organization, or a member of an organization, designated as a  
 318 domestic terrorist organization or a foreign terrorist  
 319 organization.

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320 (5) The department shall adopt rules to implement this  
 321 section.

322 Section 8. Paragraph (t) is added to subsection (1) of  
 323 section 1002.421, Florida Statutes, to read:

324 1002.421 State school choice scholarship program  
 325 accountability and oversight.—

326 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
 327 school participating in an educational scholarship program  
 328 established pursuant to this chapter must be a private school as  
 329 defined in s. 1002.01 in this state, be registered, and be in  
 330 compliance with all requirements of this section in addition to  
 331 private school requirements outlined in s. 1002.42, specific  
 332 requirements identified within respective scholarship program  
 333 laws, and other provisions of Florida law that apply to private  
 334 schools, and must:

335 (t) Prohibit:

336 1. Employment of, or contracting with;

337 2. Ownership or operation by; or

338 3. Acceptance of funds from a person or an entity that is  
 339 affiliated with or in any way controlled by:

340 a. A designated foreign terrorist organization, as defined  
 341 in s. 775.32(1), or a member of such an organization;

342 b. A criminal gang or a criminal gang member as defined in  
 343 s. 874.03;

344 c. A terrorist organization as defined in s. 874.03;

345 d. A transnational crime organization, as defined in s.  
 346 874.03, or a member of such an organization;

347 e. A domestic terrorist organization as defined in s.

348 775.32;

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349 f. A person or an entity that has:

350 (I) Provided material support or resources, as defined in  
 351 s. 775.33(1), to; or

352 (II) Received such support or resources from a designated  
 353 foreign terrorist organization or a domestic terrorist  
 354 organization, as defined in s. 775.32, or a criminal gang,  
 355 terrorist organization, or transnational crime organization, as  
 356 defined in s. 874.03; or

357 g. A person or an entity that has demonstrated a pattern or  
 358 practice of supporting or advocating for terrorism as defined in  
 359 s. 775.30(1).

360

361 The department shall suspend the payment of funds to a private  
 362 school that knowingly fails to comply with this subsection, and  
 363 shall prohibit the school from enrolling new scholarship  
 364 students, for 1 fiscal year and until the school complies. If a  
 365 private school fails to meet the requirements of this subsection  
 366 or has consecutive years of material exceptions listed in the  
 367 report required under paragraph (q), the commissioner may  
 368 determine that the private school is ineligible to participate  
 369 in a scholarship program.

370 Section 9. Subsection (2) of section 1004.06, Florida  
 371 Statutes, is amended to read:

372 1004.06 Prohibited expenditures.—

373 (2) (a) A Florida College System institution or state  
 374 university, Florida College System institution direct-support  
 375 organization, or state university direct-support organization  
 376 may not expend any state or federal funds to promote, support,  
 377 or maintain any programs or campus activities that:

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

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378 1.~~(a)~~ Violate s. 1000.05; ~~or~~

379 2.~~(b)~~ Advocate for diversity, equity, and inclusion, or  
 380 promote or engage in political or social activism, as defined by  
 381 rules of the State Board of Education and regulations of the  
 382 Board of Governors; or

383 3. Advocate for a foreign terrorist organization or a  
 384 domestic terrorist organization as designated by the Chief of  
 385 Domestic Security under s. 943.03102.

386 (b) The State Board of Education or the Board of Governors,  
 387 as applicable, may withhold performance-based funding of a  
 388 Florida College System institution or state university that  
 389 violates paragraph (a).

390 (c) Student fees to support student-led organizations are  
 391 allowed ~~permitted~~ notwithstanding any speech or expressive  
 392 activity by such organizations which would otherwise violate  
 393 this subsection, provided that the public funds must be  
 394 allocated to student-led organizations pursuant to written  
 395 policies or regulations of each Florida College System  
 396 institution or state university, as applicable. Use of  
 397 institution facilities by student-led organizations is allowed  
 398 ~~permitted~~ notwithstanding any speech or expressive activity by  
 399 such organizations which would otherwise violate this  
 400 subsection, provided that such use must be granted to student-  
 401 led organizations pursuant to written policies or regulations of  
 402 each Florida College System institution or state university, as  
 403 applicable.

404 Section 10. Section 1006.61, Florida Statutes, is amended  
 405 to read:

406 1006.61 Participation by students in disruptive activities,

Page 14 of 18

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407 and promotion of foreign terrorist organizations, at public  
408 postsecondary educational institution; penalties.—

409 (1) Any person who accepts the privilege extended by the  
410 laws of this state of attendance at any public postsecondary  
411 educational institution shall, by attending such institution, be  
412 deemed to have given his or her consent to the policies of that  
413 institution, the State Board of Education, and the Board of  
414 Governors regarding the State University System, and the laws of  
415 this state. Such policies shall include prohibition against  
416 disruptive activities at public postsecondary educational  
417 institutions.

418 (2) After it has been determined that a student of a state  
419 institution of higher learning has participated in disruptive  
420 activities, such student may be immediately expelled from the  
421 institution for a minimum of 2 years.

422 (3) (a) Pursuant to 8 C.F.R. s. 214.3(g)(2), a public  
423 postsecondary educational institution must report information  
424 relating to the current status of a student attending the  
425 institution on a student visa if the student has been determined  
426 to have promoted a designated foreign terrorist organization or  
427 domestic terrorist organization.

428 (b) If a student of public postsecondary educational  
429 institution has been determined to have promoted a designated  
430 foreign terrorist organization or domestic terrorist  
431 organization, such student will be immediately expelled from the  
432 institution.

433 (c) As used in this subsection, the terms "domestic  
434 terrorist organization" and "foreign terrorist organization"  
435 mean an organization so designated by the Chief of Domestic

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436 Security under s. 943.03102.

437 Section 11. Section 1009.01, Florida Statutes, is reordered  
438 and amended to read:

439 1009.01 Definitions.—the term:

440 (1) "Domestic terrorist organization" means an organization  
441 so designated by the Chief of Domestic Security under s.  
442 943.03102.

443 (2) "Foreign terrorist organization" means an organization  
444 so designated by the Chief of Domestic Security under s.  
445 943.03102.

446 (3) "Out-of-state fee" means the additional fee for  
447 instruction charged by a public postsecondary educational  
448 institution in this state to a student who does not qualify for  
449 the in-state tuition rate pursuant to s. 1009.21. A charge for  
450 any other purpose may not be included in this fee.

451 (4) ~~(1)~~ "Tuition" means the basic fee charged to a student  
452 for instruction provided by a public postsecondary educational  
453 institution in this state. A charge for any other purpose may  
454 shall not be included in within this fee.

