

Tab 1	CS/SB 212 by CJ, McClain; Compare to CS/H 00045 Sexual Offenders and Sexual Predators					
764964	D	S	RCS	JU, McClain	Delete everything after	02/10 08:35 PM
Tab 2	SB 218 by Gaetz (CO-INTRODUCERS) Trumbull; Identical to H 00217 Land Use Regulations					
Tab 3	SB 442 by Yarborough; Compare to CS/H 00359 Return of Certain Search Warrants					
Tab 4	SB 460 by Polsky; Identical to H 00597 Special Elections					
Tab 5	SB 532 by Simon (CO-INTRODUCERS) Wright, Osgood, Rodriguez, Calatayud, Jones, Smith, Bracy Davis, Boyd, Massullo, Rouson, DiCeglie; Identical to CS/H 00759 Court Fees					
491654	D	S	WD	JU, Simon	Delete everything after	02/11 07:48 AM
758790	D	S	RCS	JU, Simon	Delete everything after	02/11 07:48 AM
Tab 6	SB 554 by Bernard; Similar to CS/CS/H 00797 Nonprofit Corporations					
Tab 7	SB 644 by Grall; Similar to CS/CS/H 00413 Attorney Fees, Suit Money, and Costs					
721864	D	S	RCS	JU, Grall	Delete everything after	02/11 07:51 AM
Tab 8	CS/SB 686 by CA, McClain; Similar to CS/H 00691 Agricultural Enclaves					
174210	A	S	RCS	JU, McClain	Delete L.88 - 144:	02/11 07:56 AM
Tab 9	CS/SB 692 by GO, Leek; Identical to CS/H 00635 Cybersecurity Standards and Liability					
Tab 10	CS/SB 1054 by TR, Martin; Similar to H 00807 Traffic Infractions Resulting in a Crash with Another Vehicle					
Tab 11	SJR 1104 by Massullo; Identical to H 00583 Religious Expression in Public Schools					
Tab 12	CS/SB 1106 by GO, Massullo; Similar to CS/H 00031 Recognizing Judea and Samaria					
Tab 13	SB 1128 by Grall; Identical to H 00971 Family Law					
537224	D	S	RCS	JU, Grall	Delete everything after	02/11 08:04 AM
Tab 14	SB 1134 by Yarborough; Identical to H 01001 Official Actions of Local Governments					
403934	D	S	RCS	JU, Yarborough	Delete everything after	02/11 08:06 AM
Tab 15	SB 1138 by Massullo; Identical to CS/H 00927 Qualified Contractors					
292056	D	S	RCS	JU, Massullo	Delete everything after	02/11 08:07 AM
Tab 16	SB 1338 by Burton; Identical to H 01475 Charitable Giving					
Tab 17	SB 1434 by Calatayud; Similar to CS/H 00979 Infill Redevelopment					

631582 D S RCS JU, Calatayud Delete everything after 02/11 08:12 AM

Tab 18 SB 1506 by Yarborough; Civil Litigation

Tab 19 SB 1620 by Leek (CO-INTRODUCERS) Gaetz; Compare to CS/H 01073 Public Education

~~145780~~—A S WD JU, Osgood Delete L.58: 02/11 08:15 AM
875772 A S RS JU, Leek Delete L.60 - 257: 02/11 08:15 AM
600808 SD S RCS JU, Leek Delete everything after 02/11 08:15 AM
~~596634~~—ASA S WD JU, Osgood Delete L.13: 02/11 08:15 AM

Tab 20 SB 1748 by Trumbull; Similar to H 01551 Evidence in Civil Actions Relating to Firearms

145122 A S RCS JU, Trumbull Delete L.47 - 48: 02/11 08:17 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Yarborough, Chair
Senator Burton, Vice Chair

MEETING DATE: Tuesday, February 10, 2026
TIME: 12:00 noon—2:30 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	CS/SB 212 Criminal Justice / McClain (Compare CS/H 45)	Sexual Offenders and Sexual Predators; Defining the terms “public bathing place” and “public swimming pool”; prohibiting persons convicted of certain sexual offenses from visiting or otherwise being within 200 feet of specified locations; requiring a sexual offender or sexual predator to notify a school or child care facility of his or her status in certain circumstances; authorizing the warrantless arrest of a person if a law enforcement officer has probable cause to believe the person visited or was within 200 feet of specified prohibited locations after he or she was previously convicted of committing specified sexual offenses against a victim younger than 16 years of age, etc. CJ 01/20/2026 Fav/CS JU 02/10/2026 Fav/CS RC	Fav/CS Yeas 10 Nays 1
2	SB 218 Gaetz (Identical H 217)	Land Use Regulations; Defining the term “impacted local government”, etc. CA 01/27/2026 Favorable JU 02/10/2026 Favorable RC	Favorable Yeas 10 Nays 0
3	SB 442 Yarborough (Compare CS/H 359)	Return of Certain Search Warrants; Extending the time period within which a search warrant issued for computers, computer systems, or electronic devices that are in the actual possession of a law enforcement agency at the time the warrant is issued must be returned to the court, etc. CJ 01/26/2026 Favorable JU 02/10/2026 Favorable RC	Favorable Yeas 11 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, February 10, 2026, 12:00 noon—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 460 Polsky (Identical H 597)	Special Elections; Requiring, rather than authorizing, the Governor to call a special primary election and a special election under a certain circumstance; requiring the Governor to fix the dates of a special election within a specified timeframe after the vacancy occurs; authorizing qualified electors to file a petition in the circuit court seeking judicial determination of an election date under specified conditions; deleting the authority of the Governor, the President of the Senate, and the Speaker of the House of Representatives to waive specified timeframes if all parties concur, etc. EE 02/04/2026 Favorable JU 02/10/2026 Favorable RC	Favorable Yeas 11 Nays 0
5	SB 532 Simon (Identical CS/H 759)	Court Fees; Increasing the service charges a clerk of the circuit court charges for certain services rendered by the clerk's office; increasing certain filing fees that may be charged by the clerk in probate matters; increasing certain filing fees and service charges in trial and appellate proceedings; increasing certain filing fees and service charges for civil actions, suits, or proceedings in county court; increasing the service charge the clerk is entitled to for disbursement of surplus proceeds for certain judicial sales procedures, etc. JU 01/27/2026 Temporarily Postponed JU 02/10/2026 Fav/CS ACJ AP	Fav/CS Yeas 11 Nays 0
6	SB 554 Bernard (Similar CS/H 797)	Nonprofit Corporations; Renaming the "Florida Not For Profit Corporation Act" as the "Florida Nonprofit Corporation Act"; revising the circumstances in which a domestic or foreign corporation may correct a document filed with the department; requiring all courts, public offices, and official bodies to receive all certificates issued by the department as prima facie evidence of certain facts; authorizing a corporation to register under a name that is not otherwise distinguishable on the records of the department under certain circumstances; prohibiting a corporation from paying any dividend and making distributions of any part of its net income or net earnings to its members, directors, or officers, etc. CM 01/21/2026 Favorable JU 02/10/2026 Favorable FP	Favorable Yeas 11 Nays 0

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Tuesday, February 10, 2026, 12:00 noon—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 644 Grall (Similar CS/CS/H 413)	Attorney Fees, Suit Money, and Costs; Authorizing a court to order attorney fees, suit money, and costs in appellate proceedings; authorizing the inclusion of certain fees, money, and costs in an award of attorney fees, suit money, and costs; authorizing the court to award, deny, or reduce attorney fees, suit money, and costs under certain circumstances, etc. JU 02/10/2026 Fav/CS ACJ RC	Fav/CS Yeas 11 Nays 0
8	CS/SB 686 Community Affairs / McClain (Similar CS/H 691)	Agricultural Enclaves; Authorizing owners of certain parcels to apply to the governing body of the local government for certification of such parcels as agricultural enclaves; requiring the local government to provide to the applicant a certain report within a specified timeframe; prohibiting a local government from enacting or enforcing certain laws or regulations, etc. CA 01/20/2026 Fav/CS JU 02/10/2026 Fav/CS RC	Fav/CS Yeas 11 Nays 0
9	CS/SB 692 Governmental Oversight and Accountability / Leek (Identical CS/H 635)	Cybersecurity Standards and Liability; Prohibiting local governments from imposing certain cybersecurity standards or processes on vendors; providing that a local government, a covered entity, or a third-party agent that complies with certain requirements is not liable in connection with a cybersecurity incident under certain circumstances; requiring covered entities and third-party agents to implement revised frameworks, standards, laws, or regulations within a specified timeframe in order to retain protection from liability, etc. GO 01/26/2026 Fav/CS JU 02/10/2026 Favorable AP	Favorable Yeas 9 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

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Tuesday, February 10, 2026, 12:00 noon—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	CS/SB 1054 Transportation / Martin (Similar H 807)	Traffic Infractions Resulting in a Crash with Another Vehicle; Requiring the imposition of specified civil penalties and periods of driver license suspension on a person found at a mandatory hearing to have committed certain traffic infractions that resulted in a crash with another vehicle, in addition to any other penalties; requiring persons cited for specified infractions that result in a crash with another vehicle to appear at a certain mandatory hearing; requiring certain owners and operators of motor vehicles to establish and maintain the ability to respond in damages for liability on account of certain accidents, etc. TR 01/27/2026 Fav/CS JU 02/10/2026 Favorable RC	Favorable Yeas 11 Nays 0
11	SJR 1104 Massullo (Identical HJR 583)	Religious Expression in Public Schools; Proposing the creation of a section of the State Constitution to provide protection from discrimination for student and school personnel religious expression in public schools, etc. ED 02/03/2026 Favorable JU 02/10/2026 Favorable RC	Favorable Yeas 8 Nays 3
12	CS/SB 1106 Governmental Oversight and Accountability / Massullo (Similar CS/H 31)	Recognizing Judea and Samaria; Citing this act as the "Recognizing Judea and Samaria Act"; prohibiting state agencies from using the term "West Bank" in official government materials; prohibiting state agencies from using moneys to create official government materials using such term; requiring instructional materials and library media center collections adopted by certain entities on or after a specified date to refer to a certain area as Judea and Samaria, etc. GO 01/26/2026 Fav/CS JU 02/10/2026 Favorable RC	Favorable Yeas 8 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, February 10, 2026, 12:00 noon—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	SB 1128 Grall (Identical H 971)	Family Law; Requiring that at least one judge be available in each judicial circuit on weekends, holidays, and after hours on weekdays to hear motions to enforce certain orders and agreements; requiring that certain time-sharing matters be accorded priority on a court's calendar; requiring a court to issue upon motion by a party, rather than authorizing the court to make a determination of, appropriate parenting plans in certain proceedings, etc. JU 02/10/2026 Fav/CS ACJ FP	Fav/CS Yeas 11 Nays 0
14	SB 1134 Yarborough (Identical H 1001, Compare S 1566)	Official Actions of Local Governments; Prohibiting counties and municipalities, respectively, from funding or promoting or taking official action as it relates to diversity, equity, and inclusion; providing that certain ordinances, resolutions, rules, regulations, programs, and policies are void; providing that a county commissioner, a member of the governing body of a municipality, or any other county or municipal official acting in an official capacity who violates certain provisions commits misfeasance or malfeasance in office, etc. CA 02/03/2026 Favorable JU 02/10/2026 Fav/CS RC	Fav/CS Yeas 8 Nays 3
15	SB 1138 Massullo (Identical CS/H 927)	Qualified Contractors; Requiring the governing body of a local government, by a specified date, to create a program that authorizes an applicant to use a qualified contractor to conduct preapplication review of an application; requiring the development services office of a local government to establish a registry of a specified number of qualified contractors to be used to conduct preapplication reviews; prohibiting a local government from enforcing any additional criteria for qualified contractors beyond what is authorized by the act; prohibiting local governments from creating or establishing additional regulations for the approval of a final plat, etc. CA 01/20/2026 Favorable JU 02/10/2026 Fav/CS RC	Fav/CS Yeas 11 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, February 10, 2026, 12:00 noon—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	SB 1338 Burton (Identical H 1475)	Charitable Giving; Prohibiting a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction from violating the terms of that restriction without potential penalty; requiring a charitable organization to notify a donor, or a donor's legal representative, if it cannot fulfill a term in the endowment agreement and offer the donor, or the donor's legal representative, an alternative solution that closely matches the initial term in such endowment agreement; prohibiting a state agency or a state official from imposing any annual filing or reporting requirements on certain organizations regulated or exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by state law, etc. CM 01/28/2026 Favorable JU 02/10/2026 Favorable RC	Favorable Yeas 11 Nays 0
17	SB 1434 Calatayud (Similar CS/H 979)	Infill Redevelopment; Creating the "Infill Redevelopment Act"; requiring a local government to permit the development of certain qualifying parcels up to a certain density and intensity; prohibiting a local government from imposing certain restrictions or requirements on the development of certain qualifying parcels; requiring developers of qualifying parcels to maintain a specified buffer between new developments and single-family homes and townhouses under certain circumstances; prohibiting a local government from adopting or enforcing certain local laws, ordinances, or regulations, etc. CA 01/27/2026 Favorable JU 02/10/2026 Fav/CS RC	Fav/CS Yeas 11 Nays 0
18	SB 1506 Yarborough	Civil Litigation; Revising the criteria that the court must consider in determining whether an award of money damages is excessive or inadequate, etc. JU 02/10/2026 Favorable RC	Favorable Yeas 8 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Judiciary

Tuesday, February 10, 2026, 12:00 noon—2:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
19	SB 1620 Leek (Compare CS/H 1073)	Public Education; Revising the definition of the term "agency" to include district school boards for purposes of provisions restricting the employment of relatives of public officials; providing members of a district school board with specified rights; requiring that certain documents from district school board meetings be kept as public records; requiring school officers to receive specified training; providing that a school district employee may not be required or incentivized to sign a nondisclosure agreement or confidentiality agreement, etc. ED 02/03/2026 Favorable JU 02/10/2026 Fav/CS RC	Fav/CS Yeas 11 Nays 0
20	SB 1748 Trumbull (Similar H 1551)	Evidence in Civil Actions Relating to Firearms; Providing that the absence of certain mechanisms or features may not be used as evidence of a defective product design, negligence, a duty to warn, strict liability, or evidence to support similar claims, etc. JU 02/10/2026 Fav/CS CM RC	Fav/CS Yeas 8 Nays 3

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/CS/SB 212

INTRODUCER: Judiciary Committee; Criminal Justice Committee; and Senator McClain

SUBJECT: Sexual Offenders and Sexual Predators

DATE: February 12, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 212 amends ss. 775.215, F.S., 947.1405, F.S., and 948.30, F.S., relating to persons convicted of committing sexual offenses on or after July 1, 2026, or who change their residence on or after that date to:

- Prohibit a person who was convicted of specified sexual offenses in which the victim was younger than 16 years of age from residing within 1,000 feet of a public swimming pool. The bill creates criminal penalties for violating this prohibition.
- Prohibit a person who is on probation,¹ community control,² or conditional release³ for committing a specified sexual offense in which the victim was under 18 from:
 - Living within 1,000 feet of a public swimming pool;
 - Working or volunteering at a public swimming pool; or
 - Visiting a public swimming pool.

The bill creates s. 775.216, F.S., which prohibits a person convicted of the specified sexual offenses from being on the premises of any school, child care facility, park, public swimming pool, and playground, with specified exceptions such as attending religious services, voting, or conducting official business. A violation is a first degree misdemeanor.

¹ Section 948.001(8), F.S.

² Section 948.001(3), F.S.

³ Section 947.1405, F.S.

The bill amends s. 901.15, F.S., to authorize a law enforcement officer to arrest a person without a warrant if there is probable cause to believe the person violated s. 775.216, F.S., by being on the premises of a prohibited location after being convicted of specified sexual offenses against a victim younger than 16 years of age.

The bill amends s. 943.04351, F.S., to require a state agency or governmental subdivision to conduct a search of a person's name or other identifying information against the registration information for sexual predators and sexual offenders on a national or state website prior to a person's employment, regardless of compensation, at a public swimming pool.

A definition for "public swimming pool" is added to ss. 947.005 and 948.001, F.S., pertaining to conditional release and probation and community control, respectively.

The bill may have a positive indeterminate prison bed impact (unquantifiable increase in Prison Beds) on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida's sex offender registry. The information contained in the sex offender registry is reported directly to the FDLE by the Florida Department of Corrections (DOC), the Florida Department of Highway Safety and Motor Vehicles, and law enforcement officials.⁴ Florida's sexual offender and sexual predator registration laws were implemented in 1993 and 1997.⁵ The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.⁶

Florida's Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.⁷ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes,⁸ and are implemented through the combined efforts of the

⁴ Florida Department of Law Enforcement, *Sexual Offender and Predator System*, available at <https://offender.fdle.state.fl.us/offender/sops/search.jsf>, (last visited on January 14, 2026).

⁵ Sections 775.21, and 943.0435, F.S.

⁶ *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

⁷ Sections 775.21 and 943.0435, F.S.

⁸ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

FDLE, all Florida sheriffs, the DOC, the Department of Juvenile Justice, the Department of Highway Safety and Motor Vehicles, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:⁹

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;¹⁰
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.¹¹

A person is classified as a sexual offender if the person:¹²

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration, community or public notification in another state or jurisdiction, or is in the custody, control, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.¹³

Sex Offender Recidivism

Sex crimes have historically been difficult to measure due to the nature of the crimes, underreporting, and timeframes surrounding the crimes. These factors contribute to the complex nature of measuring offenses and rates of recidivism. Sexual recidivism rates vary widely, ranging from 5% after 3 years to 24% after 15 years.¹⁴

The DOC defines recidivism “as a return to prison, as the result of either a new conviction or a violation of post-prison supervision, within three years of their prison release date.” The 2025 Recidivism Report reflects a 23.3% recidivism rate for inmates incarcerated with the primary offense of a sexual/lewd behavior as follows:

- 8.4% of inmates reoffend within 12 months after release.
- 8.8% of inmates reoffend 13 to 24 months after release.

⁹ Section 775.21(4), F.S.

¹⁰ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

¹¹ Sections 775.21(4) and (5), F.S., The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

¹² Section 943.0435, F.S.

¹³ Sections 943.0435(1)(h) and 985.4815(1)(h), F.S.; Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC’s supervision, also define the term “sexual offender.”

¹⁴ U.S. Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, *Chapter 5: Adult Sex Offender Recidivism*, available at <https://smart.ojp.gov/somapi/chapter-5-adult-sex-offender-recidivism> (last visited Feb. 7, 2026).

- 6.1% of inmates reoffend 25 to 36 months after release.¹⁵

Residency Restrictions for Persons Convicted of Certain Sexual Offenses

A person who has been convicted in Florida of committing a specified sexual offense that occurred on or after October 1, 2004, or who was convicted of committing an offense in another jurisdiction that is similar to a specified sexual offense that occurred on or after May 26, 2010, regardless of whether adjudication has been withheld, in which the victim of the offense was younger than 16 years of age may not reside within 1,000 feet of any:

- School;¹⁶
- Child-care facility;¹⁷
- Park;¹⁸ or
- Playground.¹⁹

A person does not violate these residency restrictions and may not be forced to relocate if he or she is living in a residence that meets the restrictions and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.²⁰

Specified sexual offenses that subject a person to residency restrictions include the following, provided the victim of the offense was younger than 16 years old:

- Sexual battery under s. 794.011, F.S.
- Lewd or lascivious battery, molestation, conduct, or exhibition under s. 800.04, F.S.
- Use or promotion of a child in a sexual performance or possessing child pornography under s. 827.071, F.S.
- Lewd or lascivious exhibition using a computer under s. 847.0135(5), F.S.

¹⁵ Florida Department of Corrections, *Florida Prison Recidivism Report: Releases from 2010 to 2022*, available at <https://fdc-media.ccplatform.net/content/download/42673/file/Recidivism%20Report%202020%20Cohort.pdf>, 8 (last visited Feb. 7, 2026).

¹⁶ Section 775.215(2)(c), F.S. “School” means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education, and includes a private school as defined in s. 1002.01, F.S., a voluntary prekindergarten program as described in s. 1002.53(3), F.S., a public school as described in s. 402.3025(1), F.S., the Florida School for the Deaf and the Blind, and the Florida Virtual School established under s. s. 1002.37, F.S., but does not include facilities designated exclusively to the education of adults. s. 775.215(1)(d), F.S.

¹⁷ “Child care facility” means any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;
- Summer camps having children in full-time residence;
- Summer day camps;
- Bible schools normally conducted during vacation periods; and
- Operators of transient establishments, as defined in ch. 509, F.S., which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of ch. 435, F.S. and s. 775.215(1)(a), F.S.

¹⁸ “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate. s. 775.215(1)(b), F.S.

¹⁹ “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures. s. 775.215(1)(c), F.S.

²⁰ Section 775.215(3)(a), F.S.

- Selling or buying minors to engage in sexually explicit conduct under s. 847.0145, F.S.²¹

A violation is punishable as a:

- Third degree felony²² if the underlying sexual offense was classified as a first degree felony²³ or higher; or
- First degree misdemeanor²⁴ if the underlying sexual offense was classified as a second²⁵ or third degree felony.²⁶

A large number of cities and counties have passed local ordinances designed to restrict where people who have been convicted of a sexual offense may live. Generally, the ordinances extend the distance from 1,000 feet to 2,500 feet. Many of the ordinances also prohibit an offender from living within 2,500 feet of places such as libraries, churches, and bus stops which are not included in the state statute.

The Lauren Book Child Safety Ordinance, deems it unlawful for any person that has established residency on or after November 25, 2005, and has been convicted of a sexual battery, lewd and lascivious act on/in the presence of persons under age 16, sexual performance by a child, sexual acts transmitted over computer, or selling or buying of minors for portrayal in sexually explicit conduct, in which the victim of the offense was less than sixteen (16) years of age, or similar law of another jurisdiction, to reside within 2,500 feet of any school within Miami-Dade County.²⁷

In April 2025, Clewiston city council passed an ordinance requiring sex offenders to live at least 2,500 feet from schools, parks, and playgrounds.²⁸

Probation and Community Control

Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions.²⁹ Community control is a form of intensive supervised custody of an offender who remains in the community, but whose freedom is restricted within the home, community, or noninstitutional residential placement, and includes specific sanctions and monitoring by probation officers with restricted caseloads.³⁰

²¹ Section 775.215(2)(a), F.S.

²² A felony of the third degree is punishable by a term of imprisonment of 5 years, as provided in ss. 775.082, 775.083, and 775.083, F.S.

²³ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. When specifically provided by statute, a first degree felony may be punished by imprisonment for a term of years not exceeding life imprisonment. Sections 775.082 and 775.083, F.S.

²⁴ A first degree misdemeanor is punishable by not more than one year in a county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

²⁵ A second degree felony is punishable by a term of imprisonment not exceeding 30 years and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

²⁶ Section 775.215(3)(b).

²⁷ Miami-Dade Sheriff's Office, *Sexual Predator and Offender Registration*, available at https://www.miamidade.gov/global/service.page?Mduid_service=ser1522959874956151 (last visited Feb. 7, 2026).

²⁸ Fox 4 Southwest Florida, *'Not welcome here': Clewiston passes law to keep sex offenders farther away from schools*, available at https://www.fox4now.com/clewiston/not-welcome-here-clewiston-passes-law-to-keep-sex-offenders-farther-away-from-schools#google_vignette (last visited Feb. 7, 2026).

²⁹ Section 948.001(8), F.S.

³⁰ Section 948.001(3), F.S.

Several standard conditions of probation or community control apply automatically, including requirements to report to a probation officer as directed and to live without violating any law.³¹ The court may also impose special conditions, such as community service hours, regular drug or alcohol testing, no contact orders, and treatment programs.³² Failure to meet any condition of supervision is a violation of probation or community control (VOP).

Generally, upon a finding that an offender violated probation or community control, the court may revoke, modify, or continue supervision.³³ If the court revokes supervision, it may impose any sentence that was permissible at the offender's initial sentencing.³⁴

If a violent felony offender of special concern (VFOSC)³⁵ commits a VOP and the court finds the VFOSC poses a danger to the community, the court must revoke probation and sentence the offender up to the statutory maximum, or longer if permitted by law.³⁶

When a person is arrested for committing a crime, he or she is generally entitled to pretrial release on reasonable conditions under the Florida Constitution.³⁷ However, a person taken into custody for a VOP does not have a constitutional right to release pending the disposition of the VOP.³⁸ If the offender qualifies as a VFOSC, the court is prohibited from granting pretrial release.³⁹

Probation

The court determines the terms and conditions of probation.⁴⁰ Section 948.03, F.S., provides standard conditions of probation;⁴¹ however, a court may sentence an offender to special terms and conditions at the time of sentencing. Standard conditions of probation include:

- Reporting to the probation officer as directed.
- Permitting the probation officer to visit the probationer at his or her home.
- Working faithfully at suitable employment, when possible.
- Residing at a specified place.
- Living without violating the law.
- Paying restitution to any aggrieved party for the damage or loss caused by a probationer's offense.

³¹ Section 948.03(1), F.S.

³² Section 948.03(2), F.S.