455 ~~(2)~~ "Out-of-state fee" means the additional fee for  
456 instruction provided by a public postsecondary educational  
457 institution in this state, which fee is charged to a student who  
458 does not qualify for the in-state tuition rate pursuant to s.  
459 1009.21. A charge for any other purpose shall not be included  
460 within this fee.

461 (5) ~~(3)~~ "Tuition differential" means the supplemental fee  
462 charged to a student by a public university in this state  
463 pursuant to s. 1009.24(16).

464 Section 12. Present subsection (22) of section 1009.23,

Page 16 of 18

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465 Florida Statutes, is redesignated as subsection (23), and a new  
466 subsection (22) is added to that section, to read:

467 1009.23 Florida College System institution student fees.-

468 (22) A student who has been determined to have promoted a  
469 designated foreign terrorist organization or domestic terrorist  
470 organization during any term of enrollment must be immediately  
471 expelled from the institution and assessed the out-of-state fee  
472 established in subsection (3).

473 Section 13. Subsection (22) is added to section 1009.24,  
474 Florida Statutes, to read:

475 1009.24 State university student fees.-

476 (22) A student who has been determined to have promoted a  
477 designated foreign terrorist organization or domestic terrorist  
478 organization during any term of enrollment must be immediately  
479 expelled from the institution and assessed the out-of-state fee  
480 established in subsection (4).

481 Section 14. Subsection (22) is added to section 1009.26,  
482 Florida Statutes, to read:

483 1009.26 Fee waivers.-

484 (22) A student who has been determined to have promoted a  
485 designated foreign terrorist organization or domestic terrorist  
486 organization during any term of enrollment is ineligible for any  
487 fee waiver under this section.

488 Section 15. Section 1009.8963, Florida Statutes, is created  
489 to read:

490 1009.8963 Prohibition on awarding of scholarships, grants,  
491 and other aid.-A student who has been determined to have  
492 promoted a designated foreign terrorist organization or domestic  
493 terrorist organization during any term of enrollment may not be

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494 awarded any institutional or state grants, financial aid,  
495 scholarships, or tuition assistance under this chapter.

496 Section 16. This act shall take effect July 1, 2026.



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 19, 2026

---

I respectfully request that **Senate Bill #1632**, relating to Ideologies Inconsistent with American Principles, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall".

---

Senator Erin Grall  
Florida Senate, District 29

The Florida Senate

APPEARANCE RECORD

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

02/03/2026

Meeting Date

Bill 1632

Bill Number or Topic

Senate Judiciary

Committee

Amendment Barcode (if applicable)

Name Christopher Andrew Svochak

Phone (217) 600-0759

Address 10412 China Spring Rd #1041

Email csvochak@outlook.com

Waco

City

TX

State

76708

Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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

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The Florida Senate

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11632  
Bill Number or Topic

2/3/26  
Meeting Date

Judiciary  
Committee

Amendment Barcode (if applicable)

Name Marilee Marks

Phone 440-822-7989

Address 32013 Brookstone Dr.  
Street

Email marilee.marks@gmail.com

Wesley Chapel FL 33545  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

No Hate in Politics

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

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The Florida Senate

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02/03/24

Meeting Date

SB 1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Amina Spanic (Ameera Spa-heech) Phone

Address Street Email

Street

City

State

Zip

Speaking: [ ] For [X] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

Florida For All

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

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

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2/3/26

Meeting Date

SB 1632

Bill Number or Topic

Judiciary  
Committee

Amendment Barcode (if applicable)

Name Dr. Rich Templin Phone 850-224-6926

Address 135 S. Monroe Email \_\_\_\_\_  
Street

Tallahassee FL 32304  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida A&Z - CID

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

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The Florida Senate

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2/2/26

Meeting Date

SB 1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Shayne Tremblay

Phone 321-292-9136

Address 6532 Sapphire Dr.

Email shaynetremblay@gmail.com

Street

Jacksonville FL 32208

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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213/26

Meeting Date

~~1632~~ 1632

Bill Number or Topic

JUDICIARY

Committee

Amendment Barcode (if applicable)

Name REV DR RUSSELL MEYER

Phone ~~813 260 3636~~

Address Street

Email advocacy@floridachurches.org

TAMPA

City

FL

State

33607

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

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2/3/26

Meeting Date

1632

Bill Number or Topic

Judiciary  
Committee

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-515-2084

Address Po Box 650216  
Street

Email JohnLabriola@cfcflorida.net

Miami FL 33265  
City State Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Christian Family Coalition Florida

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

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

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The Florida Senate

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2/3/26

Meeting Date

SB 1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Amy Keith

Phone

727 342 0730

Address

333 3rd Ave N

Email

Street

St Petersburg FL

33701

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

Common Cause

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

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

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S-001 (08/10/2021)

February, 3 2026

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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SB 1632 Ideologies Inconsistent

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name **Jonathan Webber**

Phone **9545934449**

Address **P.O. Box 1018**

Email **jonathan.webber@splcenter.org**

Street

**Tallahassee**

**FL**

**32302**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Southern Poverty Law Center**

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/26

Meeting Date

1632

Bill Number or Topic

Sen. Judiciary

Committee

Amendment Barcode (if applicable)

Name

Lisa Lloyd

Phone

Address

3207 Shamrock St. #13

Email

divas@bellsouth.net

Street

Tall

FL

32309

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/3/26

Meeting Date

SB 1632

Bill Number or Topic

S. Judiciary

Committee

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Phone

Address 201 E. Park Ave.

Street

Email

TLH

City

FL

State

32301

Zip

Speaking: [ ] For [X] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

Equality Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/3

Meeting Date

1632

Bill Number or Topic

Judiciary  
Committee

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Amendment Barcode (if applicable)

Name Vance Ahrens

Phone

Address 6945 Crepe Myrtle Dr  
Street

Email

Grant FL 32949  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

2/3/2026

# The Florida Senate APPEARANCE RECORD

1832

Meeting Date

Judiciary

Committee

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Gordon Taylor

Phone

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/26

Meeting Date

1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Ashe Bradley

Phone 850 320 7786

Address \_\_\_\_\_

Email \_\_\_\_\_

Street

Tampa

FL

33615

City

State

Zip

Speaking:  For  Against

Information

OR

Waive Speaking:  In Support

Against *error*

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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SB 1632 ~~SB 1534~~  
Bill Number or Topic

2/3/26  
Meeting Date

J. Comm.  
Committee

Amendment Barcode (if applicable)

Name SANA CHAUDRY Phone 703-973-8100

Address 10747 Pictorial PK Dr Street Email SUCHAUDRY@Gmail.com

TAMPA FL 33647  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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The Florida Senate

APPEARANCE RECORD

2/3/26

Meeting Date

SB 1632, ENHANCED

Bill Number or Topic

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Judiciary

Committee

Amendment Barcode (if applicable)

Name Janet Curry

Phone 314-369-1082

Address 9309 Ruslimon Brook Trail Apt. 111

Email ravenjan7@hotmail.com

Street

Phonotassz FL 33592

City

State

Zip

Speaking: [ ] For [x] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

Feb 3rd 2026

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 1632 & ~~16104~~

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Mohamed Ahmed

Phone

516-492-4546

Address

4678 Tramonto Lane

Email

Mohamed.Saleh.Ahmed1976@gmail.com

Street

Westchapel

FL

33543

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

SB 1632 } ~~1634~~

Bill Number or Topic

2-3-26

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name Adam Abutaa

Phone 202 868 0787

Address 200 NE 1st AVE

Street

Email aabutaa@emsgo32action.org

Pompano Beach, FL, 33060

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB-1632

2/13/26

Meeting Date

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

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name: Anthony Avila

Phone: 727-237-5699

Address: P.O. Box 13184, St. Pete

Email: AntAvila@gmail.com

Street

St. Pete FL 33733

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate  
**APPEARANCE RECORD**

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

02/3/26

Meeting Date

SB 1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Jacob King

Phone

727-295-9699

Address

4017 Ninth Ave S.

Email

jacobk0722@gmail.com

Street

St. Petersburg FL 33711

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

02/03/2026

Meeting Date

SB 1632-Grall

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Randy Dargatzis

Phone 386 275 5698

Address 5516 NW 109 Lane

Email SWTPETE2911@gmail.com

Gainesville

City

FL

State

32653

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SB 1632

Bill Number or Topic

JUDICIARY

Committee

Amendment Barcode (if applicable)

Name GUENDA ABICHT

Phone 786-376-1181

(PRONOUNCED ABBOTT)

Address 4305 SW 98 AVE.

Email GUENDA.ABICHT@GMAIL.COM

Street

MIAMI

City

FL

State

33165

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/2026

Meeting Date

SB 1632

Bill Number or Topic

Judiciary  
Committee

Amendment Barcode (if applicable)

Name Michael Grenon

Phone 321-412-8108

Address 112 Sea Breeze Cir  
Street

Email red587@bellsouth.net

Merritt Island FL 32953  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

Feb. 3-2026

The Florida Senate  
**APPEARANCE RECORD**

1632

Meeting Date

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

Bill Number or Topic

Judiciary <sup>1300</sup>  
Committee <sub>1105</sub>

Amendment Barcode (if applicable)

Name

Hampshire, Carimena

Phone

904-622-7903

Address

508 Franklin St.

Email

carimena@gmail.com

Street

Green Cove Springs FL 32043

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1632

Bill Number or Topic

3 FEB 26

Meeting Date

JUDICIARY

Committee

1300  
1105

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

Amendment Barcode (if applicable)

Name

PAGEL, CHRIS

Phone

(904) 753-0130

Address

3002 RIVERSIDE DR.

Email

mecdrafting@hotmail.com

Street

FB

City

FL

State

32034

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

1632

Bill Number or Topic

Judiciary  
Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address oa file  
Street

Email aaron.de@family.org

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:  
Florida Family Voice

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-3-26

Meeting Date

1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Barbara DeVane

Phone

850-251-4280

Address

625 E. Broadway St

Email

barbadevane1@yahoo.com

Street

Tallahassee FL 32308

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL NOW

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Feb 3, 26

Meeting Date

1632

Bill Number or Topic

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

JUDICIARY

Committee

Amendment Barcode (if applicable)

Name

BILL BUNKLEY

Phone

813.380.4044

Address

PO BOX 340288

Email

BILL.BUNKLEY@GMAIL.COM

Street

TAMPA FL

33694

City

State

Zip

Speaking:  For  Against  Information

OR

Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

FLORIDA ETHICS AND RECIUSOR LIBRARY COMMISSION

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SB 1632

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Christina Underwood

Phone 954-254-3240

Address 3321 SW 16th Street

Email tina16@bellsouth.net

FL. Lauderdale, FL 33312

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SB 1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Della Denny-Abbott

Phone 850 449 6061

Address 2111 St Andrews Dr

Street

Email

Castonment

City

FL

State

32533

Zip

Speaking:  For  Against  Information

OR

Waive Speaking:  In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/3/26

Meeting Date

SB 1632

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Aimee Smith

Phone \_\_\_\_\_

Address 5017 Central Ave

Email \_\_\_\_\_

Street

Bowling Green FL 33834

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

2-3-26

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 1632

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Janet Moody

Phone

407-744-3840

Address

1965 Adamson Rd

Email

Street

Cocoa

FL

32926

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/3/2026  
Meeting Date  
Judicial  
Committee

1632  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Thomas J. Bugos II

Phone 407 586 3943

Address 716 Pichlake Trce  
Street

Email thomasbugos@gmail.com

Lake Mary FL 32746  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2-3-26

1632

Meeting Date

Bill Number or Topic

Judiciary

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

Committee

Amendment Barcode (if applicable)

Name

Nicholas Mangoni

Phone

941 932 3913

Address

320 SE 3rd St Apt D18

Email

Street

Gainesville

FL

32601

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

~~H78~~ 1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

579 E. Calhoun St.

Email

kew@judiciary.com

Street

Tallahassee, FL

City

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Center for Fiscal & Economic Policy

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

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

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

2.3.26

Meeting Date

Judiciary

Committee

Name Kara Gross

Phone 786-363-4436

Address 4343 West Flagler St.

Email kgross@aclufl.org

Street

Miami

FL

32312

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

American Civil Liberties Union of Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/3/26

Meeting Date

SB 1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name \_\_\_\_\_

Phone 239 822 3362

Address 15360 Semoran Dr #206

Email kbhdaly@gmail.com

Street

Rosemary

FL

33908

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Feb 3 '20

Meeting Date

1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Charla S Fox

Phone 239-940-5095

Address 6627 Kestrel Circle

Email charlasfox@aol.com

FF, Myers FL 33904

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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

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2/3/26

Meeting Date

# The Florida Senate APPEARANCE RECORD

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

SB1632

Bill Number or Topic

Committee

Name

Isabella Rodriguez

Citizens  
Defending  
Freedom

Phone

305 300-5093

Amendment Barcode (if applicable)

Address

12903 SW 50th LN

Email

irodriguez@CCDFUSA.com

Street

miami

City

FL

State

33175

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

February 3, 2026

Meeting Date

Judiciary

Committee

Name Pamela Burch Fort

Phone 850-425-1344

Address 104 S. Monroe Street

Email TcgLobby@aol.com

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

NAACP Florida State Conference

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3

Meeting Date

SB 1632

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Dawn Cono

Phone 407-485-2656

Address 509 Northwestern Ave Street

Email DawnCono@gmail.com

Altamonte Springs City

FL State

32714 Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/26

Meeting Date

1632

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Sarah Williams

Phone

(863) 510-3294

Address

3038 Southern Pine Trail

Street

Email

sa604141@ucf.edu

Orlando

City

FL

State

32826

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/13/21

Meeting Date

SB 1032

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Quinn Schneider

Phone

(386) 872-0217

Address

2950 N Shell Rd

Street

Email

quinnkschneider@gmail.com

Deland

City

FL

State

32720

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/SB 1634

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Public Records and Meetings/Chief of Domestic Security

DATE: February 3, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Fav/CS
2.			ACJ	
3.			FP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 1634 creates public records and public meeting exceptions related the designation of certain organizations as a domestic terrorist organization or a foreign terrorist organization as provided in CS/SB 1632.