³³ Section 948.06(2)(a), F.S.

³⁴ Section 948.06(2)(b), F.S.

³⁵ A VFOSC is an offender who commits a specified qualifying offense or is in a special status like habitual violent felony offender and meets other specified criteria. Examples of qualified offenses include murder, kidnapping, and sexual battery. For a complete list of criteria, see s. 948.06(8), F.S.

³⁶ Section 948.06(8)(e)2.a., F.S.

³⁷ Art. I, s. 14, Fla. Const. Exceptions include when a person is charged with a capital offense or offense punishable by life and the proof of guilt is evident or the presumption is great, or if no conditions can reasonably protect the community from risk of physical harm.

³⁸ *Bernhardt v. State*, 288 So. 2d 490, 497 (Fla. 1974).

³⁹ Section 903.0351(1)(a), F.S.

⁴⁰ Section 948.03, F.S.

⁴¹ Section 948.03(1)(a-1), F.S. Standard conditions include, in part, reporting to the probation officer as directed, permitting visits by the probation officer, work at suitable employment, and live without violating any law.

- Being prohibited from possessing, carrying, or owning a firearm or weapon, without the probation officer's consent.
- Being prohibited from using intoxicants to excess or possessing any drugs or narcotics.⁴²

Community Control

In addition to the standard conditions which apply to normal probationers, an offender on community control must:

- Maintain specified contact with his or her parole or probation officer;
- Be confined to an agreed-upon residence during any hours he or she is away from work or public service activities;
- Complete mandatory public service; and
- Be supervised by the DOC by means of an electronic monitoring device or system.⁴³

Probation or Community Control for Persons Convicted of Certain Sexual Offenses

A court must impose additional conditions of supervision on a person who is sentenced to probation or community control after being convicted of committing, or attempting, soliciting, or conspiring⁴⁴ to commit one of the following sexual offenses:

- Human trafficking using coercion or human trafficking of a child under 18 for commercial sexual activity under s. 787.06(3)(b), (d), (f), and (g), F.S.;⁴⁵
- Sexual battery under ch. 794, F.S.;
- Lewd or lascivious battery, molestation, conduct, or exhibition under s. 800.04, F.S.;
- Use or promotion of a child in a sexual performance or possessing child pornography under s. 827.071, F.S.;
- Lewd or lascivious exhibition over the Internet under s. 847.0135, F.S.; and
- Selling or buying minors to engage in sexually explicit conduct under s. 847.0145, F.S.⁴⁶

Conditional Release

Conditional release requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment at a state or federal correctional institution, or who are sentenced as a habitual offender, violent habitual offender, violent career criminal, or court designated sexual predator. Unlike parole, conditional release is not discretionary release.⁴⁷ Conditional release is a form of probation in which a person who has been released from prison after completing the incarcerative portion of his or her sentence remains under close supervision of the DOC.⁴⁸ The determination of whether an inmate is subject to conditional release supervision after his or her release depends on the offense committed by the inmate, the inmate's prior criminal history, and the date the inmate committed the offense.

⁴² Section 948.03(1), F.S.

⁴³ Section 948.101(3), F.S.

⁴⁴ Section 948.30(1), F.S.

⁴⁵ *Id.*

⁴⁶ Section 948.30, F.S.

⁴⁷ Florida Commission on Offender Review, *Conditional Release*, available at <https://www.fcor.state.fl.us/release/release-types#conditionalRelease> (last visited January 14, 2026).

⁴⁸ Section 947.1405, F.S.

If a person violates the terms and conditions of his or her conditional release, the person is arrested and held pending a review by the Florida Commission on Offender Review (FCOR). If the FCOR determines that the person committed a violation, the FCOR may either revoke his or her conditional release and return the person to prison to serve the remainder of his or her sentence, reinstate the conditional release order, or enter another order as the FCOR deems appropriate, such as sentencing the person to serve the remainder of his or her prison sentence in a county detention facility in lieu of a state prison.⁴⁹

Registration Search

A state agency or governmental subdivision must, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice.⁵⁰

Public Swimming Pools

“Public swimming pool” or “public pool” means a watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith.⁵¹

A public swimming pool or public pool also includes a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, group home facilities for eight or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of five or more living units, such as apartments, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses.⁵²

Currently, there is no statutory provision that specifically prohibits registered sex offenders from accessing public swimming pools or public pools.

III. Effect of Proposed Changes:

Residency Restrictions for Persons Convicted of Certain Sex Offenses– Section 1

The bill amends s. 775.215, F.S., to prohibit a person from residing within 1,000 feet of any school, child care facility, park, public swimming pool, or playground if:

⁴⁹ Section 947.141, F.S.

⁵⁰ Section 943.04351, F.S.

⁵¹ Section 514.011, F.S.

⁵² *Id.*

- He or she has been convicted of committing specified sexual offenses⁵³ in Florida, or an offense in another jurisdiction that is similar to a specified sexual offense, regardless of whether adjudication has been withheld; and
- The victim was younger than 16 years of age.

The bill applies to offenses committed on or after July 1, 2026, and to individuals who change their residence on or after that date. A person who is subject to the residency restrictions in the bill would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool is subsequently established within 1,000 feet of his or her residence. Violations of these residency restrictions constitute a third-degree felony if the underlying conviction was a felony of the first degree or higher, and a first degree misdemeanor if the underlying conviction was a felony of the second or third degree.

Restricted Locations for Persons Convicted of Certain Sex Offenses – Section 2

The bill creates s. 775.216, F.S., which prohibits a person convicted of certain sex offenses⁵⁴ from being on the premises of a school, child care facility, park, public swimming pool, or playground. The swimming pool definition is limited to only include the water feature and the immediate surrounding area of the water feature. The bill prohibits certain offenders from visiting or being within these areas, with specified exceptions such as traveling past the location, dropping off or picking up his or her child or grandchild from a child care facility or school, attending religious services, voting, or conducting official business. A violation is a first degree misdemeanor.

Conditional Release – Sections 6 and 7

The bill amends s. 947.1405, F.S., to require that any person who has been convicted of committing specified sexual offenses committed on or after July 1, 2026, involving a victim who is younger than 18 years of age and who is serving conditional release supervision, in addition to all other existing requirements and restrictions, to also be prohibited from:

- Living within 1,000 feet of a public swimming pool, although the person would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool.

A person who is subject to conditional release supervision for committing a crime that occurred on or after July 1, 2026, and who was also convicted at any time of committing, or attempting, soliciting, or conspiring to commit, an offense requiring a sexual offender designation in which the victim was younger than 18 years of age may not visit a public swimming pool without the prior approval of his or her supervising officer.

⁵³Sections 794.011, F.S., Sexual Battery, 800.04, F.S., Lewd or lascivious offenses committed upon or in the presence of persons younger than 16 years of age, 827.071, F.S., Sexual performance by a child, 847.0135(5), F.S., Computer pornography, or 847.0145, F.S., Selling or buying of minors.

⁵⁴ See the sexual offenses listed above in footnote 54.

Probation and Community Control – Sections 8 and 9

The bill amends s. 948.001, F.S., to provide a public swimming pool definition by cross-reference. The bill also amends s. 948.30, F.S., to require any person who has been convicted of committing a crime on or after July 1, 2026, that involves specified sexual offenses involving a victim who is younger than 18 years of age and who is subject to conditional release supervision, in addition to all other existing requirements and restrictions, to also be prohibited from:

- Living within 1,000 feet of a public swimming pool, although the person would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool.

A person who has been convicted of committing any crime that occurred on or after July 1, 2026, and who was also convicted at any time of committing, or attempting, soliciting, or conspiring to commit, an offense requiring sexual offender designation in which the victim was under the age of 18 years at the time of the offense and who is subject to conditional release supervision may not visit a public swimming pool without the prior approval of his or her supervising officer.

Conducting a Search of Registration Information Section 5

The bill amends s. 943.04351, F.S., to require a state agency or governmental subdivision, prior to making a decision to appoint or employ a person to work or volunteer at a public swimming pool, to conduct a search of the person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice. However, if the website is unavailable, a search is required of the registration information regarding sexual predators and sexual offenders maintained by the FDLE. A state agency or governmental subdivision is not required to conduct a search if the position requires a state and national criminal history background check.

Restrictions for Visiting a School or Child Care Facility – Section 3

The bill amends s. 856.022, F.S., to require a person convicted of certain sexual crimes to provide written notice to the school board, superintendent, principal, or child care facility owner that he or she intends to be present at the school or child care facility.

Warrantless Arrest – Section 4

The bill adds another category to the current listings found in s. 901.15, F.S., for when a warrantless arrest is lawful based upon probable cause. The bill authorizes a law enforcement officer to arrest a person without a warrant when someone violates the provisions of s. 775.216, F.S., by being on the premises of a school, child care facility, park, public swimming pool, or playground after he or she was convicted of committing certain specified sexual offenses against a victim who was younger than 16 years of age at the time the offense was committed.

Sections Containing Definitions of Public Swimming Pool

The bill amends s. 775.215, F.S., the residency restriction section, and s. 775.216, F.S., the restricted location section, to include the definition of a “public swimming pool” These terms are also added to ss. 947.005 and 948.001, F.S.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require 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:

Under the Fourteenth Amendment of the U.S. Constitution and Article I, Section 9 of the Florida Constitution, restrictions that significantly limit where an individual may live or work may be challenged as infringing on liberty interests.

The bill adds additional residential requirements on sexual offenders to further define allowable living arrangements. Restrictions were addressed in *Doe v. Snyder*,⁵⁵ which found Michigan’s residency restrictions punitive when applied retroactively. Florida courts, such as in *State v. Robinson*,⁵⁶ have generally upheld registration requirements as non-punitive but recognize that significant limitations on residency may implicate constitutional concerns.

The bill creates s. 775.216, F.S., to prohibit a person convicted of specified sexual offenses in which the victim was younger than 16 years of age from visiting or otherwise being within 200 feet of any school, child care facility, park, public swimming pool, or playground. These added proximity restrictions may raise constitutional concerns as well as potential challenges based on overbreadth and vagueness. In *Doe v. City of Palm*

⁵⁵ *Doe v. Snyder*, 834 F.3d 696 (6th Cir. 2016).

⁵⁶ *State v. Robinson*, 873 So. 2d 1205 (Fla. 2004).

Bay,⁵⁷ however, the court upheld a city ordinance prohibiting sexual predators and registered sexual offenders from making deliveries to or performing work at any residence, designated private or public school, or other place where children or vulnerable adults may reside or regularly congregate.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The Department of Corrections supervises 6,124 sex offenders, of whom approximately 2,992 could be affected by this bill. The Department states in its agency analysis that 12,985 inmates, when released, would be impacted by the bill. The increased residential restrictions could make it difficult to obtain stable housing. Currently, 334 supervised sex offenders are classified by the Department as homeless and the number will likely increase if this bill takes effect.

The Department also states that the expanded restrictions pertaining to public pools and public bathing spaces could further reduce available housing. This may increase the risk that some offenders will abscond because they are unable to secure housing in compliance with the restrictions.⁵⁸

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

Per the DOC, in FY 24-25, there were 5,589 offenders returned to prison for conditional release, probation, and community control violations. As of October 10, 2025, there was a population of 6,124 offenders under supervision who could potentially be impacted by this new language, though it is not known how many would commit future violations under this language.⁵⁹

⁵⁷ *Doe v. City of Palm Bay*, 169 So. 3d 1211 (Fla. 5th DCA 2015).

⁵⁸ Florida Department of Corrections, *2026 Agency Legislative Bill Analysis for SB 212*, (Oct. 17, 2025) <https://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=36184&yr=2026> (See SB0212_DOC 2025-11-06.docx.) Note that the DOC analysis was prepared before the term "public bathing space" was removed from the bill.

⁵⁹ Office of Economic and Demographic Research, *SB 212- Sexual Offenders and Sexual Predators*, (on file with the Senate Committee on Criminal Justice).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.215, 856.022, 901.15, 943.04351, 947.005, 947.1405, 948.001, and 948.30

This bill creates the following sections of the Florida Statutes: 775.216

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 10, 2026:

The committee substitute:

- Deletes the definition and all references to “public bathing space.”
- Revises the definition of “public swimming pool” in the residency restriction provision to include pools operated by a county, city, or municipality, but to exclude pools at a hotel, motel, or recreational vehicle park.
- Deletes the restriction prohibiting an offender from being “within 200 feet” of certain areas and replaces the prohibition by stating that the offender may not be “on the premises” of those areas. The warrantless arrest provision is similarly revised.
- Clarifies that a person who intends to be present at certain restricted locations must notify the specified personnel that he or she has a “conviction” of certain offenses, and not that he or she is a sexual offender or predator.
- Requires a supervising officer to deny a conditional releasee’s or probationer’s request to visit a public swimming pool unless specific exemptions apply.

CS by Criminal Justice on January 20, 2026:

The committee substitute:

- Narrows the definition of “public bathing place” and “public pool.”
- Applies the provisions of the bill prospectively to offenses committed on or after July 1, 2026, and to individuals who change their residence on or after that date.
- Creates s. 775.216, F.S., which establishes a 200-foot restricted zone around schools, child care facilities, parks, public swimming pools, public bathing places, and playgrounds, and prohibits certain offenders from visiting or being within these areas, with specified exceptions such as attending religious services, voting, or conducting official business. A violation is a first degree misdemeanor.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraph (d) of subsection (1) of
section 775.215, Florida Statutes, is redesignated as paragraph
(e), a new paragraph (d) is added to that subsection, subsection
(4) is added to that section, and paragraph (c) of subsection
(2) and paragraph (c) of subsection (3) of that section are
amended, read:

775.215 Residency restriction for persons convicted of



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12 certain sex offenses.-

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

14 (d) "Public swimming pool" means a watertight structure of
15 concrete, masonry, or other approved materials which is located
16 either indoors or outdoors, used for bathing or swimming by
17 humans, and filled with a filtered and disinfected water supply,
18 together with buildings, appurtenances, and equipment used in
19 connection therewith. The term includes a conventional pool,
20 spa-type pool, wading pool, special purpose pool, spray pool,
21 splash pad, or water recreation attraction, to which admission
22 may be gained with or without payment of a fee, regardless of
23 whether entry to the public swimming pool is limited by a gate
24 or other method of controlling access. The term also includes
25 pools operated by or serving subdivisions, apartments, mobile
26 home parks, or townhouses or any pool operated by a county,
27 city, or municipality which is held open to the public. The term
28 does not include a swimming pool at a private single-family
29 residence, hotels, motels, or recreational vehicle parks or a
30 swimming pool at a facility where the operator prohibits the use
31 of such pool by persons younger than 18 years of age.

32 (2)

33 (c) This subsection applies to any person convicted of a
34 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
35 or s. 847.0145 for offenses that occurred ~~occur~~ on or after
36 October 1, 2004, and before July 1, 2026, excluding persons who
37 have been removed from the requirement to register as a sexual
38 offender or sexual predator pursuant to s. 943.04354.

39 (3)

40 (c) This subsection applies to any person convicted of an



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41 offense in another jurisdiction that is similar to a violation
42 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
43 847.0145 if such offense occurred on or after May 26, 2010, and
44 before July 1, 2026, excluding persons who have been removed
45 from the requirement to register as a sexual offender or sexual
46 predator pursuant to s. 943.04354.

47 (4) (a) A person who has been convicted of a violation of s.
48 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
49 regardless of whether adjudication has been withheld, in which
50 the victim was younger than 16 years of age at the time of the
51 offense, or who has been convicted of a similar offense in
52 another jurisdiction, regardless of whether adjudication has
53 been withheld, in which the victim was younger than 16 years of
54 age at the time of the offense, may not reside within 1,000 feet
55 of any school, child care facility, park, public swimming pool,
56 or playground. However, a person does not violate this
57 subsection and may not be forced to relocate if he or she is
58 living in a residence that meets the requirements of this
59 subsection and a school, child care facility, park, public
60 swimming pool, or playground is subsequently established within
61 1,000 feet of his or her residence.

62 (b) A person who violates this subsection and whose
63 conviction under s. 794.011, s. 800.04, s. 827.071, s.
64 847.0135(5), or s. 847.0145 was classified as a felony of the
65 first degree or higher or whose conviction in another
66 jurisdiction resulted in a penalty that is substantially similar
67 to a felony of the first degree or higher commits a felony of
68 the third degree, punishable as provided in s. 775.082, s.
69 775.083, or s. 775.084. A person who violates this subsection



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70 and whose conviction under s. 794.011, s. 800.04, s. 827.071, s.
71 847.0135(5), or s. 847.0145 was classified as a felony of the
72 second or third degree or whose conviction in another
73 jurisdiction was substantially similar to a felony of the second
74 or third degree commits a misdemeanor of the first degree,
75 punishable as provided in s. 775.082 or s. 775.083.

76 (c) This subsection applies to:

77 1. Any person convicted of a violation described in
78 paragraph (a) for offenses that occur on or after July 1, 2026,
79 excluding persons who have been removed from the requirement to
80 register as a sexual offender or sexual predator pursuant to s.
81 943.04354.

82 2. Any person who is subject to the residency restrictions
83 in subsection (2) or subsection (3) who changes his or her place
84 of residence on or after July 1, 2026.

85 Section 2. Section 775.216, Florida Statutes, is created to
86 read:

87 775.216 Restricted locations for persons convicted of
88 certain sex offenses.-

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

90 (a) "Child care facility" has the same meaning as in s.
91 402.302.

92 (b) "Park," "playground," and "school" have the same
93 meanings as in s. 775.215.

94 (c) "Public swimming pool" means a watertight structure of
95 concrete, masonry, or other approved materials which is located
96 either indoors or outdoors, used for bathing or swimming by
97 humans, and filled with a filtered and disinfected water supply,
98 together with buildings, appurtenances, and equipment used in



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99 connection therewith. The term includes a conventional pool,
100 spa-type pool, wading pool, special purpose pool, spray pool,
101 splash pad, or water recreation attraction, to which admission
102 may be gained with or without payment of a fee, regardless of
103 whether entry to the public swimming pool is limited by a gate
104 or other method of controlling access. The term only includes
105 the water feature and the immediate surrounding area of such
106 water feature. The term also includes, but is not limited to,
107 pools operated by or serving camps, churches, cities, counties,
108 municipalities, day care centers, parks, state agencies,
109 schools, subdivisions, apartments, hotels, motels, mobile home
110 parks, recreational vehicle parks, and townhouses. The term does
111 not include a swimming pool at a private single-family residence
112 or a swimming pool at a facility where the operator prohibits
113 the use of such pool by persons younger than 18 years of age.

114 (2) A person who has been convicted of a violation of s.
115 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
116 regardless of whether adjudication has been withheld, in which
117 the victim was younger than 16 years of age at the time of the
118 offense, or who has been convicted of a similar offense in
119 another jurisdiction, regardless of whether adjudication has
120 been withheld, in which the victim was younger than 16 years of
121 age at the time of the offense, may not be on the premises of
122 any school, child care facility, park, public swimming pool, or
123 playground.

124 (3) A person who violates this section commits a
125 misdemeanor of the first degree, punishable as provided in s.
126 775.082 or s. 775.083.

127 (4) This section does not apply to a person who:



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128 (a) Has been removed from the requirement to register as a
129 sexual offender or sexual predator under s. 943.04354.

130 (b) Is actively traveling past a location described in
131 subsection (1) while in transit to another destination.

132 (c) A parent, grandparent, or legal guardian who is
133 dropping off or picking up his or her child or grandchild from a
134 child care facility or school or who is visiting his or her
135 child's or grandchild's child care facility or school, subject
136 to the requirements in s. 856.022(4)(b).

137 (d) A parent, grandparent, or legal guardian who is only
138 dropping off or picking up his or her child or grandchild from a
139 park, playground, or public swimming pool.

140 (e) A person who is on the premises of a location described
141 in subsection (1) for the sole purpose of:

142 1. Attending a religious service as defined in s. 775.0861.

143 2. Voting, if such person is present during the hours
144 designated for voting.

145 3. Conducting official business at a local, state, or
146 federal government building.

147 Section 3. Paragraph (b) of subsection (4) of section
148 856.022, Florida Statutes, is amended to read:

149 856.022 Loitering or prowling by certain offenders in close
150 proximity to children; penalty.-

151 (4)

152 (b) It is unlawful for a person described in subsection (1)
153 to knowingly be present in any child care facility or school
154 containing any students in prekindergarten through grade 12 or
155 on real property comprising any child care facility or school
156 containing any students in prekindergarten through grade 12 when



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157 the child care facility or school is in operation, if such
158 person fails to:

159 1. Provide written notification that he or she has a
160 conviction specified in subsection (1) of his or her intent to
161 be present to the school board, superintendent, principal, or
162 child care facility owner and that he or she intends to be
163 present at the school or child care facility;

164 2. Notify the child care facility owner or the school
165 principal's office when he or she arrives and departs the child
166 care facility or school; or

167 3. Remain under direct supervision of a school official or
168 designated chaperone when present in the vicinity of children.
169 As used in this paragraph, the term "school official" means a
170 principal, a school resource officer, a teacher or any other
171 employee of the school, the superintendent of schools, a member
172 of the school board, a child care facility owner, or a child
173 care provider.

174 Section 4. Paragraph (h) is added to subsection (9) of
175 section 901.15, Florida Statutes, to read:

176 901.15 When arrest by officer without warrant is lawful.—A
177 law enforcement officer may arrest a person without a warrant
178 when:

179 (9) There is probable cause to believe that the person has
180 committed:

181 (h) A violation of s. 775.216 by being on the premises of a
182 school, child care facility, park, public swimming pool, or
183 playground after he or she was convicted of committing a
184 specified sexual offense against a victim who was younger than
185 16 years of age at the time of the offense.



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186 Section 5. Section 943.04351, Florida Statutes, is amended
187 to read:

188 943.04351 Search of registration information regarding
189 sexual predators and sexual offenders required before
190 appointment or employment.—A state agency or governmental
191 subdivision, before making any decision to appoint or employ a
192 person to work, whether for compensation or as a volunteer, at
193 any park, playground, public swimming pool, child care facility
194 ~~day care center~~, or other place where children regularly
195 congregate, must conduct a search of that person's name or other
196 identifying information against the registration information
197 regarding sexual predators and sexual offenders through the Dru
198 Sjodin National Sexual Offender Public Website maintained by the
199 United States Department of Justice. If for any reason that site
200 is not available, a search of the registration information
201 regarding sexual predators and sexual offenders maintained by
202 the Department of Law Enforcement under s. 943.043 must ~~shall~~ be
203 performed. This section does not apply to those positions or
204 appointments within a state agency or governmental subdivision
205 for which a state and national criminal history background check
206 is conducted.

207 Section 6. Present subsections (10) through (15) of section
208 947.005, Florida Statutes, are redesignated as subsections (11)
209 through (16), respectively, and a new subsection (10) is added
210 to that section, to read:

211 947.005 Definitions.—As used in this chapter, unless the
212 context clearly indicates otherwise:

213 (10) "Public swimming pool" has the same meaning as in s.
214 775.215.



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215 Section 7. Subsections (15) and (16) are added to section
216 947.1405, Florida Statutes, to read:

217 947.1405 Conditional release program.—

218 (15) Effective for a releasee who is convicted of a crime
219 committed on or after July 1, 2026, or who has been previously
220 convicted of a crime committed on or after July 1, 2026, in
221 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
222 or s. 847.0145, against a victim who was younger than 18 years
223 of age at the time of the offense, in addition to any other
224 provision of this section, the commission shall impose the
225 following conditions:

226 (a) A prohibition on living within 1,000 feet of any public
227 swimming pool. A releasee who is subject to this paragraph may
228 not be forced to relocate and does not violate his or her
229 conditional release supervision if he or she is living in a
230 residence that meets the requirements of this paragraph and a
231 public swimming pool is subsequently established within 1,000
232 feet of his or her residence.

233 (b) A prohibition on working for pay or as a volunteer at
234 any public swimming pool.

235 (16) In addition to all other conditions imposed, for a
236 releasee who is subject to conditional release for a crime that
237 was committed on or after July 1, 2026, and who has been
238 convicted at any time of committing, or attempting, soliciting,
239 or conspiring to commit, any of the criminal offenses listed in
240 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
241 jurisdiction, against a victim who was younger than 18 years of
242 age at the time of the offense, if the releasee has not received
243 a pardon for any felony or similar law of another jurisdiction



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244 necessary for the operation of this subsection, if a conviction
245 of a felony or similar law of another jurisdiction necessary for
246 the operation of this subsection has not been set aside in any
247 postconviction proceeding, or if the releasee has not been
248 removed from the requirement to register as a sexual offender or
249 sexual predator pursuant to s. 943.04354, the commission must
250 impose a condition prohibiting the releasee from visiting a
251 public swimming pool without prior approval from his or her
252 supervising officer.

253 (a) Except as provided in paragraph (b), a supervising
254 officer must deny a releasee's request to visit a public
255 swimming pool if the releasee is prohibited from visiting such a
256 public swimming pool under s. 775.216.

257 (b) A supervising officer may authorize a releasee who is
258 prohibited from visiting a public swimming pool under s. 775.216
259 if it is for any purpose listed in s. 775.216(4).

260 Section 8. Present subsections (9) through (13) of section
261 948.001, Florida Statutes, are redesignated as subsections (10)
262 through (14), respectively, and a new subsection (9) is added to
263 that section, to read:

264 948.001 Definitions.—As used in this chapter, the term:

265 (9) "Public swimming pool" has the same meaning as in s.
266 775.215.

267 Section 9. Subsections (6) and (7) are added to section
268 948.30, Florida Statutes, to read:

269 948.30 Additional terms and conditions of probation or
270 community control for certain sex offenses.—Conditions imposed
271 pursuant to this section do not require oral pronouncement at
272 the time of sentencing and shall be considered standard



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273 conditions of probation or community control for offenders
274 specified in this section.

275 (6) In addition to all other conditions imposed, for a
276 probationer or community controllee whose crime was committed on
277 or after July 1, 2026, and who is placed on supervision for
278 committing, or attempting, soliciting, or conspiring to commit,
279 a violation of s. 787.06(3) (b), (d), (f), or (g); chapter 794;
280 s. 800.04; s. 827.071; s. 847.0135(5); or s. 847.0145 against a
281 victim who was younger than 18 years of age at the time of the
282 offense, the court must impose the following conditions:

283 (a) A prohibition on living within 1,000 feet of any public
284 swimming pool. A probationer or community controllee who is
285 subject to this paragraph may not be forced to relocate and does
286 not violate his or her probation or community control if he or
287 she is living in a residence that meets the requirements of this
288 paragraph and a public swimming pool is subsequently established
289 within 1,000 feet of his or her residence.

290 (b) A prohibition on working for pay or as a volunteer at
291 any public swimming pool.

292 (7) In addition to all other conditions imposed, for a
293 probationer or community controllee who is subject to
294 supervision for a crime that was committed on or after July 1,
295 2026, and who has been convicted at any time of committing, or
296 attempting, soliciting, or conspiring to commit, any of the
297 criminal offenses listed in s. 943.0435(1) (h)1.a.(I), or a
298 similar offense in another jurisdiction, against a victim who
299 was younger than 18 years of age at the time of the offense, if
300 the offender has not received a pardon for any felony or similar
301 law of another jurisdiction necessary for the operation of this



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302 subsection, if a conviction of a felony or similar law of
303 another jurisdiction necessary for the operation of this
304 subsection has not been set aside in any postconviction
305 proceeding, or if the offender has not been removed from the
306 requirement to register as a sexual offender or sexual predator
307 pursuant to s. 943.04354, the court must impose a condition
308 prohibiting the probationer or community controllee from
309 visiting a public swimming pool without prior approval from his
310 or her supervising officer.

311 (a) Except as provided in paragraph (b), a supervising
312 officer must deny a probationer's request to visit a public
313 swimming pool if the probationer is prohibited from visiting
314 such a public swimming pool under s. 775.216.

315 (b) A supervising officer may authorize a probationer who
316 is prohibited from visiting a public swimming pool under s.
317 775.216 if it is for any purpose listed in s. 775.216(4).

318 Section 10. This act shall take effect on July 1, 2026.

319
320 ===== T I T L E A M E N D M E N T =====

321 And the title is amended as follows:

322 Delete everything before the enacting clause
323 and insert:

324 A bill to be entitled
325 An act relating to sexual offenders and sexual
326 predators; amending s. 775.215, F.S.; defining the
327 term "public swimming pool"; revising residency
328 restrictions for persons convicted of certain sexual
329 offenses; providing penalties; providing
330 applicability; creating s. 775.216, F.S.; defining



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331 terms; prohibiting persons convicted of certain sexual
332 offenses from visiting or otherwise being on the
333 premises of specified locations; providing criminal
334 penalties; providing exceptions; amending s. 856.022,
335 F.S.; requiring a sexual offender or sexual predator
336 to notify a school or child care facility of his or
337 her conviction of specific offenses and that he or she
338 intends to be present at the school or child care
339 facility under certain circumstances; amending s.
340 901.15, F.S.; authorizing the warrantless arrest of a
341 person if a law enforcement officer has probable cause
342 to believe the person was on the premises of specified
343 prohibited locations after he or she was previously
344 convicted of committing specified sexual offenses
345 against a victim younger than 16 years of age;
346 amending s. 943.04351, F.S.; revising requirements for
347 a search of sexual predator or sexual offender
348 registration information by a state agency or
349 governmental subdivision before appointing or
350 employing a person to work at specified locations;
351 amending s. 947.005, F.S.; defining the term "public
352 swimming pool"; amending s. 947.1405, F.S.; revising
353 special conditions for certain sexual offenders
354 subject to conditional release supervision for
355 offenses committed on or after a specified date;
356 conforming provisions to changes made by the act;
357 amending s. 948.001, F.S.; defining the term "public
358 swimming pool"; amending s. 948.30, F.S.; revising
359 conditions of probation or community control for



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360 certain sexual offenders for offenses committed on or
361 after a specified date; conforming provisions to
362 changes made by the act; providing an effective date.

By the Committee on Criminal Justice; and Senator McClain

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1 A bill to be entitled
 2 An act relating to sexual offenders and sexual
 3 predators; amending s. 775.215, F.S.; defining the
 4 terms "public bathing place" and "public swimming
 5 pool"; revising residency restrictions for persons
 6 convicted of certain sexual offenses; providing
 7 penalties; providing applicability; creating s.
 8 775.216, F.S.; defining terms; prohibiting persons
 9 convicted of certain sexual offenses from visiting or
 10 otherwise being within 200 feet of specified
 11 locations; providing penalties; providing exceptions;
 12 amending s. 856.022, F.S.; requiring a sexual offender
 13 or sexual predator to notify a school or child care
 14 facility of his or her status in certain
 15 circumstances; amending s. 901.15, F.S.; authorizing
 16 the warrantless arrest of a person if a law
 17 enforcement officer has probable cause to believe the
 18 person visited or was within 200 feet of specified
 19 prohibited locations after he or she was previously
 20 convicted of committing specified sexual offenses
 21 against a victim younger than 16 years of age;
 22 amending s. 943.04351, F.S.; revising requirements for
 23 a search of sexual predator or sexual offender
 24 registration information by a state agency or
 25 governmental subdivision before appointing or
 26 employing a person to work at specified locations;
 27 amending s. 947.005, F.S.; defining the terms "public
 28 bathing place" and "public swimming pool"; amending s.
 29 947.1405, F.S.; revising special conditions for

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30 certain sexual offenders subject to conditional
 31 release supervision for offenses committed on or after
 32 a specified date; amending s. 948.001, F.S.; defining
 33 the terms "public bathing place" and "public swimming
 34 pool"; amending s. 948.30, F.S.; revising conditions
 35 of probation or community control for certain sexual
 36 offenders for offenses committed on or after a
 37 specified date; providing an effective date.

38
 39 Be It Enacted by the Legislature of the State of Florida:

40
 41 Section 1. Present paragraph (d) of subsection (1) of
 42 section 775.215, Florida Statutes, is redesignated as paragraph
 43 (f), a new paragraph (d) and paragraph (e) are added to that
 44 subsection, subsection (4) is added to that section, and
 45 paragraph (c) of subsection (2) and paragraph (c) of subsection
 46 (3) of that section are amended, to read:

47 775.215 Residency restriction for persons convicted of
 48 certain sex offenses.-

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

50 (d) "Public bathing place" means a body of water, natural
 51 or modified by humans, that is regularly used by the public for
 52 swimming, diving, or recreational bathing with the consent of
 53 the owner or owners and that is held out to the public by any
 54 person or public body as being available for such use,
 55 irrespective of whether a fee is charged for the use thereof.
 56 The term includes the shoreline or land area immediately
 57 adjacent to the public bathing place, as well as any buildings
 58 on such property.

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59 (e) "Public swimming pool" means a watertight structure of
 60 concrete, masonry, or other approved materials which is located
 61 either indoors or outdoors, used for bathing or swimming by
 62 humans, and filled with a filtered and disinfected water supply,
 63 together with buildings, appurtenances, and equipment used in
 64 connection therewith. A public swimming pool means a
 65 conventional pool, spa-type pool, wading pool, special purpose
 66 pool, spray pool, splash pad, or water recreation attraction, to
 67 which admission may be gained with or without payment of a fee,
 68 regardless of whether entry to the public swimming pool is
 69 limited by a gate or other method of controlling access. The
 70 term includes, but is not limited to, pools operated by or
 71 servicing camps, churches, cities, counties, day care centers,
 72 parks, state agencies, schools, subdivisions, apartments,
 73 hotels, motels, mobile home parks, recreational vehicle parks,
 74 and townhouses. The term does not include a swimming pool at a
 75 private single-family residence or a swimming pool at a facility
 76 where the operator prohibits the use of such pool by persons
 77 under 18 years of age.

(2)

79 (c) This subsection applies to any person convicted of a
 80 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
 81 or s. 847.0145 for offenses that occurred ~~occur~~ on or after
 82 October 1, 2004, and before July 1, 2026, excluding persons who
 83 have been removed from the requirement to register as a sexual
 84 offender or sexual predator pursuant to s. 943.04354.

(3)

86 (c) This subsection applies to any person convicted of an
 87 offense in another jurisdiction that is similar to a violation

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88 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
 89 847.0145 if such offense occurred on or after May 26, 2010, and
 90 before July 1, 2026, excluding persons who have been removed
 91 from the requirement to register as a sexual offender or sexual
 92 predator pursuant to s. 943.04354.

93 (4) (a) A person who has been convicted of a violation of s.
 94 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
 95 regardless of whether adjudication has been withheld, in which
 96 the victim was younger than 16 years of age at the time of the
 97 offense, or who has been convicted of a similar offense in
 98 another jurisdiction, regardless of whether adjudication has
 99 been withheld, in which the victim was younger than 16 years of
 100 age at the time of the offense, may not reside within 1,000 feet
 101 of any school, child care facility, park, public swimming pool,
 102 public bathing place, or playground. However, a person does not
 103 violate this subsection and may not be forced to relocate if he
 104 or she is living in a residence that meets the requirements of
 105 this subsection and a school, child care facility, park, public
 106 swimming pool, public bathing place, or playground is
 107 subsequently established within 1,000 feet of his or her
 108 residence.

109 (b) A person who violates this subsection and whose
 110 conviction under s. 794.011, s. 800.04, s. 827.071, s.
 111 847.0135(5), or s. 847.0145 was classified as a felony of the
 112 first degree or higher, or whose conviction in another
 113 jurisdiction resulted in a penalty that is substantially similar
 114 to a felony of the first degree or higher, commits a felony of
 115 the third degree, punishable as provided in s. 775.082, s.
 116 775.083, or s. 775.084. A person who violates this subsection

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117 and whose conviction under s. 794.011, s. 800.04, s. 827.071, s.
 118 847.0135(5), or s. 847.0145 was classified as a felony of the
 119 second or third degree, or whose conviction in another
 120 jurisdiction was substantially similar to a felony of the second
 121 or third degree, commits a misdemeanor of the first degree,
 122 punishable as provided in s. 775.082 or s. 775.083.

123 (c) This subsection applies to:

124 1. A person convicted of a violation described in paragraph
 125 (a) for offenses that occurred on or after July 1, 2026,
 126 excluding persons who have been removed from the requirement to
 127 register as a sexual offender or sexual predator pursuant to s.
 128 943.04354.

129 2. A person who is subject to the residency restrictions in
 130 subsection (2) or subsection (3) who changes his or her place of
 131 residence on or after July 1, 2026.

132 Section 2. Section 775.216, Florida Statutes, is created to
 133 read:

134 775.216 Restricted locations for persons convicted of
 135 certain sex offenses.-

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

137 (a) "Child care facility" has the same meaning as in s.
 138 402.302.

139 (b) "Park," "playground," "public bathing place," "public
 140 swimming pool," and "school" have the same meanings as in s.
 141 775.215.

142 (2) A person who has been convicted of a violation of s.
 143 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
 144 regardless of whether adjudication has been withheld, in which
 145 the victim was younger than 16 years of age at the time of the

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146 offense, or who has been convicted of a similar offense in
 147 another jurisdiction, regardless of whether adjudication has
 148 been withheld, in which the victim was younger than 16 years of
 149 age at the time of the offense, may not visit or otherwise be
 150 within 200 feet of any school, child care facility, park, public
 151 swimming pool, public bathing place, or playground.

152 (3) A person who violates this section commits a
 153 misdemeanor of the first degree, punishable as provided in s.
 154 775.082 or s. 775.083.

155 (4) This section does not apply to a person who:

156 (a) Has been removed from the requirement to register as a
 157 sexual offender or sexual predator under s. 943.04354.

158 (b) Is actively traveling past a location described in
 159 subsection (1) while in transit to another destination.

160 (c) Is dropping off or picking up his or her child or
 161 grandchild from a child care facility or school, or is visiting
 162 his or her child's or grandchild's child care facility or
 163 school, subject to the requirements in s. 856.022(4)(b).

164 (d) Is visiting or otherwise within 200 feet of a location
 165 described in subsection (1) for the sole purpose of:

166 1. Attending a religious service as defined in s. 775.0861.

167 2. Voting, if such person is present during the hours
 168 designated for voting.

169 3. Conducting official business at a local, state, or
 170 federal government building.

171 Section 3. Paragraph (b) of subsection (4) of section
 172 856.022, Florida Statutes, is amended to read:

173 856.022 Loitering or prowling by certain offenders in close
 174 proximity to children; penalty.-

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175 (4)

176 (b) It is unlawful for a person described in subsection (1)

177 to knowingly be present in any child care facility or school

178 containing any students in prekindergarten through grade 12 or

179 on real property comprising any child care facility or school

180 containing any students in prekindergarten through grade 12 when

181 the child care facility or school is in operation, if such

182 person fails to:

183 1. Provide written notification that he or she is a sexual

184 offender or sexual predator of his or her intent to be present

185 to the school board, superintendent, principal, or child care

186 facility owner and that he or she intends to be present at the

187 school or child care facility;

188 2. Notify the child care facility owner or the school

189 principal's office when he or she arrives and departs the child

190 care facility or school; or

191 3. Remain under direct supervision of a school official or

192 designated chaperone when present in the vicinity of children.

193 As used in this paragraph, the term "school official" means a

194 principal, a school resource officer, a teacher or any other

195 employee of the school, the superintendent of schools, a member

196 of the school board, a child care facility owner, or a child

197 care provider.

198 Section 4. Paragraph (h) is added to subsection (9) of

199 section 901.15, Florida Statutes, to read:

200 901.15 When arrest by officer without warrant is lawful.—A

201 law enforcement officer may arrest a person without a warrant

202 when:

203 (9) There is probable cause to believe that the person has

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204 committed:

205 (h) A violation of s. 775.216 by visiting or otherwise

206 being within 200 feet of a school, child care facility, park,

207 public swimming pool, public bathing place, or playground after

208 he or she was convicted of committing specified sexual offenses

209 against a victim who was younger than 16 years of age at the

210 time of the offense.

211 Section 5. Section 943.04351, Florida Statutes, is amended

212 to read:

213 943.04351 Search of registration information regarding

214 sexual predators and sexual offenders required before

215 appointment or employment.—A state agency or governmental

216 subdivision, before making any decision to appoint or employ a

217 person to work, whether for compensation or as a volunteer, at

218 any park, playground, public swimming pool, public bathing

219 place, child care facility ~~day care center~~, or other place where

220 children regularly congregate, must conduct a search of that

221 person's name or other identifying information against the

222 registration information regarding sexual predators and sexual

223 offenders through the Dru Sjodin National Sexual Offender Public

224 Website maintained by the United States Department of Justice.

225 If for any reason that site is not available, a search of the

226 registration information regarding sexual predators and sexual

227 offenders maintained by the Department of Law Enforcement under

228 s. 943.043 shall be performed. This section does not apply to

229 those positions or appointments within a state agency or

230 governmental subdivision for which a state and national criminal

231 history background check is conducted.

232 Section 6. Present subsections (10) through (15) of section

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233 947.005, Florida Statutes, are redesignated as subsections (12)
234 through (17), respectively, and new subsections (10) and (11)
235 are added to that section, to read:

236 947.005 Definitions.—As used in this chapter, unless the
237 context clearly indicates otherwise:

238 (10) “Public bathing place” has the same meaning as
239 provided in s. 775.215.

240 (11) “Public swimming pool” has the same meaning as
241 provided in s. 775.215.

242 Section 7. Subsections (15) and (16) are added to section
243 947.1405, Florida Statutes, to read:

244 947.1405 Conditional release program.—

245 (15) Effective for a releasee who is convicted of a crime
246 committed on or after July 1, 2026, or who has been previously
247 convicted of a crime committed on or after July 1, 2026, in
248 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
249 or s. 847.0145, against a victim who was younger than 18 years
250 of age at the time of the offense, in addition to any other
251 provision of this section, the commission shall impose the
252 following conditions:

253 (a) A prohibition against living within 1,000 feet of any
254 public swimming pool or public bathing place. A releasee who is
255 subject to this paragraph may not be forced to relocate and does
256 not violate his or her conditional release supervision if he or
257 she is living in a residence that meets the requirements of this
258 paragraph and a public swimming pool or public bathing place is
259 subsequently established within 1,000 feet of his or her
260 residence.

261 (b) A prohibition on working for pay or as a volunteer at

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262 any public swimming pool or public bathing place.

263 (16) In addition to all other conditions imposed, for a
264 releasee who is subject to conditional release for a crime that
265 is committed on or after July 1, 2026, and who has been
266 convicted at any time of committing, or attempting, soliciting,
267 or conspiring to commit, any of the criminal offenses listed in
268 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
269 jurisdiction, against a victim who was younger than 18 years of
270 age at the time of the offense, if the releasee has not received
271 a pardon for any felony or similar violation of law of another
272 jurisdiction necessary for the operation of this subsection, if
273 a conviction of a felony or similar violation of law of another
274 jurisdiction necessary for the operation of this subsection has
275 not been set aside in any postconviction proceeding, or if the
276 releasee has not been removed from the requirement to register
277 as a sexual offender or sexual predator pursuant to s.
278 943.04354, the commission must impose a condition prohibiting
279 the releasee from visiting a public swimming pool or public
280 bathing place without prior approval from his or her supervising
281 officer.

282 Section 8. Present subsections (9) through (13) of section
283 948.001, Florida Statutes, are redesignated as subsections (11)
284 through (15), respectively, and new subsections (9) and (10) are
285 added to that section, to read:

286 948.001 Definitions.—As used in this chapter, the term:

287 (9) “Public bathing place” has the same meaning as provided
288 in s. 775.215.

289 (10) “Public swimming pool” has the same meaning as
290 provided in s. 775.215.

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291 Section 9. Subsections (6) and (7) are added to section
292 948.30, Florida Statutes, to read:

293 948.30 Additional terms and conditions of probation or
294 community control for certain sex offenses.—Conditions imposed
295 pursuant to this section do not require oral pronouncement at
296 the time of sentencing and shall be considered standard
297 conditions of probation or community control for offenders
298 specified in this section.

299 (6) In addition to all other conditions imposed, for a
300 probationer or community controllee whose crime is committed on
301 or after July 1, 2026, and who is placed on supervision for
302 committing, or attempting, soliciting, or conspiring to commit,
303 a violation of s. 787.06(3)(b), (d), (f), or (g); chapter 794;
304 s. 800.04; s. 827.071; s. 847.0135(5); or s. 847.0145 against a
305 victim who was younger than 18 years of age at the time of the
306 offense, the court shall impose the following conditions:

307 (a) A prohibition against living within 1,000 feet of any
308 public swimming pool or public bathing place. A probationer or
309 community controllee who is subject to this paragraph may not be
310 forced to relocate and does not violate his or her probation or
311 community control if he or she is living in a residence that
312 meets the requirements of this paragraph and a public swimming
313 pool or public bathing place is subsequently established within
314 1,000 feet of his or her residence.

315 (b) A prohibition on working for pay or as a volunteer at
316 any public swimming pool or public bathing place.

317 (7) In addition to all other conditions imposed, for a
318 probationer or community controllee who is subject to
319 supervision for a crime that is committed on or after July 1,

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320 2026, and who has been convicted at any time of committing, or
321 attempting, soliciting, or conspiring to commit, any of the
322 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
323 similar offense in another jurisdiction, against a victim who
324 was younger than 18 years of age at the time of the offense, if
325 the offender has not received a pardon for any felony or similar
326 violation of law of another jurisdiction necessary for the
327 operation of this subsection, if a conviction of a felony or
328 similar violation of law of another jurisdiction necessary for
329 the operation of this subsection has not been set aside in any
330 postconviction proceeding, or if the offender has not been
331 removed from the requirement to register as a sexual offender or
332 sexual predator pursuant to s. 943.04354, the court must impose
333 a condition prohibiting the probationer or community controllee
334 from visiting a public swimming pool or public bathing place
335 without prior approval from his or her supervising officer.

336 Section 10. 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 27, 2026

I respectfully request that **Senate Bill #212**, relating to Sexual offenders and Sexual Predators, 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

The Florida Senate

APPEARANCE RECORD

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2/10/26

Meeting Date

Judiciary

Committee

212

Bill Number or Topic

Amendment

Amendment Barcode (if applicable)

Name Ann Salamone for Dr. Deitchman

Phone 561-866-0930

Address 4228 NW 68 TER

Street

Email ABSalamone@aol.com

Orlando

City

FL

State

32606

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 212

2/10/26

Meeting Date

Bill Number or Topic

Judiciary

Committee

Deliver both copies of this form to
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764964

Amendment Barcode (if applicable)

Name Allie McNair

Phone 850-877-2165

Address 2617 Mahan Dr.

Email amcnair@flsheriffs.org

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:

Florida Sheriffs Association

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/10/26 Meeting Date

SB210 Bill Number or Topic

CJ Committee

Amendment Barcode (if applicable)

Name Francine Richmond

Phone 407 620 2752

Address 250 E. 2nd St. Street

Email richmond.francine@gmail.com

Chuluota FL 32766 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)

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The Florida Senate

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SB212

Bill Number or Topic

2/10/26

Meeting Date

GJ

Committee

Amendment Barcode (if applicable)

Name

Francine Richmond for Dr. Emily Horowitz

Phone

407-620-2756

Address

250 E 2nd St.
Street

Email

richmond.francine@gmail.com

Chokolata FL 32766
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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2.10.2026

Meeting Date

212

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Candace McKibben

Phone 850-524-4645

Address 7 Doe Run

Email cturtle55@comcast.net

Street

Crawfordville Florida 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:

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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212

~~372~~

Bill Number or Topic

2/10/26

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name Ann Salamone

Phone 561-866-0930

Address 4228 NW 68 TER

Email ABSalamone@aol.com

Street

Gainesville

City

FL

State

32606

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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2/10/26

Meeting Date

SB 212

Bill Number or Topic

Senate Judiciary

Committee

Amendment Barcode (if applicable)

Name DAVID PEERY

Phone 786-398-7661

Address 721 NE 121st St, Miami 33161

Email peerylaw@gmail.com

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Feb. 10, 2026

Meeting Date

SB 212

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Sarah Fiebig

Phone 904-655-6916

Address 8467 NW 37th Terrace

Email Sarah.Fiebig@gmail.com

Gainesville FL

32653

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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Feb. 10, 2026

Meeting Date

SB 212

Bill Number or Topic

Judiciary

Committee

Amendment

Amendment Barcode (if applicable)

Name Sarah Fiebig for Jeffrey Feldman

Phone 904-655-6916

Address 8467 NW 37th Terrace

Email sarah.fiebig@gmail.com

Gainesville FL 32653

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)

02/10/26

Meeting Date

The Florida Senate APPEARANCE RECORD

212

Bill Number or Topic

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Judiciary

Committee

Amendment Barcode (if applicable)

Name **Lauren Jackson**

Phone **931-265-8999**

Address **205 South Adams St.**

Email **lauren@ericksconsultants.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:

Seminole County Sheriffs 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

§ SB 212

2-10-2026

Meeting Date

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Bill Number or Topic

TUDICANO

Committee

Amendment Barcode (if applicable)

Name

KENNETH GREENE

Phone

904-910-6281

Address

8861 Brookshire G

Email

JM.MT8861@Aol.Com

Street

Jacksonville FL

3225

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)

February 10, 2026

The Florida Senate
APPEARANCE RECORD

212

Meeting Date

Bill Number or Topic

Judiciary

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Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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02/10/2026

Meeting Date

SB 0212

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Molly Hudson

Phone (386) 214-5536

Address 123 W. Indiana Ave

Email mhudson@volusia-sheriff.gov

Street

Deland Fl. 32720

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:

Volusia Sheriffs Office

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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2-10-25

Meeting Date

8B212

Bill Number or Topic

Jud

Committee

Amendment Barcode (if applicable)

Name Linda Greene

Phone 904/728-1326

Address 8861 Brookshire Ct.