The bill protects from public disclosure records which would reveal information critical to state or national security. The bill also creates a public meetings exemption to provide that any portion of a meeting which would reveal information critical to state or national security is exempt.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records and public meeting exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill provides the effective date is the same date that SB 1632, or similar legislation, if adopted, takes effect.

## II. Present Situation:

### Chief of Domestic Security

The executive director of the Department of Law Enforcement, or a member of the department designated by the executive director, is the Chief of Domestic Security.<sup>1</sup> Current duties of the Chief of Domestic Security include:

- Coordinating the efforts of the department in the ongoing assessment of this state's vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from, acts of terrorism within or affecting this state and immigration enforcement incidents within or affecting this state.
- Preparing recommendations for the Governor, the President of the Senate, and the Speaker of the House of Representatives, which are based upon ongoing assessments to limit the vulnerability of the state to terrorism and immigration enforcement incidents.
- Coordinating the collection of proposals to limit the vulnerability of the state to terrorism and immigration enforcement incidents.

CS/SB 1632, the linked substantive bill, adds new duties relating to terrorist organizations. The bill requires the Chief to recommend to the Governor and Cabinet that certain organizations be designated as a domestic terrorist organization or a foreign terrorist organization. The Chief must also maintain current lists, periodically review the designations, and administer appeals of a decision to designate an organization.

### Access to Public Records – Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>2</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>3</sup>

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.<sup>4</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>5</sup> Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

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<sup>1</sup> Section 943.0311(1), F.S.

<sup>2</sup> FLA. CONST. art. I, s. 24(a).

<sup>3</sup> *Id.*

<sup>4</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

<sup>5</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4<sup>th</sup> DCA 2018).

### ***Executive Agency Records – The Public Records Act***

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.<sup>6</sup>

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>7</sup>

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>8</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>9</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>10</sup> The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>11</sup>

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<sup>6</sup> Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.07(1)(a), F.S.

<sup>9</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>10</sup> FLA. CONST. art. I, s. 24(c).

<sup>11</sup> *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

General exemptions from the public records requirements are contained in the Public Records Act.<sup>12</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>13</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>14</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

### Open Meetings Laws

The State Constitution provides that the public has a right to access governmental meetings.<sup>16</sup> Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.<sup>17</sup> This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts or special districts.<sup>18</sup>

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., known as the “Government in the Sunshine Law,”<sup>19</sup> or the “Sunshine Law,”<sup>20</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.<sup>21</sup> The board or commission must provide the public reasonable notice of such meetings.<sup>22</sup> Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.<sup>23</sup> Minutes of a public meeting must be promptly recorded and open to public inspection.<sup>24</sup> Failure to abide by open meetings requirements will invalidate any resolution, rule

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<sup>12</sup> See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>13</sup> See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>14</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5<sup>th</sup> DCA 2004).

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

<sup>16</sup> FLA. CONST., art. I, s. 24(b).

<sup>17</sup> *Id.*

<sup>18</sup> FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

<sup>19</sup> *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

<sup>20</sup> *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

<sup>21</sup> Section 286.011(1)-(2), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Section 286.011(6), F.S.

<sup>24</sup> Section 286.011(2), F.S.

or formal action adopted at a meeting.<sup>25</sup> A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.<sup>26</sup>

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of each house of the Legislature.<sup>27</sup> The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>28</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>29</sup>

### **Open Government Sunset Review Act**

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act<sup>30</sup> (the Act), prescribe a legislative review process for newly created or substantially amended<sup>31</sup> public records or open meetings exemptions, with specified exceptions.<sup>32</sup> The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>33</sup>

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>34</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;<sup>35</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>36</sup> or

<sup>25</sup> Section 286.011(1), F.S.

<sup>26</sup> Section 286.011(3), F.S.

<sup>27</sup> FLA. CONST., art. I, s. 24(c).

<sup>28</sup> *Id.*

<sup>29</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

<sup>30</sup> Section 119.15, F.S.

<sup>31</sup> An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

<sup>32</sup> Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>33</sup> Section 119.15(3), F.S.

<sup>34</sup> Section 119.15(6)(b), F.S.

<sup>35</sup> Section 119.15(6)(b)1., F.S.

<sup>36</sup> Section 119.15(6)(b)2., F.S.

- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>37</sup>

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

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>38</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.<sup>39</sup>

### III. Effect of Proposed Changes:

CS/SB 1634 amends s. 943.03102, F.S. (which is created in CS/SB 1632), to create a public records exemption for any information held by the Chief of Domestic Security and any information in the notification by the Chief of Domestic Security to the Governor and Cabinet which would reveal information critical to state or national security.

The bill also creates a public meetings exemption to provide that any portion of a meeting which would reveal information made exempt because it is part of the notification and is critical to state or national security is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and reenacted by the Legislature.

Section 2 contains the Legislative findings justifying the necessity for these exemptions.

Section 3 provides that the bill's effective date is the same date that SB 1632 or similar legislation takes effect, if adopted and becomes a law. SB 1634 takes effect upon becoming a law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>37</sup> Section 119.15(6)(b)3., F.S.

<sup>38</sup> See generally s. 119.15, F.S.

<sup>39</sup> Section 119.15(7), F.S.

**B. Public Records/Open Meetings Issues:****Vote Requirement**

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records or open meetings requirements. This bill creates public records exemptions and a public meeting exemption; therefore, it requires a two-thirds vote.

**Public Necessity Statement**

Article I, section 24(a) of the State Constitution and Article I, section 24(b) of the State Constitution require a bill creating or expanding an exemption to the public records or open meetings requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemptions.

**Breadth of Exemption**

Article I, section 24(c), of the State Constitution requires exemptions to the public records and open meetings requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the bill is to protect information critical to state or national security. The bill does not appear to be broader than necessary to accomplish its purpose.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

A companion bill CS/SB 1632 creates section 943.03102 of the Florida Statutes. This bill substantially amends that section to include public records and public meetings exemptions.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

**CS by Judiciary on February 3, 2026:**

The amendment made technical changes to replace references to the “Cabinet” with the “Governor and Cabinet” and to replace blanks with references to the linked substantive bill CS/SB 1632.

B. Amendments:

None.