Email kwg1479@aol.com

Street

Jacksonville FL 32257

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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2/10/21
Meeting Date

SB 0212
Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Abby Hilley Phone 321-229-7054

Address _____ Email abby.hilley@ocsofl.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: Orange 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 \(flsenate.gov\)](#)

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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.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 218

INTRODUCER: Senator Gaetz and Senator Trumbull

SUBJECT: Land Use Regulations

DATE: February 9, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 218 amends certain provisions in Section 28 of CS/CS/SB 180 (2025),¹ which is an undesignated section of law restricting local government power to regulate land use following hurricanes, to reduce the areas of the state to which the land use regulation restrictions of that section apply.

Section 28 of CS/CS/SB 180 generally prohibited counties and municipalities within the federal disaster declarations for Hurricane Debby, Hurricane Helene, and Hurricane Milton from proposing or adopting moratoriums or more restrictive or burdensome amendments or procedures in their land use regulations for 3 years. Because each of Florida’s 67 counties were listed in at least one of these disaster declarations, all counties and municipalities in the state have been subjected to the restrictions.

The bill narrows the geographic area subject to CS/CS/SB 180’s restrictions by defining what “impacted local governments” are and applying the restrictions only to them. Under the bill, “impacted local governments” are counties and municipalities listed in the federal disaster declarations and designated in them as eligible for individual and public assistance. As a result, 13 counties, and the municipalities within them, will no longer be subject to the restrictions.

The bill’s changes apply retroactively to August 1, 2024.

The bill takes effect on July 1, 2026.

¹ See ch. 2025, s. 28, Laws of Fla. (creating an undesignated section of law).

II. Present Situation:

Presidential Disaster and Emergency Declarations

When there is a disaster in the U.S., the governor of an affected state may request an emergency declaration or a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.² All emergency and disaster declarations are made at the discretion of the President.³ There are two types of disaster declarations: emergency declarations and major disaster declarations.⁴ Both declarations allow for federal assistance to states and local governments; however, they differ in scope, types, and amount of assistance available.⁵

If the President deems federal assistance necessary to address an emergency, the President can declare the situation an emergency, which authorizes the federal government to provide emergency services. The total amount of assistance from an emergency declaration cannot exceed \$5 million unless reported to Congress.⁶

Following a request from a governor, the President may declare a major disaster for any natural event including hurricanes if the President finds that the disaster is of such severity that it is beyond the combined capabilities of state and local governments to respond.⁷ A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.⁸

Federal Disaster Public and Individual Assistance Programs

Pursuant to a disaster declaration, the Federal Emergency Management Agency (FEMA) may implement its “Public Assistance” or “Individual Assistance” programs.

Public Assistance includes assistance for urgent response activities undertaken immediately before or after an incident occurs, as well as long-term recovery assistance completed years later.⁹ A state, tribe, or territory with an applicable disaster declaration serves as the primary grant recipient for Public Assistance; state, local, tribal, and territorial governments and nonprofit entities may then apply for funding as “Applicants.”¹⁰ Public Assistance includes short-term “Emergency Work” such as debris removal or the distribution of food and aid.¹¹ If a major disaster declaration has been made, long-term “Permanent Work” becomes available and includes reimbursement to repair, restore, reconstruct, or replace disaster-damaged public and eligible private nonprofit facilities.¹²

² 42 U.S.C. ss. 5121-5207.

³ FEMA, *How a Disaster Gets Declared*, <https://www.fema.gov/disaster/how-declared> (last visited Jan. 27, 2026).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Congressional Research Service, *A Brief Overview of FEMA’s Public Assistance Program* (Jun. 11, 2025), available at <https://www.congress.gov/crs-product/IF11529>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

When evaluating a request for Public Assistance after an emergency declaration has been made, FEMA considers:

- If the severity and magnitude of the incident exceeds the capacity of state and local governments to respond.
- Whether the incident requires federal supplemental assistance to save lives and protect property, protect public health and safety, or minimize or avert the threat of a disaster.¹³
- Other factors including the estimated cost of the assistance; the concentration of localized impacts; the amount of insurance coverage in force; local hazard mitigation investment, if multiple disasters occurred recently; and whether other programs of federal assistance may be appropriate.¹⁴

FEMA may implement the Individual Assistance program to assist disaster survivors if the President authorizes such assistance pursuant to a declaration of emergency or a major disaster declaration.¹⁵ Individual Assistance may include crisis counseling assistance and training, disaster case management, disaster legal services, disaster unemployment assistance, or individual and household needs and under-insured expenses.¹⁶ A governor of an affected state or territory, or the chief executive of an affected tribal government, must request that the President declare an emergency or major disaster authorizing Individual Assistance.¹⁷ FEMA evaluates specific factors based on information in the request to determine whether there is a need for Individual Assistance.¹⁸ FEMA then makes a recommendation to the President, who has sole discretion to authorize a declaration that provides Individual Assistance, and may additionally limit the types of Individual Assistance that are authorized.¹⁹

When evaluating a governor's request, FEMA considers:

- The fiscal capacity of the state to manage disaster response and recovery.
- The availability of resources.
- Uninsured property losses.
- The demographics of the affected population.
- Impacts to community infrastructure.
- Casualties.
- Disaster-related unemployment.²⁰

For tribal chief executive requests, FEMA evaluates:

- The tribal nation's capacity and resources to respond.
- Uninsured property losses and existing conditions.
- The demographics of the affected population.
- Impacts to community infrastructure and cultural facilities.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Congressional Research Service, *A Brief Overview of FEMA's Individual Assistance Program* (Mar. 3, 2025), available at <https://www.congress.gov/crs-product/IF11298>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

- Casualties, injuries, and missing individuals.
- Disaster-related unemployment.
- Displaced households and housing resources.
- Unique conditions affecting tribal nations.
- The 36-month disaster history or recent multiple disasters.
- Other relevant information.²¹

Additionally, when a Tribal Nation requests Public Assistance and there is damage to tribally owned and individually owned housing, FEMA's guidance says it will recommend approving Individual Assistance if the Tribal Nation wants to receive Individual Assistance, if Public Assistance is approved, and if the disaster has damaged or destroyed assistance-eligible housing.²²

2024 Hurricane Season

Hurricane Debby

Forming into a tropical depression on August 3, 2024, Debby intensified into a Category 1 hurricane less than 12 hours before landfall.²³ Hurricane Debby made landfall near Steinhatchee in Taylor County at around 7 a.m. on August 5, 2024.²⁴ Debby brought storm surge of 3 to 5 feet across portions of the Nature Coast and the southeast Big Bend, causing damage to areas where many were still recovering from Hurricane Idalia from the year before.²⁵ Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.²⁶ Rainfall amounts of 8 to 12 inches resulted in widespread flooding in southeast Madison and eastern Lafayette counties, while in Suwannee and Gilchrist counties, rainfall amounts approaching 15 inches were observed.²⁷ Flooding lasted for several weeks in Madison County after landfall due to the influx of rainfall putting pressure on the groundwater system, which subsequently triggered new flooding as water came up from the ground.²⁸ Flooding along the Suwannee River continued 3 weeks after landfall.²⁹

²¹ *Id.*

²² *Id.*

²³ National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, <https://www.weather.gov/tae/HurricaneDebby2024> (last visited Jan. 27, 2026).

²⁴ *Id.*

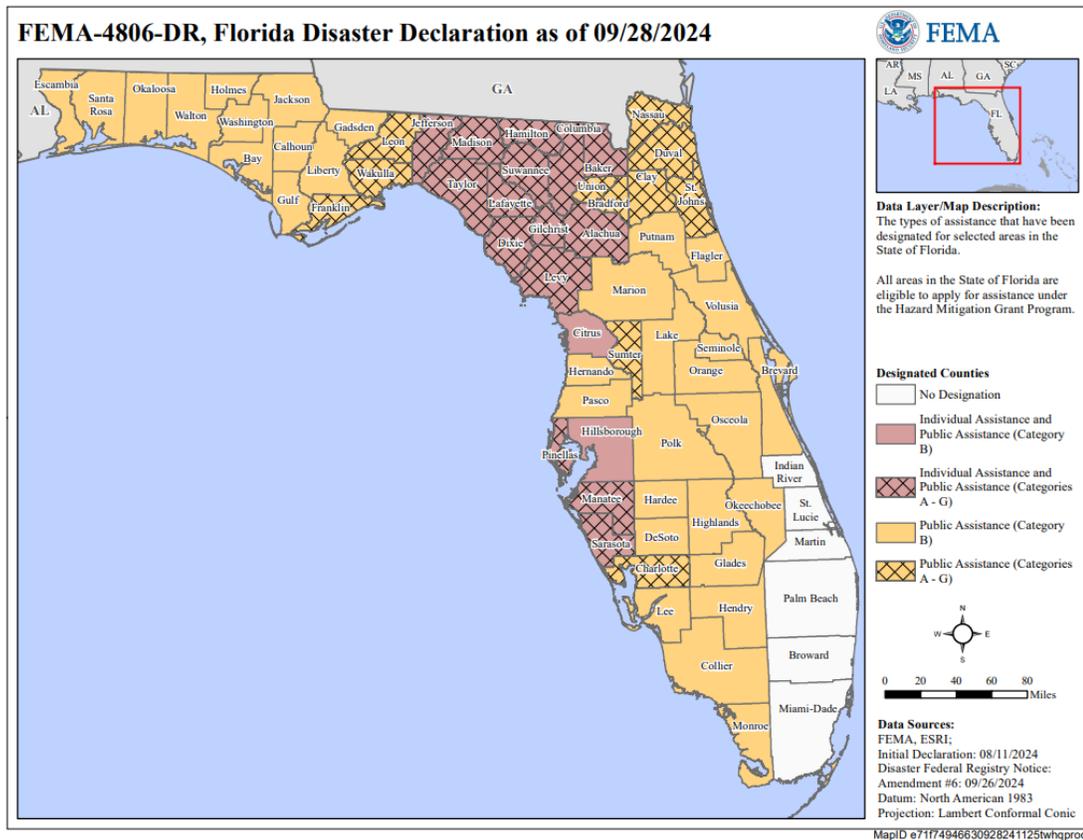
²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*



Disaster Declaration Map for Hurricane Debby

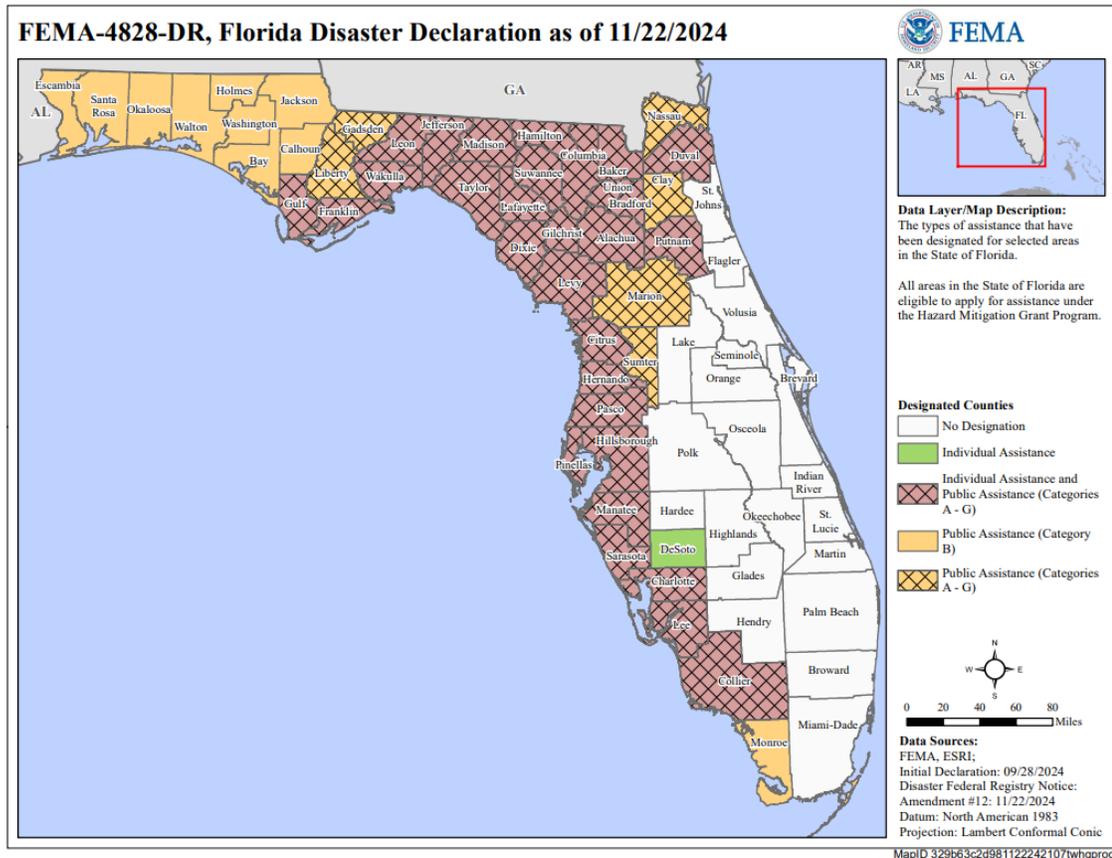
Hurricane Helene

Due to high oceanic heat and the abatement of wind shear, conditions were favorable for Helene to rapidly intensify from a Category 1 hurricane into a Category 4 hurricane from September 25 to September 26, 2024.³⁰ Helene hit a maximum of 140 mph for sustained winds just before making landfall near Perry, just east of the mouth of the Aucilla River around 11:10 p.m. on September 26, 2024.³¹ While the storm moved quickly across the state, this did not lessen the impacts.³² The wind field of Helene was among the top 10 percent of all recorded storms resulting in widespread wind impacts and hurricane-force gusts extending further inland than most systems.³³ Much of the area affected by the storm experienced 4 to 8 inches of rainfall, but the heaviest amounts were observed near the Apalachicola State Forest where radar estimates indicated 10 to 18 inches of rain.³⁴ A large upper-level trough to the west of Helene helped funnel abundant tropical moisture northward well before landfall, creating conditions that led to significant impacts from heavy rainfall and flooding.³⁵ Many counties across the Panhandle reported flooding and washed-out roads.³⁶ The combination of Helene’s large size and extremely

³⁰ National Weather Service, *Hurricane Helene Makes Landfall in the Florida Big Bend September 26-27, 2024*, <https://www.weather.gov/tac/helene2024> (last visited Jan. 27, 2026).

³¹ *Id.*
³² *Id.*
³³ *Id.*
³⁴ *Id.*
³⁵ *Id.*
³⁶ *Id.*

fast forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.³⁷ In Cedar Key, the storm surge level of 9.3 feet exceeded the level of 6.89 feet observed during Hurricane Idalia the previous year.³⁸ Preliminary data for Taylor and Dixie counties estimated more than 15 feet of surge, while areas near Tampa saw levels over 6 feet.³⁹



Disaster Declaration Map for Hurricane Helene

Hurricane Milton

Just shy of 2 weeks after Hurricane Helene’s landfall in Florida, Hurricane Milton made landfall around 8:30 p.m. on October 9, 2024 at Siesta Key in Sarasota County.⁴⁰ At landfall, Milton was a Category 3 hurricane with maximum sustained winds of 120 mph.⁴¹ Hurricane Milton spawned a record tornado outbreak, resulting in a total of 47 confirmed tornados on October 9, 2024, covering 400 miles and causing 7 deaths and 14 injuries.⁴² Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20 inches, measured in

³⁷ *Id.*

³⁸ Emily Powell, Florida Climate Center, *Hurricane Helene Post-Storm Summary Report* (Oct. 7, 2024), available at <https://climatecenter.fsu.edu/images/docs/Hurricane-Helene-Summary-Report.pdf>.

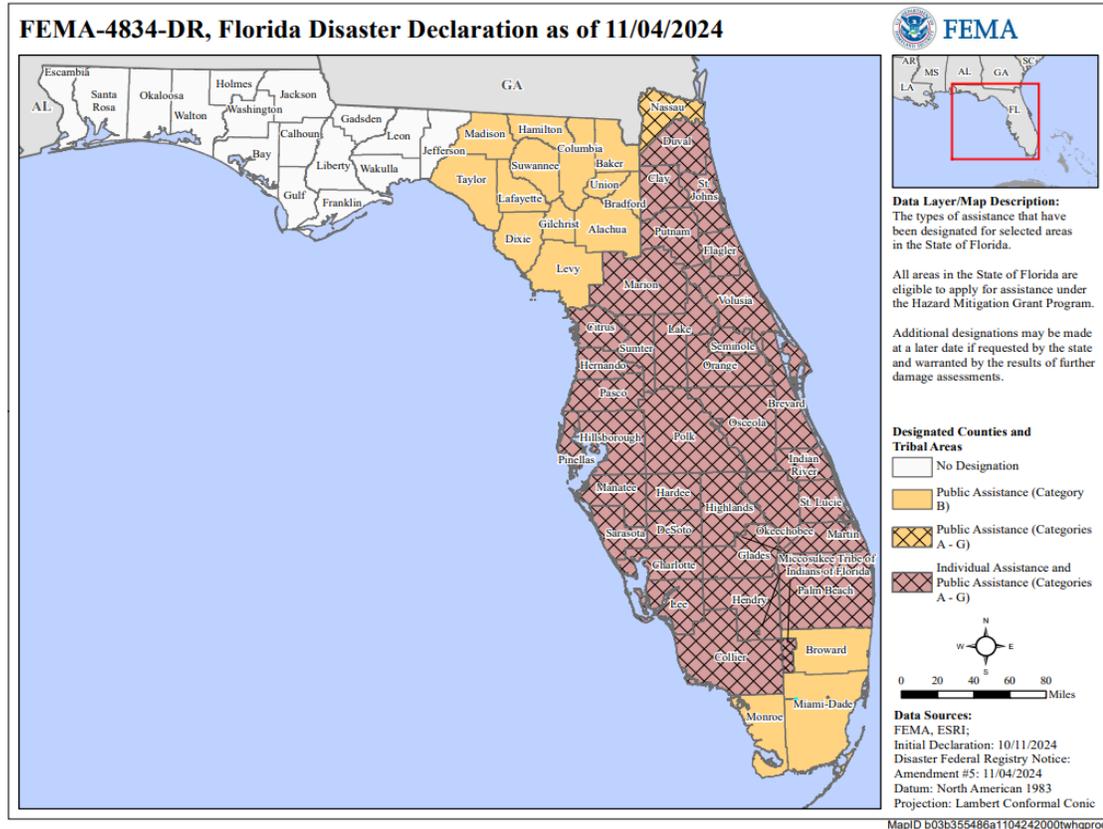
³⁹ *Id.*

⁴⁰ National Weather Service, *Hurricane Milton Impacts to East Central Florida*, https://www.weather.gov/mlb/HurricaneMilton_Impacts (last visited Jan. 27, 2026).

⁴¹ Emily Powell, Florida Climate Center, *Post-Storm Summary Report on Hurricane Milton* (Oct. 31, 2024), available at <https://climatecenter.fsu.edu/images/docs/Hurricane-Milton-Report.pdf>.

⁴² *Id.*

the Clearwater Beach and St. Petersburg areas.⁴³ In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.⁴⁴ The hydrograph at Astor for the St. Johns River showed a new record high level on October 10, 2024, of 4.81 feet, while the Hillsborough River crested at a new record of 38.16 feet at Morris Bridge on October 12, 2024.⁴⁵ Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.⁴⁶ National Oceanic and Atmospheric Administration gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.⁴⁷ Enormous amounts of sand were displaced along Florida’s west-central coast following Hurricanes Helene and Milton, which eroded beaches and undid previous beach renourishment projects.⁴⁸



Disaster Declaration Map for Hurricane Milton

Community Planning

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.⁴⁹ Each county and municipality must maintain a comprehensive plan to guide future development.⁵⁰

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Section 163.3167(1), F.S.

⁵⁰ Section 163.3167(2), F.S.

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.⁵¹ A comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.⁵²

A local government's comprehensive plan lays out the locations for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.⁵³

A comprehensive plan is implemented through the adoption of land development regulations⁵⁴ that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.⁵⁵ Such regulations must, among other prescriptions, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.⁵⁶ Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.⁵⁷

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.⁵⁸

Development Permits and Orders

The Community Planning Act defines "development" as "the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels."⁵⁹ When a party wishes to engage in development activity, they must seek a development permit from the appropriate local government having jurisdiction. A development permit is defined to include "any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land."⁶⁰ Once a local government has officially granted or denied a development permit, the

⁵¹ Section 163.3194(3), F.S.

⁵² Section 163.3177(1), F.S.

⁵³ Section 163.3177(6), F.S.

⁵⁴ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213 (relating to administrative review of land development regulations). *See* s. 163.3164(26), F.S.

⁵⁵ Section 163.3202, F.S.

⁵⁶ *Id.*

⁵⁷ Section 163.3213, F.S.

⁵⁸ Sections 163.3174(4)(a) and 163.3184, F.S.

⁵⁹ Section 163.3164(14), F.S.

⁶⁰ Section 163.3164(16), F.S.

official action constitutes a development order.⁶¹ A development order vests certain rights related to the land.⁶²

Land Use Regulations for Local Governments Affected by Natural Disasters

During the 2025 Regular Session, the Legislature passed CS/CS/SB 180. The bill was signed by the Governor and became ch. 2025-190, Laws of Florida. The act included two sections that impacted local government land use regulation authority after storms: Section 18 creating s. 252.422, F.S., and Section 28 creating an undesignated section of law.

Section 18

Section 252.422, F.S., provided new restrictions on county or municipal land use regulations after a hurricane. For one year after a hurricane makes landfall, the section prohibits a county listed in a federal disaster declaration, or a municipality located within such a county, and located entirely or partially within 100 miles of a hurricane's track from proposing or adopting:

- A moratorium on construction, reconstruction, or redevelopment of any property.
- A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.
- A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order.

The section allowed for enforcement pursuant to the following exceptions:

- The associated application is initiated by a private party other than the impacted local government and the property is owned by the initiating private party.
- The proposed comprehensive plan amendment was submitted to reviewing agencies before landfall.
- The proposed comprehensive plan amendment or land development regulation is approved pursuant to requirements for areas of critical state concern.

The section also includes a procedure for any person to file suit for declaratory and injunctive relief to enforce the section.

Section 28

In Section 28, the Legislature directs the Office of Program Policy Analysis and Government Accountability to study actions taken by local governments after hurricanes related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. It also requires the office to submit the study to the Legislature by December 1, 2025.

Section 28 created a temporary 3-year prohibition against any county or municipality within the counties listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton from proposing or adopting:

⁶¹ See s. 163.3164(15), F.S.

⁶² See s. 163.3167(3), F.S.

- A moratorium on construction, reconstruction, or redevelopment of property damaged by the hurricanes.
- More restrictive or burdensome amendments to its comprehensive plan or land development regulations.
- More restrictive or burdensome procedures to its comprehensive plan or land development regulations concerning the review, approval or issuance of a site plan, development permit, or development order.

Any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure is declared null and void ab initio. The restrictions of this section apply retroactively to August 1, 2024, and until October 1, 2027, with the section scheduled to expire on June 30, 2028.

The section also creates a cause of action for residents or business owners in a county or municipality to seek declaratory and injunctive relief against the county or municipality for violations.

III. Effect of Proposed Changes:

The bill amends certain provisions in Section 28 of CS/CS/SB 180 (2025), which is an undesignated section of law restricting local government power to regulate land use following hurricanes, to reduce the areas of the state to which the land use regulation restrictions of that section apply.

Currently, each county and municipality within the counties listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton are subject to the retroactive, 3-year prohibition on proposing or adopting moratoriums or more restrictive or burdensome comprehensive plan amendments, land development regulations, or procedures. Because each of Florida’s 67 counties were listed in at least one of the disaster declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton, all counties and municipalities in this state have been subject to the restrictions.

The bill defines the term “impacted local government” to mean a county or municipality within a county that was designated, or within which a tribal area was designated, as eligible for both individual and public assistance in one of the federal disaster declarations and applies the restrictions to these impacted local governments. Thus, under the bill, the following counties and the municipalities within them will be subject to the restrictions:

- | | | |
|------------------|------------------|---------------------|
| Alachua County | Columbia County | Hamilton County |
| Baker County | DeSoto County | Hardee County |
| Bradford County | Dixie County | Hendry County |
| Brevard County | Duval County | Hernando County |
| Broward County | Flagler County | Highlands County |
| Charlotte County | Franklin County | Hillsborough County |
| Citrus County | Gilchrist County | Indian River County |
| Clay County | Glades County | Jefferson County |
| Collier County | Gulf County | Lafayette County |

Lake County	Okeechobee County	Seminole County
Lee County	Orange County	St. Johns County
Leon County	Osceola County	St. Lucie County
Levy County	Palm Beach County	Sumter County
Madison County	Pasco County	Suwannee County
Manatee County	Pinellas County	Taylor County
Marion County	Polk County	Union County
Martin County	Putnam County	Volusia County
Miami-Dade County	Sarasota County	Wakulla County

The following counties and the municipalities within them will not be subject to the restrictions:

Bay County	Holmes County	Santa Rosa County
Calhoun County	Jackson County	Walton County
Escambia County	Liberty County	Washington County
Gadsden County	Monroe County	
Gulf County	Okaloosa County	

The bill provides that the changes to Section 28 of ch. 2025-190 apply retroactively to August 1, 2024, which aligns with the retroactive date as originally passed in CS/CS/SB 180.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues, therefore the provisions of Article VII, s. 18 of the Florida Constitution do not apply.

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:

With respect to the 13 counties to which the restrictions of Section 28 of CS/CS/SB 180 will no longer apply under the bill, property owners may encounter new regulatory challenges at the local level in connection with the repair and reconstruction of property.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that its changes to Section 28 of CS/CS/SB 180 (2025) apply retroactively to August 1, 2024. This means that the 13 counties, and the municipalities within them, will no longer be subject to the restrictions of Section 28 of CS/CS/SB 180 (2025) and the local governments in them will again be able to enforce their moratoriums or restrictive or burdensome comprehensive plan amendments, land development regulations, and procedures against property owners.

It is unclear the extent to which the bill will adversely affect property owners in these counties and municipalities. In some cases, property owners may have already relied upon CS/CS/SB 180's original provisions to repair or reconstruct their properties, and their rights to these repaired or reconstructed properties may be legally vested. In other cases, property owners may have delayed repairing or reconstructing their properties under the presumption that the restrictions would remain in place until October 1, 2027. Unexpectedly, such property owners will now be unable to rebuild their properties or will incur additional costs to rebuild in compliance with heightened standards.

Accordingly, the Legislature may wish to clarify the extent to which the local governments no longer subject to CS/CS/SB 180's restrictions under the bill may again enforce moratoriums or other or restrictive or burdensome comprehensive plan amendments, land development regulations, and procedures against property owners.

VIII. Statutes Affected:

This bill substantially amends chapter 205-190 of the Laws of Florida.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Gaetz

1-00206A-26

2026218__

1 A bill to be entitled
 2 An act relating to land use regulations; amending
 3 chapter 2025-190, Laws of Florida; defining the term
 4 "impacted local government"; making conforming
 5 changes; providing for retroactive application;
 6 providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Section 28 of chapter 2025-190, Laws of Florida,
 11 is amended to read:
 12 Section 28. (1) As used in this section, the term
 13 "impacted local government" means a county listed in the Federal
 14 Disaster Declaration for Hurricane Debby (DR-4806), Hurricane
 15 Helene (DR-4828), or Hurricane Milton (DR-4834) which was
 16 designated or within which a tribal area was designated as
 17 eligible for both individual assistance and public assistance
 18 under the Robert T. Stafford Disaster Relief and Emergency
 19 Assistance Act, 42 U.S.C. ss. 5121 et seq., and each
 20 municipality within one of those counties.
 21 (2) An impacted local government ~~Each county listed in the~~
 22 ~~Federal Disaster Declaration for Hurricane Debby (DR-4806),~~
 23 ~~Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and~~
 24 ~~each municipality within one of those counties,~~ may not propose
 25 or adopt any moratorium on construction, reconstruction, or
 26 redevelopment of any property damaged by Hurricane Debby,
 27 Hurricane Helene, or Hurricane Milton ~~such hurricanes~~; propose
 28 or adopt more restrictive or burdensome amendments to its
 29 comprehensive plan or land development regulations; or propose

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

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30 or adopt more restrictive or burdensome procedures concerning
 31 review, approval, or issuance of a site plan, development
 32 permit, or development order, to the extent that those terms are
 33 defined by s. 163.3164, Florida Statutes, before October 1,
 34 2027, and any such moratorium or restrictive or burdensome
 35 comprehensive plan amendment, land development regulation, or
 36 procedure shall be null and void ab initio. This subsection
 37 applies retroactively to August 1, 2024.
 38 (3)(2) ~~Notwithstanding subsection (2) (1),~~ any
 39 comprehensive plan amendment, land development regulation
 40 amendment, site plan, development permit, or development order
 41 approved or adopted by an impacted local government ~~a county or~~
 42 ~~municipality~~ before or after the effective date of this act may
 43 be enforced if:
 44 (a) The associated application is initiated by a private
 45 party other than the impacted local government ~~county or~~
 46 ~~municipality~~.
 47 (b) The property that is the subject of the application is
 48 owned by the initiating private party.
 49 (4) (a) (3) (a) ~~A resident of or the owner of a business in an~~
 50 impacted local government ~~a county or municipality~~ may bring a
 51 civil action for declaratory and injunctive relief against the
 52 impacted local government ~~county or municipality~~ for a violation
 53 of this section. Pending adjudication of the action and upon
 54 filing of a complaint showing a violation of this section, the
 55 resident or business owner is entitled to a preliminary
 56 injunction against the impacted local government ~~county or~~
 57 ~~municipality~~ preventing implementation of the moratorium or the
 58 comprehensive plan amendment, land development regulation, or

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

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59 procedure. If such civil action is successful, the resident or
60 business owner is entitled to reasonable attorney fees and
61 costs.

62 (b) Attorney fees and costs and damages may not be awarded
63 pursuant to this subsection if:

64 1. The resident or business owner provides the governing
65 body of the impacted local government ~~county or municipality~~
66 written notice that a proposed or enacted moratorium,
67 comprehensive plan amendment, land development regulation, or
68 procedure is in violation of this section; and

69 2. The governing body of the impacted local government
70 ~~county or municipality~~ withdraws the proposed moratorium,
71 comprehensive plan amendment, land development regulation, or
72 procedure within 14 days; or, in the case of an adopted
73 moratorium, comprehensive plan amendment, land development
74 regulation, or procedure, the governing body of an impacted
75 local government ~~a county or municipality~~ notices an intent to
76 repeal within 14 days after receipt of the notice and repeals
77 the moratorium, comprehensive plan amendment, land development
78 regulation, or procedure within 14 days thereafter.

79 ~~(5)(4)~~ This section expires June 30, 2028.

80 Section 2. The amendments made by this act to s. 28 of
81 chapter 2025-190, Laws of Florida, apply retroactively to August
82 1, 2024.

83 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 26, 2026

I respectfully request that **Senate Bill #218**, relating to Land Use Regulations, be placed on the:

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



Senator Don Gaetz
Florida Senate, District 1

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 442

INTRODUCER: Senator Yarborough

SUBJECT: Return of Certain Search Warrants

DATE: February 9, 2026

REVISED: _____

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

I. Summary:

SB 442 amends s. 933.05, F.S., to extend the time from 45 days to 365 days within which a search warrant for a computer, computer system, or an electronic device must be returned to the court. The computer, computer system, or electronic device must be in the actual possession of a law enforcement agency when the search warrant is issued.

The bill is not likely to have a fiscal impact. See Section V., Fiscal Impact Statement.

The bill becomes effective July 1, 2026.

II. Present Situation:

Search Warrant

A search warrant is a written order issued by a judge that authorizes a law enforcement officer to search a specific place and seize evidence.¹ A warrant may not be issued unless the person seeking the warrant demonstrates in an affidavit that probable cause exists to believe that the evidence sought will aid in apprehending someone for a particular offense. The warrant must describe with particularity the place that is to be searched and the items to be seized.²

Digital Evidence

Law enforcement agencies can glean a lot of information from a criminal suspect's computer, computer system, and electronic devices.³ The Florida Department of Law Enforcement (FDLE) relies on specialized tools and techniques to recover data from electronic devices that have been

¹ BLACK'S LAW DICTIONARY (12th ed. 2024).

² Section 933.05, F.S., and 14A Fla. Jur 2d Criminal Law – Procedure: Pretrial Matters s. 657.

³ Section 815.03, F.S., provides definitions for these terms.

used or involved in criminal cases. An increasing number of devices and gadgets, including laptops, cell phones, gaming consoles, and Internet of Things (IoT),⁴ are being used by both victims and perpetrators of crimes. The digital evidence gathered from these devices, such as web browser history, location data, text messages, and call records can provide significant insight into the events and activities surrounding a particular crime or incident. Digital evidence analysts rely on advanced forensic tools and techniques to retrieve and extract data; however, they frequently encounter the challenges created by encryption and passcodes, damaged and corroded devices, and deleted data recovery.⁵

Law enforcement officials point out that strong, end-to-end encryption on devices, or what they have called “warrant-proof encryption,” prevents them from gaining lawful access to certain data. Companies that employ such strong encryption have emphasized that they do not hold encryption keys. The practical effect is that they may not be readily able to unlock, or decrypt, the devices or communications—even if a law enforcement officer presents an authorized search warrant or wiretap order.⁶

A law enforcement agency’s efforts to gain access to a device or its content may be affected by several factors. For example, if a law enforcement agency attempts to unlock a device it would likely use software to try multiple combinations of keys in an effort to unlock the device. The agency’s success may depend, however, on the amount of time available to try and unlock the device.⁷

Search and Seizure Process

Section 933.04, F.S., states “The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated and no search warrant shall be issued except upon probable cause, supported by oath or affirmation particularly describing the place to be searched and the person and thing to be seized.”⁸ Similarly, the State Constitution provides this same guarantee but adds the provision that this right extends to the people “against the unreasonable interception of private communications by any means.”⁹

When proper affidavits are made, a search warrant may be issued under the provisions of ch. 933, F.S., upon any of the following grounds:

- When the property was stolen or embezzled in violation of law;
- When any property was used:
 - As a means to commit any crime;

⁴ “Internet of Things” is described as a network of devices that are interrelated and connect and exchange data with similar devices and the cloud. The devices are generally embedded with various forms of technology which might include sensors and software. Alexander S. Gillis and Kinza Yasar, TechTarget Network, *What is IoT (internet of things)?* (July 21, 2025) <https://www.techtarget.com/iotagenda/definition/Internet-of-Things-IoT>.

⁵ *Digital and Multimedia Evidence*, Forensics Disciplines, FDLE, available at <https://www.fdle.state.fl.us/Forensics/Disciplines/Digital-Evidence>, (last viewed February 3, 2026).

⁶ Kristin Finklea, Congressional Research Service, *Law Enforcement and Technology: The “Lawful Access” Debate* (Jan. 16, 2024) https://www.congress.gov/crs_external_products/IF/PDF/IF11769/IF11769.3.pdf.

⁷ *Id.*

⁸ Section 933.04, F.S. This section of the Florida Statutes is nearly identical to the Fourth Amendment of the U.S. Constitution, which must also be followed in matters related to search and seizure and privacy. See U.S. CONST. amend. IV.

⁹ FLA. CONST. art. I, s. 12.

- In connection with gambling, gambling implements, and appliances; or
- In violation of s. 847.011, F.S., or other laws in reference to obscene prints and literature;
- When any property constitutes evidence relevant to proving that a felony has been committed; and
- When any property is being held or possessed in violation of:
 - Any of the laws prohibiting the manufacture, sale, and transportation of intoxicating liquors;
 - The fish and game laws;
 - The laws relative to food and drug; or
 - The laws related to citrus disease pursuant to s. 581.184, F.S.; or
- When the laws in relation to cruelty to animals, as provided in ch. 828, F.S., have been or are violated in any building or place.

This section also applies to any papers or documents used as a means of or in aid of the commission of any offense against the laws of the state.¹⁰

A search warrant cannot be issued:

- Except upon probable cause supported by an affidavit or affidavits naming or describing the person, place, or thing to be searched and particularly describing the property or thing to be seized.
- In blank.

Any search warrant must be returned within 10 days after it is issued; however, a search warrant issued for a computer, a computer system, or an electronic device, that is in the actual possession of a law enforcement agency at the time the warrant is issued, must be returned to the court within 45 days after issuance thereof.¹¹

Search Warrant Litigation and 2025 Legislation

A defendant was suspected of possessing child pornography in Manatee County in 2020. The sheriff's office seized his two mobile phones, a tablet, and a laptop. The detectives later applied for search warrants, one of which was for a forensic search of the devices. The circuit court issued the search warrant in July but one of the detectives working on the case admitted that the warrant was not executed until sometime in September, long past the 10 day period. The defendant moved to suppress the evidence but the circuit court rejected his argument finding that he had not been prejudiced by the time delay. On appeal, the Second District Court of Appeal noted that "the legislature has decided that ten days is a reasonable time" and that the language had been in place for over a century. The court reversed the judgment and sentences of the lower court and remanded the case for dismissal of the charges.¹²

Section 933.05, F.S., was amended by the Legislature during the 2025 Session to increase the time frame from 10 to 45 days within which a search warrant for a computer, a computer system,

¹⁰ Section 933.02, F.S.

¹¹ Section 933.05, F.S.

¹² *Moschella v. State*, 413 So. 3d 851 (Fla. 2d DCA 2025).

or an electronic device must be returned to the court.¹³ At the time the search warrant for the computer, computer system, or electronic device is issued by the court, the property must be in the actual possession of a law enforcement agency.

III. Effect of Proposed Changes:

SB 442 amends s. 933.05, F.S., to give a law enforcement agency up to 365 days to return a search warrant to the court for a computer, a computer system, or an electronic device. The computer, computer system, or electronic device must be in the actual possession of a law enforcement agency *at the time such search warrant is issued* for the 365 day return date to apply.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require 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.

¹³ Ch. 2025-176, s. 7, Laws of Fla. Note that other search warrants must be returned within 10 days of the warrant's issue date.

C. **Government Sector Impact:**

The bill may not have a fiscal impact on local law enforcement agencies unless the bill results in law enforcement agencies storing the computers, computer systems, and electronic devices until such time as secure storage becomes less available for other items, and secure storage will have to be increased.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 933.05 of the Florida Statutes.

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

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

None.

B. **Amendments:**

None.

By Senator Yarborough

4-00808-26

2026442__

1 A bill to be entitled
2 An act relating to return of certain search warrants;
3 amending s. 933.05, F.S.; extending the time period
4 within which a search warrant issued for computers,
5 computer systems, or electronic devices that are in
6 the actual possession of a law enforcement agency at
7 the time the warrant is issued must be returned to the
8 court; providing an effective date.
9
10 Be It Enacted by the Legislature of the State of Florida:
11
12 Section 1. Section 933.05, Florida Statutes, is amended to
13 read:
14 933.05 Issuance in blank prohibited.—A search warrant
15 cannot be issued except upon probable cause supported by
16 affidavit or affidavits, naming or describing the person, place,
17 or thing to be searched and particularly describing the property
18 or thing to be seized; a ~~no~~ search warrant may not ~~shall~~ be
19 issued in blank, and any such warrant must ~~shall~~ be returned
20 within 10 days after issuance thereof, except that a search
21 warrant issued for a computer, a computer system, or an
22 electronic device, as those terms are defined in s. 815.03, that
23 is in the actual possession of a law enforcement agency at the
24 time such warrant is issued must ~~shall~~ be returned to the court
25 within 365 ~~45~~ days after issuance thereof.
26 Section 2. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

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

2/10/26

Meeting Date

Judiciary
Committee

SB 442

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Omar Raschid, Exec. Director 6th Circuit State Atty office

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Clearwater

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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:

6th Circuit
State Atty'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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

February 10, 2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

442

Bill Number or Topic

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

Judiciary

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

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Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 442

2/10/26

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 Allie McNair

Phone 850-877-2165

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Street

Email amcnair@flsheriffs.org

Tallahassee
City

FL
State

32308
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 Sheriffs Association

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

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

02/19/2024

Meeting Date

SB 0442

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

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Email mhudson@volusiaSheriff.gov

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Deland FL 32720

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:

Volusia Sheriffs Office

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.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 460

INTRODUCER: Senator Polsky

SUBJECT: Special Elections

DATE: February 9, 2026

REVISED: _____

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

I. Summary:

SB 460 revises the requirements under Florida’s Election Code for the ordering and scheduling of special primary elections and special elections required to fill a vacancy in certain offices by:

- Requiring the Governor, upon a vacancy, to call a special primary election and special election by a statutorily proscribed deadline.
- Requiring the Governor to call and schedule such special primary elections and special elections, after consultation: to the earliest date feasible to hold such elections, to coincide with existing scheduled elections if possible, to schedule such elections no later than a certain number of days from the occurrence of the vacancy, and require a minimum amount of time between the special primary elections and special elections.
- Providing certain people are deemed elected under specific circumstances.
- Providing timeframes for the scheduling of special primary elections and special elections, relating to vacancies involving: offices having certain time remaining on its term of office, legislative offices that become vacant within a certain period before legislative session, and vacancies that occur under Florida’s “Resign to Run Law.”
- Providing qualified electors standing to file petitions with the circuit court, seeking a judicial order to enforce the requirements under the bill on an expedited basis.

The bill takes effect on July 1, 2026.

II. Present Situation:

Florida Election Code: Filling Vacancies by Special Election

The Florida Election Code (“Code”) provides for special elections and special primary elections where vacancies¹ occur in certain offices that cannot be filled by appointment:²

- If no person has been elected at a general election to fill an office that was required to be filled by election at such general election.
- If a vacancy occurs in the office of state senator or member of the state house of representatives.
- If it is necessary to elect presidential electors, by reason of the offices of President and Vice President both having become vacant.
- If a vacancy occurs in the office of a member of the U.S. House of Representatives from Florida .

Under the Code, if a vacancy occurs in any office which is required to be filled pursuant to s. 1(f), Art. IV of the Florida Constitution and the remainder of the term of the office is 28 months or longer, then a person must be elected to fill the unexpired portion of the term at the next general election, beginning on the first Tuesday after the first Monday following the general election.³ If a vacancy occurs prior to the first day set by law for qualifying for election to office at the next general election, any person seeking nomination or election to the unexpired portion of the term must qualify within the time prescribed by law for qualifying for other offices to be filled by election at such general election.⁴ If a vacancy occurs prior to the primary election but on or after the first day set by law for qualifying, the Secretary of State must set dates for qualifying for the unexpired portion of the term of such office.⁵ Any person seeking nomination or election to the unexpired portion of the term must qualify within the time set by the Secretary of State.⁶ If time does not permit party nominations to be made in conjunction with the primary election, the Governor **may** call a special primary election to select party nominees for the unexpired portion of such term.⁷

¹ See Section 3, art X, Fla. Const. (Vacancy in office occurs, “... upon the creation of an office, upon the death, removal from office, or resignation of the incumbent or the incumbent’s succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term”); s. 114.01(1), F.S. (Office deemed vacant in certain circumstances, “(1) A vacancy in office shall occur: (a) Upon creation of an office. (b) Upon the death of the incumbent officer. (c) Upon removal of the officer from office. (d) Upon the resignation of the officer and acceptance thereof by the Governor. (e) Upon the succession of the officer to another office. (f) Upon the officer’s unexplained absence for 60 consecutive days. (g) Upon the officer’s failure to maintain the residence required of him or her by law. (h) Upon the failure of a person elected or appointed to office to qualify for office within 30 days from the commencement of the term of office. (i) Upon the refusal of the person elected or appointed to accept the office. (j) Upon the conviction of the officer of a felony as defined in s. 10, Art. X of the State Constitution. (k) Upon final adjudication, in this state or in any other state, of the officer to be mentally incompetent. (l) Upon the rendition of a final judgment of a circuit court of this state declaring void the election or appointment of the incumbent to office.”).

² Section 100.101, F.S.

³ Section 100.111(1)(a), F.S.

⁴ Section 100.111(1)(b), F.S.

⁵ Section 100.111(1)(c), F.S.

⁶ *Id.*

⁷ *Id.*

Whenever there is a vacancy for which a special election is required pursuant to s. 100.101, F.S., the Governor, after consultation with the Secretary of State, must call and schedule fixed dates for a special primary election and a special election.⁸ Before setting special election dates, the Governor must consider any upcoming elections in the jurisdiction where the special election will be held.⁹ The Governor must fix specific certain, nonconditional, days, for such special primary elections and special elections.¹⁰ The fixed dates must be at least 2 weeks between each election.¹¹

If a vacancy occurs in the office of state Senator or member of the House of Representative when the Legislature is in regular legislative session, the minimum times required under s. 100.111(2), F.S., may be waived upon the agreement of the Governor, the Speaker of the House of Representatives, and the President of the Senate.¹² If a vacancy occurs in the office of a state Senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for the special primary election and for the special election to coincide with the dates of the primary election and general election.¹³ If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill the vacancy.¹⁴ The dates for candidates to qualify in such special election or special primary election must be fixed by the Department of State, and candidates must qualify no later than noon of the last day fixed to qualify.¹⁵ The dates fixed for qualifying must allow a minimum of 14 days between the last day of qualifying and the special primary election.¹⁶

When a special election is required to fill any vacancy in office, the Governor, after consultation with the Secretary of State, must issue an order declaring a special election and the day the election must be held and the Governor must deliver this order to the Department of State.¹⁷ The Department of State is required to prepare a notice stating what offices are to be filled in the special election, the dates set for the special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the petition process pursuant to s. 99.095, F.S., and the date fixed for filing campaign expenses.¹⁸ The Department of State must deliver a copy of the notice to the supervisor of elections of each county in which the special election is to be held.¹⁹

⁸ Section 100.111(2), F.S. (Nominees of political parties shall be chosen under the primary laws of this state in the special primary election to become candidates in the special election).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 100.111(2)(a), F.S.

¹⁶ *Id.*

¹⁷ Section 100.141(1), F.S.

¹⁸ Section 100.141(2), F.S.

¹⁹ Section 100.141(3), F.S. (The Supervisor of Elections is required to have the notice published two times in a newspaper of general circulation in the county at least 10 days before the first day set for qualifying for office or, for at least 10 days before the first day set for qualifying for office, publish notice on the county's website as provided in section 50.0311, Florida Statutes, or on the supervisor's website).

Florida's Resign-to-Run Law and Its Effect on Vacancies

Under Florida law, an officeholder is required to submit a resignation from their current office before qualifying as a candidate for another office, if the term of that second office would overlap with their current office.²⁰ The resignation must be irrevocable.²¹ The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek.²² The written resignation must be effective no later than the earlier of the date the officer would take office, if elected, or the date the officer's successor is required to take office.²³ The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.²⁴ Any officer who submits his or her resignation, effective immediately or effective on a date prior to the date of his or her qualifying for office, may then qualify for office as a nonofficeholder.²⁵

Special Primary Elections and General Special Elections

According to a lawsuit filed in Leon County, since January 1, 1999, there have been 80 vacancies in congressional and legislative offices in Florida filled by special election.²⁶ For the 65 vacancies arising between 1999 and 2020, on average, it took 7.6 days for the Governor to call a special election after the vacancy arose.²⁷

From 2017 to 2026 there have been 35 vacancies in congressional and legislative offices in Florida, requiring the Governor to order a special election.²⁸ These vacancies occurred ranging from the death, succession to a new office, and resignation of the office holder.²⁹

The time between the first notice that a vacancy of an office occurred or will occur and the time the Governor issued an order to hold a special election to fill the vacancy has varied greatly from 2027 to 2026.³⁰ During this time period, Governors have issued orders to hold special elections the same day they receive notice that a vacancy has occurred, compared to waiting longer than 90 days in some instances to issue such an order.

²⁰ Section 99.012(3)(a), F.S. (“No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds”; *See also* Section 99.012(4)(a), F.S. (In regards to any officer who qualifies for federal public office “... must resign from the office he or she presently holds if the terms, or any part thereof, run concurrently with each other”).

²¹ Section 99.012(3)(b), F.S.

²² Section 99.012(3)(c), F.S.

²³ Section 99.012(3)(d), F.S.

²⁴ Section 99.012(3)(f), F.S.

²⁵ Section 99.012(3)(g), F.S.

²⁶ Compl., *Lippe v. DeSantis*, No. 2025 CA 1856 (Fla. 2nd Jud. Cir. Sept. 30, 2025) (In over 25 instances, the Governor took fewer than five days to call the election).

²⁷ *Id.*

²⁸ *See Florida Division of Elections Webpage*, special elections archive 2017-2026 (last updated January 14, 2026), <https://dos.fl.gov/elections/for-voters/special-elections/special-elections-archive/>.

²⁹ *Id.* Resignations have either occurred due to the office holder wanting to leave office entirely or under the requirements of the “Resign to Run Law,” s. 99.012, F.S., to run for a different office for which the term overlaps with their current office.

³⁰ *Id.*

Charts: Days between first notice of vacancy and Governor’s order to hold special elections ranging from 2017-2026³¹

2026 Special Elections

Office	Vacancy Type	Time of Vacancy Notice	Order for Special Election	Time between notice of vacancy and order to hold special election
State Representative (District 51)	Resignation (effective November 7, 2025)	November 7, 2025	November 10, 2025 ³²	3 days
State Representative (District 52)	Resignation (effective September 18, 2025)	September 18, 2025	November 6, 2025 ³³	50 days
State Representative (District 87)	Succession (effective August 19, 2025)	August 19, 2025	October 24, 2025 ³⁴	66 days
State Senate (District 14)	Succession (effective August 12, 2025)	August 12, 2025	October 24, 2025 ³⁵	73 days

³¹ See Florida Division of Elections Webpage, special elections archive 2017-2026 (last updated January 14, 2026), <https://dos.fl.gov/elections/for-voters/special-elections/special-elections-archive/> (The data for the charts was gathered and compiled from the State Division of Elections’ special elections archive webpage that contains various information regarding the issuing and holding of special primary and special elections, ranging from 2017 to 2026. Of important note, Governors over the years upon first notice that a vacancy in office is to occur have taken the opportunity to order a special election to fill such office at the earliest time they are legally able to make such order, rather than waiting till the office is vacant, in order to minimize the time an office is not filled and constituents are without representation. The charts seek to capture the earliest time that the Governors had notice and could take action to order a special election compared to the actual time they ordered a special election to occur).