971922

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

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The Committee on Judiciary (Grall) recommended the following:

**Senate Amendment**

Delete lines 18 - 63  
and insert:  
943.03102, Florida Statutes, as created by SB 1632, 2026 Regular  
Session, is amended to read:

943.03102 Designation of terrorist organizations.—

(2) (a) 1. At least 7 days before making a designation under  
subsection (1), the Chief of Domestic Security shall provide  
written notice to the Governor and Cabinet of his or her intent  
to designate an organization as a foreign terrorist organization



971922

12 or a domestic terrorist organization, which notice must be  
13 accompanied by written findings regarding the basis for such  
14 designation.

15 2.a. Any information held by the Chief of Domestic Security  
16 and any information in the notification by the Chief of Domestic  
17 Security to the Governor and Cabinet which would reveal  
18 information critical to state or national security is exempt  
19 from s. 119.07(1) and s. 24(a), Art. I of the State  
20 Constitution.

21 b. Any portion of a meeting which would reveal information  
22 made exempt under sub-subparagraph a. is exempt from s. 286.011  
23 and s. 24(b), Art. I of the State Constitution.

24 c. This subparagraph is subject to the Open Government  
25 Sunset Review Act in accordance with s. 119.15 and shall stand  
26 repealed on October 2, 2031, unless reviewed and saved from  
27 repeal through reenactment by the Legislature.

28 Section 2. (1) The Legislature finds that it is a public  
29 necessity that any information held by the Chief of Domestic  
30 Security and any information in the notification of the intent  
31 to designate an organization as a domestic terrorist  
32 organization or a foreign terrorist organization by the Chief of  
33 Domestic Security to the Governor and Cabinet which would reveal  
34 information critical to state or national security be made  
35 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
36 Article I of the State Constitution. Such information is  
37 critical for the security interests of this state and of the  
38 United States, and the release of such information could  
39 endanger or do irreparable harm to the interests of this state  
40 and of the United States.



971922

41       (2) Further, the Legislature finds that it is a public  
42 necessity that any portion of a meeting which would reveal such  
43 information be made exempt from s. 286.011, Florida Statutes,  
44 and s. 24(b), Article I of the State Constitution for the same  
45 reasons.

46       (3) Consequently, the Legislature finds that it is a public  
47 necessity to exempt such information from public records and  
48 public meetings requirements to safeguard information critical  
49 to state or national security and to safeguard the interests of  
50 this state and of the United States.

51       Section 3. This act shall take effect on the same date that  
52 SB 1632 or similar legislation takes effect, if such legislation

By Senator Grall

29-01786A-26

20261634\_\_

1 A bill to be entitled  
 2 An act relating to public records and meetings;  
 3 amending s. 943.03102, F.S.; providing an exemption  
 4 from public records requirements for certain  
 5 information held by the Chief of Domestic Security and  
 6 any information in a certain notification which would  
 7 reveal information critical to state or national  
 8 security; providing an exemption from public meetings  
 9 requirements for portions of meetings which would  
 10 reveal such exempt information; providing for future  
 11 legislative review and repeal of the exemptions;  
 12 providing a statement of public necessity; providing a  
 13 contingent effective date.

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

16 Section 1. Paragraph (a) of subsection (2) of section  
 17 943.03102, Florida Statutes, as created by SB \_\_\_\_, 2026 Regular  
 18 Session, is amended to read:

19 943.03102 Designation of terrorist organizations.—

20 (2) (a) 1. At least 7 days before making a designation under  
 21 subsection (1), the Chief of Domestic Security shall provide  
 22 written notice to the Cabinet of his or her intent to designate  
 23 an organization as a foreign terrorist organization or a  
 24 domestic terrorist organization, which notice must be  
 25 accompanied by written findings regarding the basis for such  
 26 designation.

27 2.a. Any information held by the Chief of Domestic Security  
 28 and any information in the notification by the Chief of Domestic  
 29

Page 1 of 3

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

29-01786A-26

20261634\_\_

30 Security to the Cabinet which would reveal information critical  
 31 to state or national security is exempt from s. 119.07(1) and s.  
 32 24(a), Art. I of the State Constitution.

33 b. Any portion of a meeting which would reveal information  
 34 made exempt under sub-subparagraph a. is exempt from s. 286.011  
 35 and s. 24(b), Art. I of the State Constitution.

36 c. This subparagraph is subject to the Open Government  
 37 Sunset Review Act in accordance with s. 119.15 and shall stand  
 38 repealed on October 2, 2031, unless reviewed and saved from  
 39 repeal through reenactment by the Legislature.

40 Section 2. (1) The Legislature finds that it is a public  
 41 necessity that any information held by the Chief of Domestic  
 42 Security and any information in the notification of the intent  
 43 to designate an organization as a domestic terrorist  
 44 organization or a foreign terrorist organization by the Chief of  
 45 Domestic Security to the Cabinet which would reveal information  
 46 critical to state or national security be made exempt from s.  
 47 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
 48 State Constitution. Such information is critical for the  
 49 security interests of this state and of the United States, and  
 50 the release of such information could endanger or do irreparable  
 51 harm to the interests of this state and of the United States.

52 (2) Further, the Legislature finds that it is a public  
 53 necessity that any portion of a meeting which would reveal such  
 54 information be made exempt from s. 286.011, Florida Statutes,  
 55 and s. 24(b), Article I of the State Constitution for the same  
 56 reasons.

57 (3) Consequently, the Legislature finds that it is a public  
 58 necessity to exempt such information from public records and

Page 2 of 3

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

29-01786A-26

20261634\_\_

59 public meetings requirements to safeguard information critical  
60 to state or national security and to safeguard the interests of  
61 this state and of the United States.

62 Section 3. This act shall take effect on the same date that  
63 SB \_\_\_ or similar legislation takes effect, if such legislation  
64 is adopted in the same legislative session or an extension  
65 thereof and becomes a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 19, 2026

---

I respectfully request that **Senate Bill #1634**, relating to Public Records and Meetings/Chief of Domestic Security, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall".