³² Executive Order 25- 233 (November 10, 2025), <https://files.floridados.gov/media/709752/executive-order-25-233.pdf>.

³³ Executive Order 25-229 (November 6, 2025), <https://files.floridados.gov/media/709744/executive-order-25-229.pdf>.

³⁴ Executive Order 25-210 (October 24, 2025), <https://files.floridados.gov/media/709667/eo-25-210.pdf>.

³⁵ Executive Order 25-209 (October 24, 2025), <https://files.floridados.gov/media/709666/eo-25-209.pdf>.

2025 Special Elections

Office	Vacancy Type	Time of Vacancy Notice	Order for Special Election	Time between vacancy and order to hold special election
State Representative (District 90)	Death (effective July 18, 2025)	July 18, 2025	July 22, 2025 ³⁶	4 days.
State Senate (District 11)	Resignation (effective July 21, 2025)	July 21, 2025	July 22, 2025 ³⁷	1 day
State Representative (District 40)	Resignation (effective September 1, 2025)	April 10, 2025	April 15, 2025 ³⁸	5 days
State Senate (District 15)	Death (effective February 13, 2025)	February 13, 2025	April 8, 2025 ³⁹	54 days
State Representative (District 32)	Resignation (effective June 9, 2025)	January 22, 2025	January 23, 2025 ⁴⁰	1 day
State Senate (District 19)	Resignation (effective March 31, 2025)	November 26, 2024 ⁴¹	January 21, 2025 ⁴²	56 days
State Representative (District 3)	Resignation (effective January 1, 2025)	November 25, 2024 ⁴³	January 21, 2025 ⁴⁴	57 days
US House of Representatives (District 1)	Resignation (effective November 19, 2024)	November 13, 2024	November 22, 2024 ⁴⁵	9 days

³⁶ Executive Order 25-149 (July 22, 2025), <https://files.floridados.gov/media/709351/eo-25-149.pdf>.

³⁷ Executive Order 25-148 (July 22, 2025), <https://files.floridados.gov/media/709346/eo-25-148.pdf>.

³⁸ Executive Order 25-82 (April 15, 2025), <https://files.floridados.gov/media/709025/eo-25-82.pdf>.

³⁹ Executive Order 25-77 (April 8, 2025), <https://files.floridados.gov/media/709009/eo-25-77.pdf>.

⁴⁰ Executive Order 25-17 (January 23, 2025), <https://files.floridados.gov/media/708806/eo-25-17.pdf>.

⁴¹ Resignation Letter, State Senator Randy Fine, District 19 (November 26, 2024), available at <https://www.politico.com/f?id=00000193-6977-dc64-a19f-6f7ff7bd0000>.

⁴² Executive Order 25-15 (January 21, 2025), <https://files.floridados.gov/media/708765/eo-25-15.pdf>.

⁴³ Resignation Letter, State Representative Joel Rudman, District 3 (November 25, 2024), available at https://static-s3.lobbytools.com/docs/2024/11/25/133234_rep_rudman_formal_resignation_letter.pdf.

⁴⁴ Executive Order 25-14 (January 21, 2025), <https://files.floridados.gov/media/708764/eo-25-14.pdf>.

⁴⁵ Executive Order 24-262 (November 22, 2024), <https://files.floridados.gov/media/708642/eo-24-262.pdf>.

US House of Representatives (District 6)	Resignation (effective January 20, 2025)	November 24, 2024	November 25, 2024 ⁴⁶	1 day
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2024 Special Elections

Office	Vacancy Type	Time of Vacancy Notice	Order for Special Election	Time between vacancy and order to hold special election
State Senate (District 24)	Resignation (effective November 4, 2024)	April 15, 2024	May 28, 2024 ⁴⁷	43 days

2023 Special Elections

Office	Vacancy Type	Time of Vacancy Notice	Order for Special Election	Time between vacancy and order to hold special election
State Representative (District 118)	Resignation (effective June 11, 2023)	June 11, 2023	July 19, 2023 ⁴⁸	38 days
State Representative (District 24)	Resignation (effective December 8, 2022)	December 8, 2022 ⁴⁹	December 19, 2022 ⁵⁰	11 days
State Representative (District 35)	Resignation (effective June 30, 2023)	June 30, 2023	July 19, 2023 ⁵¹	19 days

⁴⁶ Executive Order 24-263 (November 25, 2024), <https://files.floridados.gov/media/708632/eo-24-263.pdf>.

⁴⁷ Executive Order 24-101 (May 28, 2024), <https://files.floridados.gov/media/708084/executive-order-24-101.pdf>; See Allen Cone, *Bobby Powell to resign state Senate seat in November, seeks special election*, WPTV Webpage, (April 15, 2024), available at <https://www.wptv.com/news/political/bobby-powell-to-resign-state-senate-seat-in-november-seeks-special-election#:~:text=Facebook,Bobby%20Powell%20to%20resign%20state%20Senate%20seat%20in%20November%2C%20seeks,set%20a%20special%20election%20date>.

⁴⁸ Executive Order 23-141 (July 19, 2023), <https://files.floridados.gov/media/707686/eo-23-141.pdf>.

⁴⁹ Ryan Wyatt Turbeville, *State Rep Joe Harding Resigns after DOJ Indictment*, 20WVCJB webpage (December 7, 2022), available at <https://www.wcjb.com/2022/12/07/doj-indicts-state-rep-harding-defrauding-government/>.

⁵⁰ Executive Order 22-278 (December 19, 2022), <https://files.floridados.gov/media/706142/executive-order-22-278.pdf>.

⁵¹ Executive Order 23-140 (July 19, 2023), <https://files.floridados.gov/media/706840/eo-23-140.pdf>.

2022 Special Elections

Office	Vacancy Type	Time of Vacancy Notice	Order for Special Election	Time between vacancy and order to hold special election
State Senate (District 33)	Resignation (effective January 10, 2022)	July 28, 2021 ⁵²	October 27, 2021 ⁵³	91 days
State Representative (District 88)	Resignation (effective January 10, 2022)	July 28, 2021 ⁵⁴	October 27, 2021. ⁵⁵	91 days
State Representative (District 94)	Resignation (effective date January 11, 2022)	July 27, 2021 ⁵⁶	October 27, 2021 ⁵⁷	92 days
U.S. House of Representatives District 20)	Death (effective April 6, 2021)	April 6, 2021	May 6, 2021 ⁵⁸	30 days

2021 Special Elections

(None)

⁵² Compl., *Staples v. DeSantis*, No. 2021 CA 1781 (Fla. 2nd Jud. Cir. Oct. 15, 2021).

⁵³ Executive Order 21-224 (October 27, 2021), https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-224.pdf.

⁵⁴ Compl., *Staples v. DeSantis*, No. 2021 CA 1781 (Fla. 2nd Jud. Cir. Oct. 15, 2021).

⁵⁵ Executive Order 21-224 (October 27, 2021), https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-224.pdf.

⁵⁶ Compl., *Staples v. DeSantis*, No. 2021 CA 1781 (Fla. 2nd Jud. Cir. Oct. 15, 2021).

⁵⁷ Executive Order 21-224 (October 27, 2021), https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-224.pdf.

⁵⁸ Executive Order 21-103 (May 6, 2021), <https://files.floridados.gov/media/704305/executive-order-21-103.pdf>.

2020 Special Elections

Office	Vacancy Type	Time of Vacancy Notice	Order for Special Election	Time between vacancy and order to hold special election
State Senate (District 20)	Resignation (effective date November 3, 2020)	May 29, 2020 ⁵⁹	June 1, 2020 ⁶⁰	3 days

2019 Special Elections

Office	Vacancy Type	Time of Vacancy Notice	Order for Special Election	Time between vacancy and order to hold special election
State Representative (District 7)	Resignation (effective January 11, 2019)	January 11, 2019 ⁶¹	January 24, 2019 ⁶²	13 days
State Representative (District 38)	Resignation (effective January 24, 2019)	January 24, 2019 ⁶³	January 24, 2019 ⁶⁴	0 days
State Representative (District 97)	Resignation (effective January 11, 2019)	January 11, 2019 ⁶⁵	January 24, 2019 ⁶⁶	13 days

⁵⁹ Gary White, *Florida Sen. Tom Lee resigning, leaving seat open*, The Ledger (May 29, 2020, 3:36 pm) available at <https://www.theledger.com/story/news/local/2020/05/29/florida-sen-tom-lee-resigning-leaving-seat-open/112580230/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=z113838v113838d--38--b--38--&gca-ft=230&gca-ds=sophi>.

⁶⁰ Executive Order 20-136 (June 1, 2020), <https://files.floridados.gov/media/703166/executive-order-20-136.pdf>.

⁶¹ *Representatives of the Florida House (2018 -2020)*, Florida House of Representatives webpage, (last visited 1/31/26), available at <https://flhouse.gov/Sections/Representatives/representatives.aspx?LegislativeTermId=88>.

⁶² Executive Order 19-20 (January 24, 2019), <https://files.floridados.gov/media/700564/executive-order-19-20-hd7-hd38-hd97-2019.pdf>.

⁶³ *Representatives of the Florida House (2018 -2020)*, Florida House of Representatives webpage, (last visited 1/31/26), available at <https://flhouse.gov/Sections/Representatives/representatives.aspx?LegislativeTermId=88>.

⁶⁴ Executive Order 19-20 (January 24, 2019), <https://files.floridados.gov/media/700564/executive-order-19-20-hd7-hd38-hd97-2019.pdf>.

⁶⁵ *Representatives of the Florida House (2018 -2020)*, Florida House of Representatives webpage, (last visited 1/31/26), available at <https://flhouse.gov/Sections/Representatives/representatives.aspx?LegislativeTermId=88>.

⁶⁶ Executive Order 19-20 (January 24, 2019), <https://files.floridados.gov/media/700564/executive-order-19-20-hd7-hd38-hd97-2019.pdf>.

2018 Special Elections

Office	Vacancy Type	Time of Vacancy Notice	Order for Special Election	Time between vacancy and order to hold special election
State Senate (District 23)	Resignation (effective date November 6, 2018)	March 30, 2018 ⁶⁷	May 3, 2018 ⁶⁸	34 days
State Senate (District 25)	Resignation (effective November 6, 2018)	May 2, 2018 ⁶⁹	May 3, 2018 ⁷⁰	1 day.
State Representative (District 39)	Resignation (effective November 24, 2017)	November 8, 2017 ⁷¹	November 28, 2017 ⁷²	20 days
State Representative (District 114)	Resignation (effective November 1, 2017)	November 1, 2017 ⁷³	November 9, 2017 ⁷⁴	8 days
State Senate (District 31)	Resignation (effective October 27, 2017)	October 27, 2017 ⁷⁵	November 6, 2017 ⁷⁶	11 days

⁶⁷ Peter Schorsch, 'Resign to run' bill signed into law, Florida politics (March 31, 2018), available at <https://floridapolitics.com/archives/260196-resign-to-run-bill-signed-into-law/>.

⁶⁸ Executive Order 18-127 (May 3, 2018), <https://files.floridados.gov/media/699481/executive-order-state-senate-23.pdf>.

⁶⁹ Jim Rosica, *Joe Negron to leave Senate early*, Florida Politics (May 2, 2018), <https://floridapolitics.com/archives/262655-joe-negron-to-leave-senate-early/>.

⁷⁰ Executive Order 18-126 (May 3, 2018), <https://files.floridados.gov/media/699478/executive-order-state-senate-25.pdf>.

⁷¹ Peter Schorsch, *Neil Combee praises Richard Corcoran, others in resignation letter*, Florida Politics (November 8, 2017), available at <https://floridapolitics.com/archives/249229-neil-combee-praises-richard-corcoran-others-resignation-letter/>.

⁷² Executive Order 17-305 (November 28, 2017), <https://files.floridados.gov/media/698610/hd39-executive-order-17-305.pdf>.

⁷³ Peter Schorsch, *Daisy Baez resigns over residency case, but GOP supermajority not assured*, Florida Politics (November 1, 2017), available at <https://floridapolitics.com/archives/248459-daisy-baez-resigns-residency/>.

⁷⁴ Executive Order 17-296 (November 9, 2017), <https://files.floridados.gov/media/698539/executive-order-17-296.pdf>.

⁷⁵ Peter Schorsch, *Jeff Clemens resigns from Florida Senate*, (October 27, 2017), available at <https://floridapolitics.com/archives/248122-jeff-clemens-resigns-senate/>.

⁷⁶ Executive Order 17-288 (November 6, 2017), <https://files.floridados.gov/media/698525/executive-order-17-288.pdf>.

2017 Special Elections

Office	Vacancy Type	Time of Vacancy Notice	Order for Special Election	Time between vacancy and order to hold special election
State Representative (District 72)	Resignation (effective September 1, 2017)	August 24, 2017 ⁷⁷	September 1, 2017 ⁷⁸	8 days
State Representative (District 58)	Resignation (effective August 15, 2017)	July 25, 2017 ⁷⁹	August 1, 2017 ⁸⁰	7 days
State Representative (District 44)	Resignation (effective May 26, 2017)	May 8, 2017 ⁸¹	May 26, 2017 ⁸²	18 days
State Senate (District 40)	Resignation (effective April 21, 2017)	April 21, 2017 ⁸³	May 8, 2017 ⁸⁴	17 days
State Representative (District 116)	Resignation (effective September 26, 2017)	May 17, 2017 ⁸⁵	May 22, 2017 ⁸⁶	5 days

Litigation

In recent years, litigation has arisen in several cases, alleging that the Governor had failed to fulfill his statutory duty to timely call and set special primary elections and special elections upon vacancy of qualifying offices, leaving the petitioners and constituents of the effected jurisdiction without representation and seeking through a writ of mandamus, a court order, requiring the Governor to fulfill his ministerial and nondiscretionary statutory duty to schedule such special elections.⁸⁷ These cases would later be dismissed before reaching the merits because

⁷⁷ Staff Reports, *Alex Miller resigns from House; James Buchanan seeks to replace her*, Florida Politics (August 24, 2017, available at <https://floridapolitics.com/archives/243620-alex-miller-resigns/>).

⁷⁸ Executive Order 17-234 (September 1, 2017), <https://files.floridados.gov/media/698234/executive-order-17-234.pdf>.

⁷⁹ Staff Reports, *Dan Raulerson resigning from Florida House in August*, Florida Politics (July 25, 2017), available at <https://floridapolitics.com/archives/242016-report-dan-raulerson-resigning-florida-house-august/>.

⁸⁰ Executive Order 17-210 (August 1, 2017), <https://files.floridados.gov/media/698151/executive-order-17-210.pdf>.

⁸¹ Scott Powers, *Eric Eisnaugle makes House departure official*, Florida Politics (May 23, 2017), available at <https://floridapolitics.com/archives/238570-eric-eisnaugle-makes-departure-house-representatives-official/>.

⁸² Executive Order 17-162 (May 26, 2017), <https://files.floridados.gov/media/697854/executive-order-17-162.pdf>.

⁸³ Matt Dixon, *Artiles formally resigns from state Senate*, Politico (4/21/2017), available at <https://www.politico.com/states/florida/story/2017/04/21/artiles-formally-resigns-from-senate-111425>.

⁸⁴ Executive Order 17-147 (May 8, 2017), <https://files.floridados.gov/media/697813/executive-order-17-147.pdf>.

⁸⁵ Jenna Buzzacoo-Foerster, *Jose Felix Diaz to resign from House as part of SD 40 bid*, (May 22, 2017) available at <https://floridapolitics.com/archives/238548-jose-felix-diaz-resign-house-part-sd-40-bid/>.

⁸⁶ Executive Order 17-155 (May 22, 2017), <https://files.floridados.gov/media/697846/executive-order-17-155.pdf>.

⁸⁷ See *Dowling v. DeSantis*, No. 9:21-cv-80796 (S.D. Fla. Apr. 29, 2021), (In this case, Congressman Alcee Hastings died in April 2021, creating a vacancy which required the Governor to call a special election to fill the vacancy. Twenty-three days

the Governor, after the suits were filed, called and scheduled the special primary election and special election at issue.⁸⁸

III. Effect of Proposed Changes:

Section One

The bill amends Subsections (1) and (2) of section 100.111, Florida Statutes, by:

- Revising the timeframe for any person seeking to qualify for election to a vacant office that has a remainder of 28 months or more left on its term by:
 - Requiring that if a vacancy in the office occurs before the ninth day before the first day set by law for qualifying for election to the office at the general election, then the person is required to qualify within the time prescribed by law for qualifying for those other offices to be filed by election at that same general election.⁸⁹
 - Requiring that if a vacancy in an office occurs before the primary election but on or after the ninth day before the first day set by law for qualifying, the Secretary of State must set dates for qualifying for the unexpired portion of the term of that office.
 - Requiring, rather than authorizing the Governor, if time does not permit party nominations to be made in conjunction with the primary election, that the Governor **must** call a special primary election to select a party nominee for the unexpired portion of the term and, if necessary, a special election.
- Requiring the Governor to fix the dates of special primary elections and special elections within 14 days after the vacancy occurs.
- Requiring the Governor to consult with the Secretary of State and the applicable supervisor of elections before setting the special election dates.
- Requiring the Governor to schedule the earliest dates feasible to hold the special primary elections and special elections on specific certain days.

after Congressman Hastings death, a would-be candidate filed suit, seeking to compel the Governor to call an election to fulfill his duty under Article I, Section 2 of the U.S. Constitution and Fla. Stat. s. 100.111(2). The case was ultimately dismissed when a week later the Governor called a special election for January 11, 2022. Thirty days passed from the death of Congressman Hastings, creating the vacancy of his office, to the Governor ordering a special election be held. The actual date set for the special election, January 11, 2022, was more than nine months after Congressman Hastings' death); **Compl., Staples v. DeSantis, No. 2021 CA 1781 (Fla. 2nd Jud. Cir. Oct. 15, 2021)** (In this case, in July 2021, three legislators submitted resignations to run in the congressional special election. After the Governor had not called for the special elections of the three vacant legislative seats, residents of these districts petitioned the court for mandamus relief. The case would be dismissed after the Governor called for the special elections to fill the vacant legislative seats in dispute. Here over 90 days had lapsed from the vacancies in office having occurred to the Governor calling for special elections). **Order to Show Cause, Zamora v. DeSantis, No. 2023 CA 1857 (Fla. 2nd Jud. Cir. Ct. July 17, 2023)** (Here, the petitioner, a district resident, filed suit to compel the Governor to call a special election to fill a vacancy of a State House seat. The matter was dismissed when the Governor ordered special elections after the suit was filed, 38 days after the vacancy in office occurred); **Compl., Lippe v. DeSantis, No. 2025 CA 1856 (Fla. 2nd Jud. Cir. Sept. 30, 2025)** (Here, a vacancy occurred in a state Senate office, Petitioner, an elector of that district, filled a writ of mandamus seeking the court to compel the Governor to order a special election to fill the vacancy, which had not occurred within the 45 days previous to filing suit. This suit was later dismissed when the Governor ordered the special election to fill the vacancy, 73 days later).

⁸⁸ See *Cort Lippe v. Ron Desantis Governor Of Florida*, 372025CA001856 (Westlaw).

⁸⁹ See Florida Division of Elections Webpage, *Election Dates*, (last updated August 22, 2025), <https://dos.fl.gov/elections/for-voters/election-dates/> (A primary election is held 11 weeks before the general election. The general election is held on the first Tuesday after the first Monday in November of every even-numbered year. The Primary Election date for 2026 is August 18, 2026. The General Election date for 2026 is November 3, 2026).

- Revising and providing timeframes for special primary elections and special elections under certain circumstances:
 - Requiring that the fixed dates for the special primary election and special election provide a minimum of 8 to 12 weeks between each election.
 - In cases where a vacancy occurs, involving a state Senator or state House member, less than 126 days before the first day of the Legislative Regular Session, requires the Governor, within 5 days after the vacancy occurs, to fix the dates for a special primary election and a special election to fill the vacancy. The dates set by the Governor must provide for at least 2 weeks between the special primary election and the special election and must ensure that both elections are held before the first day of the Regular Legislation Session to prevent a lapse of time in representation of constituents of that office.
 - Requiring that the special election be held no later than 126 days after the vacancy occurs, except if a supervisor, where the special election will be held, certifies that holding the special election within the required time period would conflict with the scheduled elections and impose an undue hardship on the orderly administration of election, then the special election must be held no later than 175 days after the vacancy occurs.
 - Removing from current law, the Governor, Speaker of the House of Representatives, and President of the Senate, ability through agreement, to waive the minimum time frames proscribed, in cases where a vacancy occurs involving State Senators or State House Members when the Legislature is in Regular Legislative Session.
 - Requiring the Governor, if possible, to fix dates for the special primary election and special election to coincide with scheduled elections.
 - Requiring a special election held to fill a vacancy caused by resignation submitted pursuant to s. 99.012, F.S.,⁹⁰ be held no later than the election for which the resigning officer seeks to qualify.
- Authorizing qualified electors to file a petition with the circuit court seeking judicial determination of a special election date if the Governor does not comply with the deadlines for ordering a special election.
 - Authorizing the circuit court, upon a finding that the Governor has failed to comply with deadlines of the bill, to fix and declare the earliest feasible and lawful dates for the special primary election and special election, consistent with the requirements of chapter 100 and the Florida Election Code.
 - Requiring the Court to expedite consideration of any petition filed under the subsection to ensure the timely filling of the vacancy and to safeguard the right of representation for voters within the affected districts.
- Providing that certain persons are deemed elected under specified circumstances:
 - Providing that if only one candidate qualifies in a special election, that candidate is deemed elected on the last day of the qualifying period.
 - Providing that if the winner of a special primary election does not have opposition in the special election, he or she is deemed elected at the special primary election.
 - Providing in either of the above cases, the person elected takes office upon election or upon the office becoming vacant, whichever occurs later.

⁹⁰ Referencing Florida's "Resign to Run" law, found in s. 99.012, F.S.

Section Two

The bill amends subsection (1) of s. 100.141, F.S., by:

- Requiring, whenever a special election is required to fill any vacancy in office, the Governor:
 - To consult the Secretary of State and the supervisor of elections, of any affected county, before scheduling a special election.
 - After consultation with the Secretary of State and the supervisor of elections of any affected county, to issue an order declaring on what day the special primary election or special election will be held and deliver the order to the Department of State.
 - To issue the order within 14 days after the occurrence of the vacancy or, for vacancies arising due to a resignation pursuant to section. 99.012, F.S.,⁹¹ within 14 days after the written resignation is submitted to the Governor, whichever is sooner.

Section Three

This act 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.

⁹¹ Referencing Florida's "Resign to Run" law. As previously mentioned, under this law, an office holder in order to run for another office that's term overlaps with his or her current term of office, must submit an *irrevocable* resignation letter.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be an indeterminate fiscal impact on the government regarding training and coming into compliance with shorter time periods required for preparing and holding special primary and special elections. Although any fiscal impact, most likely will be negligent, because the primary special elections and special elections are already required to be held by law and have previously been ordered, scheduled, and held in specific instances in the past under the proscribed timelines of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 100.111, 100.141.

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

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

None.

B. Amendments:

None.

By Senator Polsky

30-00821-26

2026460__

1 A bill to be entitled
 2 An act relating to special elections; amending s.
 3 100.111, F.S.; revising the timeframe during which a
 4 vacancy that occurs in an elective office must be
 5 filled by candidates qualifying within the timeframes
 6 provided by general law; requiring, rather than
 7 authorizing, the Governor to call a special primary
 8 election and a special election under a certain
 9 circumstance; requiring the Governor to fix the dates
 10 of a special election within a specified timeframe
 11 after the vacancy occurs; requiring the Governor to
 12 consult with the Secretary of State and the applicable
 13 supervisor of elections before setting the special
 14 election dates; requiring that such dates be the
 15 earliest dates feasible; revising and providing
 16 timeframes for special primary elections and special
 17 elections under certain circumstances; authorizing
 18 qualified electors to file a petition in the circuit
 19 court seeking judicial determination of an election
 20 date under specified conditions; providing that, under
 21 specified circumstances, the court has the authority
 22 to fix and declare the dates for a special election;
 23 requiring the courts to expedite such proceedings;
 24 providing exceptions to the timeframes to hold a
 25 special election; deleting the authority of the
 26 Governor, the President of the Senate, and the Speaker
 27 of the House of Representatives to waive specified
 28 timeframes if all parties concur; requiring the
 29 Governor to fix dates to coincide with an already

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30 scheduled election; requiring that special elections
 31 to fill certain vacancies be held no later than the
 32 election for which a resigning officer seeks to
 33 qualify; providing that certain persons are deemed
 34 elected under specified circumstances; making
 35 technical changes; amending s. 100.141, F.S.;
 36 requiring the Governor to consult with certain
 37 supervisors of election, in addition to the Secretary
 38 of State, before issuing an order declaring the date
 39 of a special election; requiring that such order be
 40 issued within a specified timeframe after the
 41 occurrence of a vacancy; providing an effective date.
 42
 43 Be It Enacted by the Legislature of the State of Florida:
 44
 45 Section 1. Subsections (1) and (2) of section 100.111,
 46 Florida Statutes, are amended to read:
 47 100.111 Filling vacancy.—
 48 (1)(a) If any vacancy occurs in any office which is
 49 required to be filled pursuant to s. 1(f), Art. IV of the State
 50 Constitution and the remainder of the term of such office is 28
 51 months or longer, then at the next general election a person
 52 ~~must shall~~ be elected to fill the unexpired portion of such
 53 term, commencing on the first Tuesday after the first Monday
 54 following such general election.
 55 (b) If such a vacancy occurs ~~before prior to~~ the ninth day
 56 before the first day set by law for qualifying for election to
 57 office at such general election, any person seeking nomination
 58 or election to the unexpired portion of the term ~~must shall~~

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59 qualify within the time prescribed by law for qualifying for
60 other offices to be filled by election at such general election.