---

Senator Erin Grall  
Florida Senate, District 29

2-3-26

# The Florida Senate APPEARANCE RECORD

SB 1634

Meeting Date

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

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Adam Abutaa

Phone 202 868 0787

Address 200 N2 15<sup>th</sup> Ave

Email aabutaa@engageaction.org

Street

Pompano Beach, FL, 33060

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

02/03/20

Meeting Date

1634

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Amina Spanic

Phone

Address

Email

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida For All

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/3/26

Meeting Date

1634

Bill Number or Topic

Judiciary  
Committee

Amendment Barcode (if applicable)

Name Dr. Rich Templin Phone 850-294-6926

Address 135 S. Monroe Email \_\_\_\_\_  
Street

Tallahassee  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida AFL-CIO

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3

Meeting Date

1634

Bill Number or Topic

Judiciary  
Committee

Amendment Barcode (if applicable)

Name Vance Ahrens

Phone

Address 6945 Crepe Myrtle Dr  
Street

Email

Grant  
City

FL  
State

32949  
Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SB 1634

Bill Number or Topic

Subcommittee

Committee

Amendment Barcode (if applicable)

Name

Justin Lundy

Phone

314-369-1082

Address

9309 Prusimmon Brook Trail Apt 111

Email

ravenjan7@hotmail.com

Street

Thonotosassa

FL

35592

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

1634

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Hammad Khan

Phone 858-735-8319

Address Street

Email wodonk@gmail.com

Tampa City

FL State

Zip

Speaking: [ ] For [x] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

213126

Meeting Date

SR 1634

Bill Number or Topic

J. Comm

Committee

Amendment Barcode (if applicable)

Name

SARVA CHAUDRY

Phone

703-973-8100

Address

10747 Pictorial PK Dr

Street

Email

SUCHAUDRY@gmail.com

TAMPA FL 33647

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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

Feb 3, 2026

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 1634

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Mohamed Salah Ahmed

Phone

516 492 4546

Address

4678 Tramonto Lane

Email

Mohammed.Salah.ahmed1976@gmail.com

Street

Wesley Chapel FL

33543

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/2026

Meeting Date

SB1634

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Michael Grenon

Phone 321-412-8108

Address 112 Sea Breeze Cir  
Street

Email reds87@bellsouth.net

Merritt Island, FL 32953  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/3/26

Meeting Date

1634

Bill Number or Topic

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

Judiciary

Committee

Amendment Barcode (if applicable)

Name Ashe Bradbey

Phone 850 320 7780

Address

Email

Street

Tampa FL 33615

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/3/26

Meeting Date

SB 1634

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Christina Underwood

Phone

954-254-3240

Address

3321 SW 16<sup>th</sup> Street

Email

tin a 16 @ bellsouth.net

Street

Ft. Lauderdale, FL

33312

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/3/26

Meeting Date

SB 1634

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Della Denny-Abbott

Phone

850 449 6061

Address

2111 St Andrews Dr

Email

Street

Cantonment

FL

32533

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/3/26

Meeting Date

SB 1634

Bill Number or Topic

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

JUDICIARY

Committee

Amendment Barcode (if applicable)

Name

GUENDA ABICHT  
(PRONOUNCED ABBOTT)

Phone

786 376-1181

Address

4305 SW 98 AVE.

Email

GUENDA.ABICHT@GMAIL.COM

Street

MIAMI

City

FL

State

33165

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/3/2026

Meeting Date

1634

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Colton Taylor

Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/3/26

Meeting Date

SB 1634

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Aimee Smith

Phone

Address

5017 Central Ave

Email

Street

Bowling Green FL 33834

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

2/3/20

Meeting Date

# The Florida Senate APPEARANCE RECORD

SB 1634

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Elaine Caraballo

Phone 813-494-6823

Address 14223 Mistar Manor Dr.  
Street

Email ecaraballo@sjohart.org

Mama Fla 33598  
City State Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-3-26

Meeting Date

1634

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Sara Bimbo

Phone

813-418-0874

Address

4867 Gideon Circle

Email

sbimbo6062@gmail.com

Street

Zephyrhills

City

FL

State

33541

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

2/5/25

Meeting Date

# The Florida Senate APPEARANCE RECORD

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

SB 1034

Bill Number or Topic

Committee

Name

Laytona Chasteen

Phone

813-458-4741

Address

6904 river run dr # 104

Email

laytonachasteen@gmail.com

Street

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-3-2026

Meeting Date

1634

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

ANGELA BEAD

Phone

813-786-1768

Address

4312 MARGINER'S COVE CT #301

Email

angiread1593@gmail.com

Street

Tampa

City

FL

State

33616

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-3-24

Meeting Date

SB 1634

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Janet Moody

Phone

407-744-3840

Address

19165 Adamson Rd

Email

Street

Cocoa

City

FL

State

32926

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/2026

Meeting Date

1634

Bill Number or Topic

Judicial

Committee

Amendment Barcode (if applicable)

Name

Thomas J. Bugas

Phone

407 756 3943

Address

916 Pilgrimage Ter

Email

thomasbugasji@gmail.com

Street

Cake Mary FL 32746

City

State

Zip

Speaking:

For

TJB

Against

Information

OR

Waive Speaking:

In Support

X

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/3/26

Meeting Date

SB 1634

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Amy Keith

Phone 727 342 0730

Address 333 3rd Ave N  
Street

Email \_\_\_\_\_

St Petersburg FL 33701  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Common Cause

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/3/26

Meeting Date

SB 1639

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Kevin Daly

Phone

259 822-3362

Address

15360 Santa Ana Trce

Email

kdtdaly@gmail.com

Street

Punta Vista FL 33908

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Feb 3 '26

Meeting Date

1634

Bill Number or Topic

Judiciary  
Committee

Amendment Barcode (if applicable)

Name

Charles S Fox

Phone

239-940-5095

Address

1627 Kestrel Circle

Email

CharlesFox@aol.com

Street

Ft. Myers

City

FL

State

33946

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)

February 3, 2026

Meeting Date

Judiciary

Committee

Name Pamela Burch Fort

Address 104 S. Monroe Street

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate

APPEARANCE RECORD

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

1634

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-425-1344

Email TcgLobby@aol.com

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

NAACP Florida State Conference

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

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

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

S-001 (08/10/2021)