61 (c) If such a vacancy occurs ~~before~~ prior to the primary
62 election but on or after the ninth day before the first day set
63 by law for qualifying, the Secretary of State ~~must~~ shall set
64 dates for qualifying for the unexpired portion of the term of
65 such office. Any person seeking nomination or election to the
66 unexpired portion of the term ~~must~~ shall qualify within the time
67 set by the Secretary of State. If time does not permit party
68 nominations to be made in conjunction with the primary election,
69 the Governor ~~must~~ may call a special primary election to select
70 party nominees for the unexpired portion of such term and, if
71 necessary, a special election.

72 (2) Whenever there is a vacancy for which a special
73 election is required pursuant to s. 100.101, the Governor, ~~after~~
74 ~~consultation with the Secretary of State,~~ shall fix the dates of
75 a special primary election and a special election within 14 days
76 after the vacancy occurs. Nominees of political parties shall be
77 chosen under the primary laws of this state in the special
78 primary election to become candidates in the special election.

79 (a) ~~Before~~ Prior to setting the special election dates, the
80 Governor shall consult with the Secretary of State and the
81 supervisor of elections ~~consider any upcoming elections in the~~
82 ~~jurisdiction~~ where the special election will be held. The dates
83 fixed by the Governor ~~must~~ shall be the earliest dates feasible,
84 must be specific days certain, and ~~may~~ shall not be established
85 by the happening of a condition or stated in the alternative.
86 The dates fixed ~~must~~ shall provide a minimum of 8 2 weeks
87 between each election, but no more than 12 weeks. If a vacancy

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88 occurs in the office of state senator or member of the House of
89 Representatives less than 126 days before the first day of the
90 regular legislative session, the Governor must, within 5 days
91 after the occurrence of the vacancy, fix the dates of a special
92 primary election and a special election to fill the vacancy. The
93 dates set by the Governor must provide for at least 2 weeks
94 between the special primary election and the special election
95 and must ensure that both elections are held before the first
96 day of the regular legislative session to prevent a lapse in
97 representation.

98 1. If the Governor fails to issue an order setting the
99 dates of the special primary election and special election
100 within the days prescribed in this subsection, any qualified
101 elector residing within the affected district may file a
102 petition in the circuit court having jurisdiction seeking
103 judicial determination of such election dates.

104 2. Upon finding that the Governor has failed to comply with
105 this subsection, the circuit court shall have the authority to
106 fix and declare the earliest feasible and lawful dates for the
107 special primary election and special election, consistent with
108 the requirements of this chapter and the Florida Election Code.

109 3. The court shall expedite consideration of any petition
110 filed under this subsection to ensure the timely filling of the
111 vacancy and to safeguard the right of representation for voters
112 within the affected district.

113 (b) The special election must be held no later than 126
114 days after the vacancy occurs, except in the following cases:

115 1. If a supervisor where the special election will be held
116 certifies that holding the special election within the required

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117 time period would conflict with scheduled elections and impose
 118 an undue hardship on the orderly administration of elections,
 119 the special election must be held no later than 175 days after
 120 the vacancy occurs.

121 ~~2. In the event a vacancy occurs in the office of state~~
 122 ~~senator or member of the House of Representatives when the~~
 123 ~~Legislature is in regular legislative session, the minimum times~~
 124 ~~prescribed by this subsection may be waived upon concurrence of~~
 125 ~~the Governor, the Speaker of the House of Representatives, and~~
 126 ~~the President of the Senate. If a vacancy occurs in the office~~
 127 of state senator and no session of the Legislature is scheduled
 128 to be held prior to the next general election, the Governor may
 129 fix the dates for the special primary election and for the
 130 special election to coincide with the dates of the primary
 131 election and general election.

132 3. If a vacancy in office occurs in any district in the
 133 state Senate or House of Representatives or in any congressional
 134 district, and no session of the Legislature, or session of
 135 Congress if the vacancy is in a congressional district, is
 136 scheduled to be held during the unexpired portion of the term,
 137 the Governor is not required to call a special election to fill
 138 such vacancy.

139 (c) If possible, the Governor must fix dates to coincide
 140 with scheduled elections where the special election will be
 141 held. A special election held to fill a vacancy caused by a
 142 resignation submitted pursuant to s. 99.012 must be held no
 143 later than the election for which the resigning officer seeks to
 144 qualify.

145 (d)(a) The dates for candidates to qualify in such special

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146 election or special primary election must ~~shall~~ be fixed by the
 147 Department of State, and candidates must ~~shall~~ qualify no ~~not~~
 148 later than noon of the last day so fixed. The dates fixed for
 149 qualifying must ~~shall~~ allow a minimum of 14 days between the
 150 last day of qualifying and the special primary election.

151 ~~(e)(b)~~ The filing of campaign expense statements by
 152 candidates in such special elections or special primaries and by
 153 committees making contributions or expenditures to influence the
 154 results of such special primaries or special elections may ~~shall~~
 155 ~~be not~~ be later than such dates as ~~shall~~ be fixed by the
 156 Department of State, and in fixing such dates the Department of
 157 State shall take into consideration and be governed by the
 158 practical time limitations.

159 ~~(f)(e)~~ The dates for a candidate to qualify by the petition
 160 process pursuant to s. 99.095 in such special primary or special
 161 election shall be fixed by the Department of State. In fixing
 162 such dates the Department of State shall take into consideration
 163 and be governed by the practical time limitations. Any candidate
 164 seeking to qualify by the petition process in a special primary
 165 election must ~~shall~~ obtain 25 percent of the signatures required
 166 by s. 99.095.

167 ~~(g)(d)~~ The qualifying fees and party assessments of such
 168 candidates as may qualify must ~~shall~~ be the same as collected
 169 for the same office at the last previous primary for that
 170 office. The party assessment must ~~shall~~ be paid to the
 171 appropriate executive committee of the political party to which
 172 the candidate belongs.

173 ~~(h)(e)~~ Each county canvassing board shall make as speedy a
 174 return of the result of such special primary elections and

30-00821-26

2026460__

175 special elections as time will permit, and the Elections
176 Canvassing Commission likewise shall make as speedy a canvass
177 and declaration of the nominees as time will permit.

178 (i) If only one candidate qualifies in a special election,
179 he or she is deemed elected on the last day of the qualifying
180 period. If the winner of a special primary election does not
181 have opposition in the special election, he or she is deemed
182 elected at the special primary election. In either case, the
183 person elected takes office upon election or upon the office
184 becoming vacant, whichever occurs later.

185 Section 2. Subsection (1) of section 100.141, Florida
186 Statutes, is amended to read:

187 100.141 Notice of special election to fill any vacancy in
188 office.—

189 (1) Whenever a special election is required to fill any
190 vacancy in office, the Governor, after consultation with the
191 Secretary of State and the supervisor of elections of any
192 affected county, shall issue an order declaring on what day the
193 election shall be held and deliver the order to the Department
194 of State. The Governor shall issue the order within 14 days
195 after the occurrence of the vacancy or, for vacancies arising
196 due to a resignation pursuant to s. 99.012, within 14 days after
197 the written resignation is submitted to the Governor, whichever
198 is sooner.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations on Transportation, Tourism, and
Economic Development, *Vice Chair*
Appropriations
Appropriations on Criminal and Civil Justice
Environment and Natural Resources
Ethics and Elections
Governmental Oversight and Accountability
Judiciary

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR TINA SCOTT POLSKY

30th District

February 5, 2026

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

Chairman Yarborough,

I respectfully request that you place SB 460, relating to Special Elections on the agenda of the Committee on Judiciary, at your earliest convenience.

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

Kindest Regards,

Senator Tina S. Polsky
Florida Senate, District 30

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

REPLY TO:

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

Senate's Website: www.flsenate.gov

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

02/10/26

Meeting Date

Judicial
Committee

SB 460

Bill Number or Topic

Amendment Barcode (if applicable)

Name Seneca Bristol Phone _____

Address _____ Email _____
Street

City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

The Florida Senate

APPEARANCE RECORD

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

2-10-24

Meeting Date

SB 460

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Kimberly Cox

Phone _____

Address _____

Email _____

Street

New Port Kithay FL

34653

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

S-001 (08/10/2021)

2/10/26

Meeting Date

The Florida Senate APPEARANCE RECORD

460

Bill Number or Topic

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

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Dr Joan Waitkevitz

Phone

861-307-3418

Address

(WAIT-KA-VITZ)
2600 N Flagler Dr apt 207

Email

dwcjoan@gmail.com

Street

West Palm Beach FL 33407

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

2/10

Meeting Date

460

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

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/10/26

Meeting Date

8B460

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Harrison Cundy

Phone 813-998-5928

Address

Email harrison@voicesofflorida.org

Street

Riverview

City

FL

State

33579

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:

Voices of Florida

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/legistics/2020-2022/joint-rules)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB460

2/10/20

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

Sarah Parker

Phone

Address

1680 Fruitville

Email

Street

Sarasota FL 34236

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

2/10/2026

Meeting Date

SB 460

Bill Number or Topic

Senate Judiciary

Committee

Amendment Barcode (if applicable)

Name Kiaira Nixon

Phone 904-422-1005

Address 424 E. Central Blvd

Email Kiaira@equal-ground.com

Street

Orlando

~~Orlando~~

FL

32801

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:

Equal Ground

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

2/10/26

Meeting Date

SB 460

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Dr Joan Waitkevitz Phone 561 307 3418

Address 2600 N Flagler Dr #207 Email dwojoanc@gmail.com

Street

West Palm Beach FL 33407

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. 2020-2022 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

2/10/26

Meeting Date

SB 460

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Tsi Day Smith

Phone

Address 15014 Sunny Day Dr

Email tsi@voicesofflorida.org

Street

Bradenton FL 34211

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

2-10-26

Meeting Date

SB 460

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Spike Poma

Phone

Address

2680 Fruitville

Email

Street

Sarasota

FL

34236

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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2/10/26

The Florida Senate APPEARANCE RECORD

SB 760

Meeting Date

Bill Number or Topic

Judiciary Committee
Committee

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

Amendment Barcode (if applicable)

Name Sarah Enslley Phone _____

Address 1680 Frantville rd Email _____
Street

Sarasota FL
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:

Voxes 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

SB460

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

2/10/20

Meeting Date

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Ashe Bradley

Phone _____

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

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

2/10/26

Meeting Date

SB 460

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Rain Johnson

Phone 8633880729

Address 1680 Fruitville rd
Street

Email Rain@voicesofFlorida.org

Sarasota
City

FL
State

34236
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:

voices of Florida

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/10/26
Meeting Date

SB 460
Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Corey Bleakley

Phone 407 795 5896

Address ~~1680~~ 1680 Fruitville Rd
Street

Email Corey@voicesofFlorida.org

Sarasota FL 34236
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:
Voices of Florida

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The Florida Senate

APPEARANCE RECORD

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SB 480^{60?}

Bill Number or Topic

2/10/2026

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Nancy Lawther, Ph.D.

Phone

305 607-3837

Address

9140 SW 59 Ave.

Email

nlawther@gmail.com

Street

City

Miami

State

Fl

Zip

33156

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 460

Bill Number or Topic

Amendment Barcode (if applicable)

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

2/10/26 Meeting Date

Judiciary Committee Committee

Name Amanda Langworthy Phone

Address 1680 Fruitville rd Street Email

Sarasota FL 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.

[] 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: Voices of Florida

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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2/10/2026

Meeting Date

SB3400 ?

Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Shirley Y HERMAN Phone 561-596-7780

Address 2600 N. FLAGLER Apt 207 Email shirleyyherman
Street
West Palm Beach, FL 33407
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

2/10/21

Meeting Date

SB 460

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:

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 532

INTRODUCER: Judiciary Committee; Senator Simon and others

SUBJECT: Court Fees

DATE: February 11, 2026 **REVISED:** _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 532 increases funds available to fund the operations of the clerks of court. The increased funds for clerk operations will result from the repeal the requirement that 50 percent of the cumulative excess revenue from the operations of all the clerks of court be transferred to the General Revenue Fund. Instead, the Clerks of Court Operations Corporation will retain the funds to fund the combined budgets of the clerks of court.

The future fiscal impact of this bill is unknown. Recently, the average amount of the excess has been approximately \$9 million annually.

The bill is effective July 1, 2026.

II. Present Situation:

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

¹ FLA. CONST. art. V, s. 16.

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

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

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

III. Effect of Proposed Changes:

CS/SB 532 increases funds available to fund the operations of the clerks of court. The increased funds for clerk operations will result from the repeal the requirement that 50 percent of the cumulative excess revenue from the operations of all the clerks of court be transferred to the General Revenue Fund. Instead, the Clerks of Court Operations Corporation will retain the funds to fund the combined budgets of the clerks of court.

The bill is effective July 1, 2026.

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

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

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

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

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 may increase revenues of the clerks of court by \$9 million annually.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 28.35, 28.36, and 28.37.

IX. Additional Information:

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

None.

- B. **Amendments:**

CS by Judiciary on February 10, 2026:

The committee substitute does not include the provisions in the original bill which would have increased fees and service charges collected by the clerks of court or the provisions directing the Office of Economic and Demographic Research to recommend further increases. The committee substitute, however, provides increased funding for clerk of court operations by repealing a requirement that certain cumulative excess revenues be transferred to the General Revenue Fund.



491654

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



491654

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

103 28.241 Filing fees for trial and appellate proceedings.—

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

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



491654

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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

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

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



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



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

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

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

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

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

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

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

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



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

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

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

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

350 34.041 Filing fees.—

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



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

378

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

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

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

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

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

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

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

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

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

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



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

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

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



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

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

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



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

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

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

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

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

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

471 721.83 Consolidation of judicial foreclosure actions.—

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



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

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

482 744.3678 Annual accounting.—

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

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

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

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

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

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



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

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

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

513 And the title is amended as follows:

514 Delete everything before the enacting clause
515 and insert:

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



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



758790

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (4) of section
28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to
the state.—

(4)

~~(b) No later than February 1, 2022, and each February 1
thereafter, the Department of Revenue shall transfer 50 percent~~



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12 ~~of The cumulative excess of the original revenue projection from~~
13 ~~the Clerks of the Court Trust Fund to the General Revenue Fund.~~
14 ~~The remaining 50 percent in the Clerks of the Court Trust Fund~~
15 may be used in the development of the total combined budgets of
16 the clerks of the court as provided in s. 28.35(2)(f)6. However,
17 a minimum of 10 percent of ~~the clerk-retained portion of the~~
18 cumulative excess ~~amount~~ must be held in reserve until such
19 funds reach an amount equal to at least 16 percent of the total
20 budget authority from the current county fiscal year, as
21 provided in s. 28.36(3)(a).

22 Section 2. Paragraph (f) of subsection (2) of section
23 28.35, Florida Statutes, is amended to read:

24 28.35 Florida Clerks of Court Operations Corporation.—

25 (2) The duties of the corporation shall include the
26 following:

27 (f) Approving the proposed budgets submitted by clerks of
28 the court pursuant to s. 28.36. The corporation must ensure that
29 the total combined budgets of the clerks of the court do not
30 exceed the total estimated revenues from fees, service charges,
31 court costs, and fines for court-related functions available for
32 court-related expenditures as determined by the most recent
33 Revenue Estimating Conference, plus the total of unspent
34 budgeted funds for court-related functions carried forward by
35 the clerks of the court from the previous county fiscal year,
36 plus the cumulative excess as provided in ~~balance of funds~~
37 ~~remaining in the Clerks of the Court Trust Fund after the~~
38 ~~transfer of funds to the General Revenue Fund required pursuant~~
39 ~~to~~ s. 28.37(4)(b), and plus any appropriations for court-related
40 functions. The corporation may amend any individual clerk of the



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41 court budget to ensure compliance with this paragraph and must
42 consider performance measures, workload performance standards,
43 workload measures, and expense data before modifying the budget.
44 As part of this process, the corporation shall:

45 1. Calculate the minimum amount of revenue necessary for
46 each clerk of the court to efficiently perform the list of
47 court-related functions specified in paragraph (3) (a). The
48 corporation shall apply the workload measures appropriate for
49 determining the individual level of review required to fund the
50 clerk's budget.

51 2. Prepare a cost comparison of similarly situated clerks
52 of the court, based on county population and numbers of filings,
53 using the standard list of court-related functions specified in
54 paragraph (3) (a).

55 3. Conduct an annual base budget review and an annual
56 budget exercise examining the total budget of each clerk of the
57 court. The review shall examine revenues from all sources,
58 expenses of court-related functions, and expenses of noncourt-
59 related functions as necessary to determine that court-related
60 revenues are not being used for noncourt-related purposes. The
61 review and exercise shall identify potential targeted budget
62 reductions in the percentage amount provided in Schedule VIII-B
63 of the state's previous year's legislative budget instructions,
64 as referenced in s. 216.023(3), or an equivalent schedule or
65 instruction as may be adopted by the Legislature.

66 4. Identify those proposed budgets containing funding for
67 items not included on the standard list of court-related
68 functions specified in paragraph (3) (a).

69 5. Identify those clerks projected to have court-related



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70 revenues insufficient to fund their anticipated court-related
71 expenditures.

72 6. Use revenue estimates based on the official estimate for
73 funds from fees, service charges, court costs, and fines for
74 court-related functions accruing to the clerks of the court made
75 by the Revenue Estimating Conference, as well as any unspent
76 budgeted funds for court-related functions carried forward by
77 the clerks of the court from the previous county fiscal year and
78 the cumulative excess as provided in ~~balance of funds remaining~~
79 ~~in the Clerks of the Court Trust Fund after the transfer of~~
80 ~~funds to the General Revenue Fund required pursuant to s.~~
81 28.37(4) (b), plus any appropriations for the purpose of funding
82 court-related functions.

83 7. Identify pay and benefit increases in any proposed clerk
84 budget, including, but not limited to, cost of living increases,
85 merit increases, and bonuses.

86 8. Identify increases in anticipated expenditures in any
87 clerk budget that exceeds the current year budget by more than 3
88 percent.

89 9. Identify the budget of any clerk which exceeds the
90 average budget of similarly situated clerks by more than 10
91 percent.

92
93 For the purposes of this paragraph, the term "unspent budgeted
94 funds for court-related functions" means undisbursed funds
95 included in the clerks of the courts budgets for court-related
96 functions established pursuant to this section and s. 28.36.

97 Section 3. Paragraph (b) of subsection (2) and paragraph
98 (a) of subsection (3) of section 28.36, Florida Statutes, are



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99 amended to read:

100 28.36 Budget procedure.—There is established a budget
101 procedure for the court-related functions of the clerks of the
102 court.

103 (2) Each proposed budget shall further conform to the
104 following requirements:

105 (b) The proposed budget must be balanced such that the
106 total of the estimated revenues available equals or exceeds the
107 total of the anticipated expenditures. Such revenues include
108 revenue projected to be received from fees, service charges,
109 court costs, and fines for court-related functions during the
110 fiscal period covered by the budget, plus the total of unspent
111 budgeted funds for court-related functions carried forward by
112 the clerk of the court from the previous county fiscal year and
113 the cumulative excess as provided in ~~plus the portion of the~~
114 ~~balance of funds remaining in the Clerks of the Court Trust Fund~~
115 ~~after the transfer of funds to the General Revenue Fund required~~
116 ~~pursuant to~~ s. 28.37(4) (b) which has been allocated to each
117 respective clerk of the court by the Florida Clerks of Court
118 Operations Corporation. For the purposes of this paragraph, the
119 term "unspent budgeted funds for court-related functions" means
120 undisbursed funds included in the clerk of the courts' budget
121 for court related functions established pursuant to s. 28.35 and
122 this section. The anticipated expenditures must be itemized as
123 required by the corporation.

124 (3) (a) The Florida Clerks of Court Operations Corporation
125 shall establish and manage a reserve for contingencies within
126 the Clerks of the Court Trust Fund which must consist of an
127 amount not to exceed 16 percent of the total budget authority



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128 for the clerks of court during the current county fiscal year,
129 to be carried forward at the end of the fiscal year. Funds to be
130 held in reserve include the ~~transfers of~~ cumulative excess, as
131 provided in s. 28.37(4) (b), ~~from the Clerks of the Court Trust~~
132 ~~Fund~~ and may also include revenues provided by law or moneys
133 appropriated by the Legislature.

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

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 everything before the enacting clause

139 and insert:

140

A bill to be entitled

141 An act relating to clerks of the court; amending s.
142 28.37, F.S.; authorizing the cumulative excess of
143 funds to be used in the development of the total
144 combined budgets of the clerks of the court; amending
145 ss. 28.35 and 28.36, F.S.; conforming provisions to
146 changes made by the act; providing an effective date.

By Senator Simon

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

173 28.241 Filing fees for trial and appellate proceedings.—

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

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

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

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

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204 \$345 ~~\$295~~ in all cases in which there are not more than five
 205 defendants and an additional filing fee of up to \$5 ~~\$2.50~~ for
 206 each defendant in excess of five. Of the first \$100 in filing
 207 fees, \$95 must be remitted to the Department of Revenue for
 208 deposit into the State Courts Revenue Trust Fund, \$4 must be
 209 remitted to the Department of Revenue for deposit into the
 210 Administrative Trust Fund within the Department of Financial
 211 Services and used to fund the contract with the Florida Clerks
 212 of Court Operations Corporation created in s. 28.35, and \$1 must
 213 be remitted to the Department of Revenue for deposit into the
 214 Administrative Trust Fund within the Department of Financial
 215 Services to fund audits of individual clerks' court-related
 216 expenditures conducted by the Department of Financial Services.

217 c. An additional filing fee of \$5 ~~\$4~~ shall be paid to the
 218 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 219 for deposit into the Court Education Trust Fund and shall remit
 220 \$1.50 ~~50 cents~~ to the Department of Revenue for deposit into the
 221 Administrative Trust Fund within the Department of Financial
 222 Services to fund clerk education provided by the Florida Clerks
 223 of Court Operations Corporation. An additional filing fee of up
 224 to \$18 must ~~shall~~ be paid by the party seeking each severance
 225 that is granted, from which the clerk shall remit \$3 to the
 226 Department of Revenue for deposit into the General Revenue Fund.
 227 The clerk may impose an additional filing fee of up to \$85, from
 228 which the clerk shall remit \$10 to the Department of Revenue for
 229 deposit into the General Revenue Fund, for all proceedings of
 230 garnishment, attachment, replevin, and distress. Postal charges
 231 incurred by the clerk of the circuit court in making service by
 232 certified or registered mail on defendants or other parties must

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

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

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

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

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

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

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

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

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

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320 incurred by the clerk of the circuit court in making service by
 321 certified or registered mail on defendants or other parties must
 322 ~~shall~~ be paid by the party at whose instance service is made.
 323 Additional fees, charges, or costs may not be added to the
 324 filing fees imposed under this section, except as authorized in
 325 this section or by general law.

326 (b) A party reopening any civil action, suit, or proceeding
 327 in the circuit court must ~~shall~~ pay to the clerk of court a
 328 filing fee set by the clerk in an amount not to exceed \$60 ~~\$50~~.
 329 For purposes of this section, a case is reopened after all
 330 appeals have been exhausted or time to file an appeal from a
 331 final order or final judgment has expired. A reopen fee may be
 332 assessed by the clerk for any motion filed by any party at least
 333 90 days after a final order or final judgment has been filed
 334 with the clerk in the initial case. A reservation of
 335 jurisdiction by a court does not cause a case to remain open for
 336 purposes of this section or exempt a party from paying a reopen
 337 fee. A party is exempt from paying the fee for any of the
 338 following:

- 339 1. A writ of garnishment;
- 340 2. A writ of replevin;
- 341 3. A distress writ;
- 342 4. A writ of attachment;
- 343 5. A motion for rehearing filed within 10 days;
- 344 6. A motion for attorney's fees filed within 30 days after
- 345 entry of a judgment or final order;
- 346 7. A motion for dismissal filed after a mediation agreement
- 347 has been filed;
- 348 8. A disposition of personal property without

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349 administration;

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

351 representative;

352 10. Any guardianship pleading prior to discharge;

353 11. Any mental health pleading;

354 12. Motions to withdraw by attorneys;

355 13. Motions exclusively for the enforcement of child

356 support orders;

357 14. A petition for credit of child support;

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

359 a result of an uncontested relocation;

360 16. Stipulations and motions to enforce stipulations;

361 17. Responsive pleadings;

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

363 19. Motions for contempt.