# CourtSmart Tag Report

**Room:** SB 110  
**Caption:** Senate Judiciary Committee

**Case No.:**

**Type:**  
**Judge:**

**Started:** 2/3/2026 1:00:15 PM  
**Ends:** 2/3/2026 2:58:39 PM **Length:** 01:58:25

1:00:16 PM Chair Yarborough calls the meeting to order  
1:00:18 PM Roll call  
1:00:41 PM Chair Yarborough makes opening remarks  
1:00:58 PM Tab 8: SB 326: Curators of Estates by Sen. Burgess  
1:01:02 PM Sen. Burgess explains the bill  
1:01:05 PM Amendment 908348 by Sen. Burgess  
1:01:26 PM Sen. Burgess explains amendment 908348  
1:01:35 PM Sen. Burgess waives close on the amendment  
1:02:18 PM Appearances:  
1:02:25 PM Rey Contreras  
1:04:01 PM Sen. Burgess waives close on the bill  
1:04:11 PM Roll call  
1:04:33 PM Chair reports the bill  
1:04:43 PM Tab 12: 1096: Remedies for Violations of the Florida Civil Rights Act by Sen. Burgess  
1:04:47 PM Sen. Burgess explains the bill  
1:04:50 PM Sen. Burgess  
1:05:48 PM Chair Yarborough reads appearance cards waiving  
1:05:54 PM Sen. Burgess waives close on the bill  
1:06:11 PM Roll call  
1:06:38 PM Chair reports the bill  
1:06:41 PM Tab 5: SB 28: Relief of Reginald Jackson by the City of Lakeland by Sen. Rouson  
1:06:53 PM Chair Yarborough recognizes Sen. Rouson to explain the bill  
1:06:54 PM Sen Rouson explains the bill  
1:07:24 PM Chair reads appearance cards waiving  
1:07:38 PM Sen. Rouson waives close on the bill  
1:07:48 PM Roll call  
1:08:07 PM Chair Yarborough reports on the bill  
1:08:17 PM Tab 2: SB 6: Relief of L.E. by the Department of Children and Families by Sen. Calatayud  
1:08:23 PM Sen. Calatayud explains the bill  
1:08:26 PM Sen. Calatayud waives close on the bill  
1:09:49 PM Chair Yarborough  
1:09:57 PM Roll call  
1:10:19 PM Chair Yarborough reports the bill  
1:10:34 PM Tab 10: SB 786: Trusts by Sen. Berman  
1:10:35 PM Sen. Berman explains the bill  
1:10:37 PM Amendment 257312 by Senator Berman  
1:11:52 PM Sen. Berman explains the amendment  
1:11:54 PM Sen. Berman waives close on the amendment  
1:12:35 PM Appearances:  
1:12:42 PM Rey Contreras  
1:14:35 PM Roll call

**1:15:05 PM** Chair reports the bill  
**1:15:18 PM** Tab 3: SB 18: Relief of the Estate of M.N. by the Broward County Sheriff's Office by Sen. Martin  
**1:15:18 PM** Sen. Martin explains the bill  
**1:15:20 PM** Amendment 791180 by Senator Martin  
**1:16:09 PM** Sen. Martin explains the amendment  
**1:16:11 PM** Sen Martin  
**1:16:45 PM** Questions:  
**1:16:47 PM** Sen. Passidomo  
**1:16:59 PM** Sen. Martin  
**1:17:30 PM** Chair Yarborough reads appearance cards waiving speaking  
**1:17:35 PM** Sen. Martin waives close on the bill  
**1:18:11 PM** Chair reports the bill  
**1:18:22 PM** Tab 4: SB 26: Relief of the Estate of Mark LaGatta by the Dept. of Transportation by Sen. McClain  
**1:18:23 PM** Sen. McClain explains the bill  
**1:18:26 PM** Sen McClain  
**1:19:02 PM** Chair Yarborough reads appearance cards waiving speaking  
**1:19:26 PM** Roll call  
**1:19:46 PM** Chair reports the bill  
**1:20:03 PM** Tab 6: CS/SB 50: Veterans Affairs by Sen. Gaetz  
**1:20:06 PM** Chair Yarborough recognizes Sen Gaetz to explain the bill  
**1:20:08 PM** Sen Gaetz explains the bill  
**1:21:12 PM** Appearances:  
**1:21:14 PM** Jeff Demond  
**1:23:09 PM** Chair reads appearance cards waiving speaking  
**1:23:30 PM** Sen. Gaetz closes on the bill  
**1:24:19 PM** Roll call  
**1:24:47 PM** Chair reports the bill  
**1:24:55 PM** Tab 9: CS/SB 538: Extracurricular Activities by Sen. Simon  
**1:24:59 PM** Chair Yarborough recognizes Sen Simon to explain the bill  
**1:25:00 PM** Sen Simon explains the bill  
**1:26:36 PM** Chair Yarborough recognizes Sen. Simon to explain amendment 279886  
**1:26:41 PM** Sen. Simon explains the amendment  
**1:27:10 PM** Chair Yarborough recognizes Sen. Simon to explain amendment 577210  
**1:27:12 PM** Sen. Simon explains the amendment  
**1:27:45 PM** Chair recognizes Sen. Gaetz to explain amendment 195182  
**1:27:47 PM** Sen. Gaetz explains the amendment  
**1:28:39 PM** Chair Yarborough recognizes Sen. Simon to explain amendment 883752  
**1:28:49 PM** Sen. Simon explains the amendment  
**1:29:33 PM** Chair Yarborough recognizes Sen. Simon to explain amendment 179458  
**1:29:35 PM** Sen. Simon explains the amendment  
**1:30:09 PM** Debate:  
**1:30:11 PM** Sen. Berman  
**1:31:07 PM** Chair Yarborough reads appearance cards waiving speaking  
**1:31:39 PM** Roll call  
**1:32:01 PM** Chair Yarborough reports the bill  
**1:32:14 PM** Tab 11: SB 1004: Sale of Dogs and Cats by Sen. Gaetz  
**1:32:16 PM** Chair Yarborough recognizes Sen. Gaetz to explain the bill  
**1:32:18 PM** Sen. Gaetz explains the bill  
**1:33:44 PM** Chair Yarborough reads appearance cards waiving speaking  
**1:34:07 PM** Roll call

**1:34:29 PM** Chair Yarborough reports the bill  
**1:34:39 PM** Recess  
**1:34:43 PM** Recording Paused  
**1:36:45 PM** Recording Resumed  
**1:36:48 PM** Recess  
**1:36:52 PM** Tab 14: SB 1366: Claims Against the Government by Sen. Brodeur  
**1:36:56 PM** Chair Yarborough recognizes Sen. Brodeur to explain the bill  
**1:36:57 PM** Sen Brodeur explains the bill  
**1:40:49 PM** Appearances:  
**1:40:57 PM** Mark Delegal, Safety Net Hospitals  
**1:41:57 PM** David Cruz, Florida League of Cities  
**1:43:00 PM** Bob Harris, Panhandle Area Education Consortium  
**1:45:04 PM** Jeff Scala, Florida Association of Counties  
**1:45:51 PM** Chair Yarborough reads appearance cards waiving speaking  
**1:45:58 PM** Chris Doolin, Small County Small School District Coalition  
**1:46:37 PM** Chair Yarborough recognizes Sen Brodeur to close on the bill  
**1:46:38 PM** Sen Brodeur closes on the bill  
**1:47:13 PM** Roll call  
**1:47:34 PM** Chair Yarborough reports the bill  
**1:47:41 PM** Tab 1: SB 2: Relief of the Estate of Danielle Maudsley by the Dept of Highway Safety & Motor Vehicles by Sen. Jones  
**1:47:42 PM** Chair Yarborough recognizes Sen. Jones to explain the bill  
**1:47:50 PM** Sen. Jones explains the bill  
**1:48:15 PM** Sen. Jones closes on the bill  
**1:49:10 PM** Roll call  
**1:49:31 PM** Chair Yarborough reports on the bill  
**1:49:43 PM** Tab 7: CS/SB 178: Athletics in Public K-12 Schools by Sen. Jones  
**1:49:45 PM** Chair Yarborough recognizes Sen. Jones to explain amendment 611846  
**1:49:53 PM** Sen Jones explains the amendment  
**1:52:50 PM** Chair Yarborough recognizes Sen. Jones to close on the bill  
**1:52:54 PM** Sen. Jones closes on the bill  
**1:53:42 PM** Roll call  
**1:54:02 PM** Chair Yarborough reports the bill  
**1:54:16 PM** Tab 13: CS/SB 1178: Foreign Influence by Sen. Grall  
**1:54:18 PM** Chair Yarborough recognizes Sen. Grall to explain the bill  
**1:54:20 PM** Sen. Grall explains the bill  
**1:56:35 PM** Appearances:  
**1:56:42 PM** Micheal Lucci, State Armor Action  
**1:59:02 PM** David Collins, George Washington University  
**2:02:28 PM** Maria Maclin  
**2:05:51 PM** Kelley Currie, State Armor  
**2:09:15 PM** Sen. Grall closes on the bill  
**2:10:10 PM** Roll call  
**2:10:33 PM** Chair Yarborough reports the bill  
**2:10:41 PM** Tab 15: SB 1632: Ideologies Inconsistent with American Principles by Sen. Grall  
**2:10:45 PM** Chair Yarborough recognizes Sen Grall to explain the bill  
**2:10:48 PM** Sen. Grall explains the bill  
**2:11:59 PM** Questions:  
**2:12:02 PM** Sen Berman  
**2:12:23 PM** Sen Grall  
**2:12:38 PM** Sen Berman  
**2:12:50 PM** Sen Grall

**2:13:06 PM** Sen Berman  
**2:13:12 PM** Sen Grall  
**2:13:28 PM** Sen Berman  
**2:13:42 PM** Sen Grall  
**2:14:06 PM** Sen Berman  
**2:14:32 PM** Sen Grall  
**2:14:37 PM** Sen Berman  
**2:14:50 PM** Sen Grall  
**2:15:01 PM** Sen Berman  
**2:15:29 PM** Sen Grall  
**2:16:35 PM** Sen Berman  
**2:16:55 PM** Sen Grall  
**2:17:11 PM** Sen Berman  
**2:17:37 PM** Sen Grall  
**2:17:57 PM** Sen Berman  
**2:18:12 PM** Sen Grall  
**2:18:44 PM** Sen Berman  
**2:19:15 PM** Sen Grall  
**2:20:15 PM** Sen Berman  
**2:20:25 PM** Sen Grall  
**2:21:11 PM** Sen Berman  
**2:21:24 PM** Sen Grall  
**2:22:07 PM** Sen Polsky  
**2:22:24 PM** Sen Grall  
**2:23:18 PM** Sen Polsky  
**2:23:29 PM** Sen Grall  
**2:23:58 PM** Sen Polsky  
**2:24:12 PM** Sen Grall  
**2:24:43 PM** Sen Polsky  
**2:24:47 PM** Sen Grall  
**2:25:05 PM** Sen Polsky  
**2:25:16 PM** Sen Grall  
**2:25:58 PM** Sen Grall  
**2:26:04 PM** Sen Polsky  
**2:26:32 PM** Sen Grall  
**2:27:09 PM** Sen Polsky  
**2:27:19 PM** Sen Grall  
**2:28:10 PM** Sen Osgood  
**2:28:51 PM** Sen Grall  
**2:29:53 PM** Sen Osgood  
**2:30:09 PM** Sen Grall  
**2:30:56 PM** Chair Yarborough recognizes Sen Grall to explain amendment 507972  
**2:30:58 PM** Sen Grall explains the amendment  
**2:31:44 PM** Appearances:  
**2:32:21 PM** Christopher Andrew Srochak  
**2:33:43 PM** Marilee Marks, No Hate in Politics  
**2:34:46 PM** Amina Spahic, Florida for All  
**2:35:50 PM** Dr. Rich Templin, FL AFL-CIO  
**2:37:09 PM** Shane Tremblay  
**2:37:52 PM** Rev. Dr Russell Meyer  
**2:38:56 PM** John Labriola, Christian Family Coalition  
**2:39:45 PM** Amy Keith, Common Cause

**2:40:43 PM** Jonathan Webber, Southern Poverty Law Center  
**2:41:34 PM** Lisa Lloyd  
**2:42:38 PM** Jon Harris Maurer, Equality Florida  
**2:43:38 PM** Vance Ahrens  
**2:44:41 PM** Colton Tayler  
**2:45:07 PM** Ash Bradley  
**2:45:56 PM** Sana Chaudry  
**2:46:00 PM** Vice Chair Burton makes a motion to vote at a time certain of 2:48 pm  
**2:46:31 PM** Chair Yarborough reads remaining speakers and appearance cards waiving  
**2:47:44 PM** Chair Yarborough recognizes Sen. Grall to close on the bill  
**2:47:46 PM** Sen Grall closes on the bill  
**2:48:29 PM** Roll call  
**2:48:51 PM** Chair Yarborough reports the bill  
**2:49:01 PM** Tab 16: SB 1634: Public Records and Meetings/Chief of Domestic Security by Sen. Grall  
**2:49:02 PM** Chair Yarborough recognizes Sen Grall to explain the bill  
**2:49:03 PM** Sen Grall explains the bill  
**2:49:16 PM** Questions:  
**2:49:18 PM** Sen Berman  
**2:49:26 PM** Sen Grall  
**2:49:49 PM** Sen Gaetz  
**2:49:59 PM** Sen Grall  
**2:50:40 PM** Vice Chair Burton makes a motion to vote at a time certain 2:59 pm  
**2:50:52 PM** Chair Yarborough recognizes Sen Grall to explain the amendment 971922  
**2:50:54 PM** Sen Grall explains amendment  
**2:51:25 PM** Appearances:  
**2:51:31 PM** Adam Abutaa  
**2:52:08 PM** Amina Spahic, Florida for All  
**2:52:34 PM** Dr. Rich Templin, FL AFL-CIO  
**2:53:27 PM** Vance Ahrens waives in opposition  
**2:53:32 PM** Janet Curry  
**2:54:24 PM** Hammad Khan  
**2:55:13 PM** Sana Chaudry waives in opposition  
**2:55:17 PM** Mohamed Salah Ahmed  
**2:55:59 PM** Chair Yarborough reads appearance cards waiving  
**2:56:49 PM** Chair Yarborough recognizes Sen Grall to close on the bill  
**2:56:51 PM** Sen Grall closes on bill  
**2:57:45 PM** Roll call  
**2:58:11 PM** Chair reports the bill  
**2:58:28 PM** Votes After Roll Call: Sen. Polsky  
**2:58:33 PM** Adjournment