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

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

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

367 counterclaim, counterpetition, or third-party complaint must

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

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

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

371 for affirmative relief by cross-claim, counterclaim,

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

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

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

375 142.01.

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

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

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378 circuit court for affirmative relief by cross-claim,

379 counterclaim, counterpetition, or third-party complaint must

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

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

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

383 \$50,000 or less;

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

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

386 but less than \$250,000; or

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

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

389 \$250,000 or more.

390

391 The clerk shall deposit the fees collected under this

392 subparagraph into the fine and forfeiture fund established

393 pursuant to s. 142.01.

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

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

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

397 deposit into the fine and forfeiture fund established pursuant

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

399 seeking to have the summons issued.

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

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

402 including appeals filed by a county or municipality as provided

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

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

405 from the party or parties instituting such appellate proceedings

406 a filing fee, as follows:

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

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

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

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

430 34.041 Filing fees.—

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

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

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

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

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

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

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

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

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

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

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523 (a) A writ of garnishment;

524 (b) A writ of replevin;

525 (c) A distress writ;

526 (d) A writ of attachment;

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

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

529 the entry of the judgment or final order;

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

531 agreement has been filed;

532 (h) A motion to withdraw by attorneys;

533 (i) Stipulations and motions to enforce stipulations;

534 (j) Responsive pleadings; or

535 (k) Motions for contempt.

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

537 Office of Economic and Demographic Research shall prepare a

538 report that includes recommendations for increasing the filing

539 fees and service charges in this section according to the

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

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

542 Office of Economic and Demographic Research shall submit the

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

544 House of Representatives before the start of the next regularly

545 scheduled session of the Legislature.

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

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

548 to that section, to read:

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

550 charges authorized by law, the clerk shall receive service

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

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552 45.031-45.033 and this section:

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

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

555 deducted from the surplus:

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

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

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

559 General Revenue Fund.

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

561 Office of Economic and Demographic Research shall prepare a

562 report that includes recommendations for increasing the service

563 charges in this section according to the percentage change in

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

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

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

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

568 next regularly scheduled session of the Legislature.

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

570 Statutes, is amended, to read:

571 721.83 Consolidation of judicial foreclosure actions.—

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

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

574 payment of filing fees and service charges pursuant to general

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

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

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

578 deposit into the General Revenue Fund, for each timeshare

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

580 of court.

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

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

594 744.3678 Annual accounting.—

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

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

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

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

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

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

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

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



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 12th, 2026

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

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

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

Senator Corey Simon
Florida Senate, District 3

The Florida Senate

APPEARANCE RECORD

532

2/10/2016 ~~16~~26

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 Jason Welty

Phone 850.386.2223

Address 2560 Barrington Circle

Email jwelty@flccoc.org

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Clerks of Court Operation Corporation

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

12/10/2026

532

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 Morgan Parrish

Phone 850.577.4697

Address 215 S Monroe St

Email mparrish@flclerks.com

Street

Tallahassee

FL

3201

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 Court Clerks and Comptrollers Association

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 554

INTRODUCER: Senator Bernard

SUBJECT: Nonprofit Corporations

DATE: February 9, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dike</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 554 updates and revises the Florida Not for Profit Corporation Act (FNCA), ch. 617, F.S. Representatives of The Florida Bar’s Business Law Section recommended these revisions to modernize the FNCA and harmonize its provisions with the updated Florida Business Corporation Act (FBCA), ch. 607, F.S.

The bill takes effect on July 1, 2026.

II. Present Situation:

The Model Nonprofit Corporation Act

Recently, the Business Law Section of the American Bar Association adopted the fourth edition of the Model Nonprofit Corporation Act (MNCA) to bring the model act in alignment with the 2016 update to the Model Business Corporation Act (MBCA).¹ Originally drafted in 1952 by a committee under the American Bar Association, the MNCA closely tracks the language of the MBCA as nonprofit corporations operate more similarly to business corporations rather than charitable trusts.² This parallelism allows lawyers to apply case law concerning the MBCA to similar provisions in the MNCA.³

¹ Willard L. Boyd III, ABA, *The New Model Nonprofit Corporation Act*, (Oct. 16, 2023), available at https://www.americanbar.org/groups/business_law/resources/business-law-today/2023-october/the-new-model-nonprofit-corporation-act/ (last visited Jan. 20, 2026).

² *Id.*

³ *Id.*

The Florida Not for Profit Corporation Act

Florida generally follows the revised MNCA as a basis for its laws that govern not-for-profit organizations.⁴ As the FNCA has not been significantly amended in more than 15 years, the Business Law Section of The Florida Bar convened a Chapter 617 Task Force (task force) consisting of experienced attorneys to harmonize portions of the FNCA to the recent changes adopted in the FBCA.⁵ These changes prevent confusion in the application of similar provisions in both acts and clarifies and updates existing provisions.⁶

For ease of understanding, further discussion of the present situation is included below in the Effect of Proposed Changes.

III. Effect of Proposed Changes:

General Provisions (Sections 1-11)

The FNCA requires nonprofit corporations⁷ (hereinafter “nonprofit corporation” or “corporation”) that seek to transact business in Florida to register and file articles of incorporation and annual reports with the Department of State (department).⁸ The department determines whether submitted filings meet relevant statutory requirements to file.⁹ If the department refuses to file documents within 30 days after receipt, the filing corporation may attempt to remedy the defect or may appeal the issue to a court of competent jurisdiction.¹⁰ Currently, there is no way for a corporation to withdraw an incorrect filing.

Section 1 amends s. 617.01011, F.S., renaming the chapter as the “Florida Nonprofit Corporation Act.”

Section 9 amends s. 617.01401, F.S., creating and changing definitions for use in ch. 617, F.S.

The bill makes several changes throughout by substituting the word “act” with “chapter” to refer to the FNCA, ch. 617, F.S., and replacing the phrase “Department of State” with “department.”

Filing Requirements

Section 2 amends s. 617.01201, F.S., altering the requirements for registering with the department to allow for filed documents to depend upon facts outside the document. When the

⁴ See THE FLORIDA BAR, Business Law Section, *The Florida Bar Business Law Section Task Force Report and Recommendations Fl. Stat. Ch. 617: The Florida Not for Profit Corporation Act*, available at https://flabizlaw.org/wp-content/uploads/2025/09/Ch-617-NonProfit-White-Paper_Final.pdf (last visited Jan. 20, 2026).

⁵ *Id.* The FBCA was substantially amended in 2019. See ch. 607, F.S.

⁶ *Id.*

⁷ “Nonprofit corporation” means a corporation no part of the income or profit of which is distributable to its members, directors, or officers, except as otherwise provided under this chapter.

⁸ See DIV. OF CORP., *Instructions for Articles of Incorporation (FL Non-Profit)*, available at <https://dos.fl.gov/sunbiz/start-business/efile/fl-nonprofit-corporation/instructions/> (last visited Jan. 20, 2026).

⁹ Section 617.0125, F.S.

¹⁰ Section 617.0126, F.S.

chapter allows for a filed document¹¹ to depend upon facts objectively ascertainable outside the plan¹² or filed document, the following apply:

- The document must explain how the facts will be relied upon in conjunction with its terms.
- The facts may include, but are not limited to:
 - Any of the following which are available in a nationally recognized news or information medium:
 - Statistical or market indices;
 - Market prices of any security or group of securities;
 - Interest rates;
 - Currency exchange rates; and
 - Similar economic or financial data.
 - A determination or action by a person or body, including the corporation or any other party to the document.
 - The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

However, the following provisions of a plan or filed document may not rely upon outside facts:

- The name and address of any person required.
- The registered office of any entity¹³ required.
- The registered agent of any entity required.
- The effective date of a filed document.
- Any required statement in a filed document of the date on which the underlying transaction was approved or the way that approval was given.

If a provision of a filed document depends on facts outside of it and the fact is not ascertainable either (1) in one of the acceptable sources or (2) a document that is a matter of public record and the affected members have not received notice of that fact from the corporation, then the corporation must file articles of amendment with the department.

Section 3 amends s. 607.0123, F.S., providing that a document accepted for filing under ch. 617, F.S., may specify a delayed effective date. For initial articles of incorporation, a prior effective date may be specified if the date is within 5 business days before the date of filing. A document accepted for filing is effective on specific dates and times depending on the information contained in the filing. Under the bill, if the record does not specify the time zone or place at which the date or time is to be determined, the date or time will be that of the place of filing in this state.

Articles of Correction

Section 4 amends s. 617.0124, F.S., providing that articles of correction may not contain a delayed effective date for the correction. Unless otherwise provided, a filing delivered to the

¹¹ “Filed document” means a document filed with the department pursuant to ch. 617, F.S., except for a document filed pursuant to ss. 617.1501-617.1532, F.S.

¹² “Plan” means a plan of merger, plan of conversion, or plan of domestication.

¹³ “Entity” includes corporations and foreign corporations; unincorporated associations; business trusts, estates, limited liability companies, partnerships, trusts, and two or more persons having a joint or common economic interest; any state, the United States, or any foreign government.

department may be withdrawn before it takes effect by delivering a withdrawal statement to the department. A withdrawal statement must be signed by each person who signed the filing being withdrawn except as otherwise agreed, identify the filing to be withdrawn, and state that the filing is withdrawn in agreement with all people who signed it (if not signed by all persons who signed the filing being withdrawn). Once the department files the withdrawal statement, the action or transaction evidenced by the original filing does not take effect.

Appeals

Section 5 amends s. 617.0126, F.S., allowing corporations to petition the Circuit Court of Leon County to compel filing of a document if the department refuses to file a document within 30 days after receipt. The department's explanation for its refusal must be attached to such petition. The court may decide the matter in a summary proceeding, summarily order the department to file the document, or take other action.

Section 6 amends s. 617.0127, F.S., providing that all certificates issued by the department pursuant to ch. 617, F.S., must be taken as prima facie evidence of the facts in it.

Section 7 amends s. 617.0128, F.S., making non-substantive verbiage changes.

Section 8 amends s. 617.01301, F.S., mandating that interrogatories directed to a corporation be answered by an authorized officer, director, member, or fiduciary.

Notice

Section 10 amends s. 617.0141, F.S., providing that written notice under ch. 617, F.S., may be communicated by mail, e-mail, or fax. When oral notice is allowed, it may be communicated in person, by phone, or other electronic means through which all persons participating can hear one another.

Qualified Director

Section 11 creates s. 617.0143, F.S., defining "qualified director" generally as someone who has neither a material interest nor material relationship that would cloud their independent judgment in the outcome of a conflict transaction, derivative action, or indemnification decision. A director is not automatically prevented from being a qualified director in certain circumstances.

Incorporation and Corporate Name (Sections 12-18)

Nonprofit corporations must file articles of incorporation with the department before they may transact business in the state. However, designated classes of nonprofit corporations formed under special provisions in other statutes are not governed under ch. 617, F.S. Generally, s. 617.0202, F.S., requires that a corporation's articles of incorporation include the corporate name, address, and purpose, information on membership and the election of directors, and information about the registered agent.

Section 12 amends s. 617.0202, F.S., specifying the articles of incorporation include any provision that lawfully limits the corporate powers authorized under ch. 617, F.S. Additionally,

the articles must include the transferability or nontransferability of membership to the extent consistent with s. 617.0605, F.S.

Section 13 amends s. 617.0204, F.S., removing the “except” clause to allow for valid contracts by promoters and third parties prior to a corporation’s formation. If a person acting on behalf of the corporation knows there was no incorporation, they are jointly and severally liable for any liability they caused preincorporation.

Section 14 amends s. 617.0206, F.S., providing that the initial bylaws of a corporation must be adopted by the board of directors unless that power is reserved to the members in the articles of incorporation.

Section 15 amends s. 617.0302, F.S., removing a nonprofit’s power to have succession by its corporate name for the period listed in the articles of incorporation. The bill allows nonprofits to increase or decrease the number of directors, subject to the minimum number required under s. 617.0803, F.S. The bill gives a nonprofit corporation the power to be a promoter, incorporator, partner, member, associate, or manager of any corporation, joint venture, or other entity. Additionally, the bill makes non-substantive verbiage changes and amends provisions to harmonize the statute with the FBCA.

Section 16 amends s. 617.0304, F.S., clarifying that a court may not award damages for anticipated profits in proceedings under s. 617.0304(2)(a), F.S.

Section 17 amends s. 617.0401, F.S., permitting a corporation to register under a name that is not otherwise distinguishable on the records of the department if:

- The other entity consents to the use and submits a request to change its name to something distinguishable from the applying corporation; or
- The applicant delivers to the department a certified copy of a court’s final judgement establishing the applicant has the right to use the name.

Moreover, a corporate name as filed with the department is for public notice only—it does not create a presumption of ownership over the name. The bill states that this section does not apply to the use of fictitious names.

Section 18 amends s. 617.0403, F.S., clarifying language so that foreign nonprofit corporations can conduct business affairs in this state after registering their name according to this section.

Registered Agent and Office (Sections 19-23)

A nonprofit corporation transacting business in Florida must designate and maintain a registered agent and registered office in the state.¹⁴ The registered agent may be either an individual who resides in the state or another corporation whose business address is the same as the registered office.¹⁵

¹⁴ Section 617.0501, F.S.

¹⁵ *Id.*

Section 19 amends s. 617.0501, F.S., creating duties for the registered agent:

- To forward a process, notice, or demand pertaining to the corporation which is served on the agent to the nonprofit corporation; and
- If the registered agent resigns, provide the notice required under s. 617.0502, F.S., to the corporation.

This section also removes the definition for “authorized entity.” The definition was added to the definitions in s. 617.01401, F.S.

Section 20 amends s. 617.0502, F.S., requiring that if the street address of the current registered office is to be changed, the nonprofit must file a statement of change with the department.

Section 21 creates s. 617.05021, F.S., providing that a registered agent may resign from a nonprofit corporation regardless of whether the corporation has active status. The registered agent must deliver a signed resignation statement to the department and mail a copy of such to the corporation. If a registered agent is resigning from multiple corporations that have each been dissolved for at least 10 years, the agent may file a composite statement of resignation for all the corporations. A composite statement of resignation must include the names and dates of dissolution for each corporation. A registered agent is terminated upon the earlier of either (1) the 31st day after the department files the statement of resignation or (2) when a statement of change or other record designating a new registered agent is filed by the department. When a statement of resignation takes effect, the registered agent does not hold responsibility for a matter tendered to him or her as agent for the corporation after the fact.

Section 22 creates s. 617.05022, F.S., providing that if a registered agent changes his or her name or business address, the agent may deliver to the department a statement of change which includes:

- The name of the corporation represented by the registered agent.
- The name of the registered agent as currently shown in the records of the department for the corporation.
- If the name and/or address of the registered agent has changed, the agent’s new name and/or address.
- A statement that the registered agent has given notice to the corporation of the change.

The registered agent must promptly give notice to the represented corporation of the statement of change and its contents. The bill further states that:

- A statement of change is effective when filed by the department.
- The changes described above may also be made on the corporation’s annual report, in an application for reinstatement, or in an amendment to or restatement of the corporation’s articles of incorporation.
- The department shall collect a fee for filings authorized under this section.

Section 23 amends s. 617.0503, F.S., harmonizing the statute with the FBCA with verbiage changes. The bill removes definitions which are not applicable to nonprofit corporations.

Shares and Distributions (Sections 24, 171-172)

Nonprofit corporations in Florida may not pay dividends or make distributions of any part of their net income or earnings to their members, directors, or officers. There are certain exceptions to this prohibition, including:

- Purchase of membership interest by a mutual benefit corporation under s. 617.1302, F.S.;
- Compensation paid to members, directors, or officers for services rendered;
- Distributions upon partial liquidation, dissolution, or full liquidation;
- Refunds to members of exempt utility corporations; and
- Disbursal of refunds, credits, insurance proceeds, or settlements for certain corporations pursuant to s. 617.0505, F.S.

Section 24 amends s. 617.0505, F.S., consolidating all the distribution provisions in ch. 617, F.S., into one section. There are no material changes in substance to distributions for nonprofit corporations under this chapter.

Sections 171-172 repeal ss. 617.1301-617.1302, F.S., the provisions regarding distributions.

Members (Sections 25-33, 179)

Nonprofit corporations may have one or more classes of members or no members. A member is someone who has membership rights in a nonprofit corporation in accordance with the articles of incorporation. The rights and interests of members are detailed in the articles of incorporation. Under ch. 617, F.S., nonprofit corporations must keep a list of members with their names and addresses on record.

Section 25 amends s. 617.0601, F.S., removing the requirement that affiliated chapters of certain nonprofit corporations had to register with the Department of Agriculture if they had a right to vote. Under the bill:

- If a nonprofit corporation has no members, or does not have members entitled to vote, then legal notice of a matter is satisfied by notice to, the presence of, or the vote, consent, or other action by the board of directors.
- Except as otherwise provided in the articles of incorporation or bylaws:
 - Each member has the same rights and obligations as every other member.
 - The board of directors may accept members for consideration,¹⁶ which may take any form, including promissory notes, intangible property, or past or future services.
- If membership of a nonprofit corporation is limited to property owners in a specific geographic area, the articles of incorporation may provide for termination of membership upon ceasing to be a property owner within that boundary.
- A nonprofit corporation may not be a member of itself or exercise the rights of a member for itself. If a corporation purchases its own membership interest, that interest is canceled.

¹⁶ “Consideration simply ‘is the inducement to a contract.’ ‘[I]t is the cause motive, price, or impelling influence which induces one to enter into a contract.’” *Koung v. Giordano*, 346 So. 3d 108, 115 (Fla. 1st DCA 2022) (internal citation omitted).

Section 26 amends s. 617.0603, F.S., providing that a corporation may pay compensation to its members, directors, officers, agents, and employees for services rendered and may confer benefits onto its members. Upon dissolution or liquidation, the corporation may make distributions to its members or others as allowed under ch. 617, F.S. Such payments and benefits are not considered a dividend or distribution of income or earnings.

Section 179 repeals s. 617.2102, F.S., removing the provision regarding fines and penalties against members.

Liability of Members

Section 27 amends s. 617.0604, F.S., authorizing nonprofit corporations to levy dues, assessments, and fees on its members as allowed by the articles of incorporation or bylaws. Such costs may be imposed on members of the same class in different amounts or members may be exempt. The amount and method of collection of dues, assessments, and fees may be fixed by the articles of incorporation or bylaws, the board of directors, or the members. The articles of incorporation or bylaws may list the means of enforcement of collection of such costs.

Moreover, a creditor of a corporation may not bring a proceeding to reach the liability of a member until a final judgement has been rendered from a court of competent jurisdiction and the execution of such has been returned unsatisfied. All creditors of a corporation may intervene¹⁷ in any other creditors' proceedings brought pursuant to s. 617.0604(5), F.S.

Additionally, any member who owes an unpaid amount to the corporation may be joined¹⁸ in the proceeding. If a member owes unpaid amounts to a corporation, the corporation can satisfy its debt owed to a creditor, and the member can satisfy its debt owed to the corporation, through payment by the member to the creditor of such unpaid amounts.

Transfer of Membership Interests

Section 28 amends s. 617.0605, F.S., allowing membership interests and rights to be transferred pursuant to the articles of incorporation.

Resignation, Termination, Expulsion, and Suspension

Section 29 amends s. 617.0606, F.S., providing that members may resign at any time for any reason from a nonprofit corporation.

Section 30 amends s. 617.0607, F.S., specifying that the expulsion, suspension, or termination of a member does not relieve that member of their obligations to the corporation made prior to the expulsion, suspension, or termination. Additionally, the corporation may fine or penalize its members if allowed by the articles of incorporation or bylaws. Such fine or penalty may not be levied until the corporation provides notice and an opportunity to be heard to the member.

¹⁷ “Intervention is the procedure by which third persons, not originally parties to a lawsuit but claiming an interest in the subject matter, enter the case to protect their rights or to interpose a claim.” *Berenyi v. Fla. Dep't of Child. & Fams.*, 257 So. 3d 1182, 1184 (Fla. 3d DCA 2018).

¹⁸ “Joinder is the process to consolidate claims or parties into one case.” Legal Information Institute, *Joinder*, available at <https://www.law.cornell.edu/wex/joinder#> (last visited Jan. 20, 2026).

Purchase of Membership

Section 31 amends s. 617.0608, F.S., authorizing nonprofit corporations, other than 501(c)(3) organizations, to purchase membership interests if allowed by the articles of incorporation or bylaws. Such purchase may not be considered a dividend or distribution of income or earnings. The corporation may only purchase membership interests if, after completing the purchase, the corporation is able to pay its debts as they become due and the total assets of the corporation are at least equal to its total liabilities.

Meetings

Section 32 amends s. 617.0701, F.S., stating that a corporation having members may hold meetings of members for business at times set out by the corporation or in accordance with the articles of incorporation or bylaws. Annual, regular, and special meetings of the members may be held in or out of the state. The failure to hold an annual meeting as outlined in the articles of incorporation or bylaws does not affect the validity of any corporate action.

The bill further specifies that:

- Special meetings of the members may be called by either:
 - The board of directors or the person authorized under the articles of incorporation or bylaws.
 - Members holding at least 10% of all votes, or the amount specified in the articles of incorporation or bylaws, entitled to be cast on an issue being considered at a meeting. Such members must sign, date, and deliver to the corporation's secretary one or more written demands for the meeting describing its purpose.
- A written demand for a special meeting may be revoked by submitting a writing to the corporation to that effect before the corporation receives the demands sufficient in number to hold a special meeting.
- Special meetings of members may be held in or out of this state at a place stated in or fixed in accordance with the articles of incorporation or bylaws in the notice of the special meeting. If there is no fixed location in the articles of incorporation or the bylaws, special meetings must be held at the corporation's principal office.

Under the statute, members may take action, that is required or permitted to be taken at the special meeting, without meeting, notice, or vote under certain circumstances. To be effective, the action must be evidenced by written consent. Under the bill, the action taken by written consent is effective when it is signed by the members entitled to cast the required number of votes on the action and delivered to the corporation. If the articles of incorporation or bylaws require that notice of proposed corporate action be delivered to members not entitled to vote on the action and the action is to be taken by consent of the members entitled to vote, notice must be given within 30 days to those members not entitled to vote.

Further, the bill requires that a member may waive any notice required under ch. 617, F.S., the articles of incorporation, or the bylaws before or after the date and time stated in the notice. Such waiver must be in writing, signed, and delivered to the corporation for filing. If a member attends a meeting, they waive objection to:

- Lack of notice or defective notice, unless the member objects at the beginning of the meeting and does not vote on action taken at the meeting; and
- Consideration of a particular matter at the meeting is not within the stated purpose in the meeting notice, unless the member objects when the matter is presented.

Appointment of Proxy for Member Voting

Section 33 amends s. 617.0721, F.S., permitting members, or their attorney, to appoint a proxy to vote or act for the member by:

- Signing an appointment form via electronic signature or other reasonable means;
- Transmitting an electronic signature to the person who will be the proxy, a proxy solicitation firm, a registrar, or an agent authorized by the person who will be the proxy; or
- Using other means as provided in the articles of incorporation or bylaws.

Under the bill, an appointment form must detail information which shows the member or their attorney authorized the appointment of the proxy. Such appointment is effective when a signed appointment in a record is received by the inspectors of election, the officer or agent authorized to count votes, or the secretary. A member may revoke appointment of a proxy unless the appointment form or transmission states the appointment is irrevocable and coupled with an interest. Moreover, the death or incapacity of the member appointing a proxy does not affect the right of the corporation to accept the proxy's authority, unless notice of the death is received by the inspectors of election, the officer or agent authorized to count votes, or the secretary before the proxy exercises their authority. The corporation may reject a vote, ballot, consent, waiver, demand, or proxy appointment if the person authorized to accept or reject such action has a reasonable basis to doubt the validity of the signature on it or the signatory's authority for it.

Remote Meeting of Members

Section 33 also authorizes the board of directors to make a members' meeting remote, so long as the articles of incorporation, bylaws, or demands of members do not require the meeting to be held at a specific geographic location. The board of directors may authorize members, or their attorney or proxy, to participate in meetings via remote communication. Members are deemed to be present at such remote meetings if the corporation has implemented reasonable measures to verify whether the member, or his or her attorney or proxy, is a member.

Derivative Actions (Sections 34-40, 168)

Currently, ch. 617, F.S., allows for members to initiate derivative actions. A derivative action is a legal proceeding brought by a member to enforce a right of action that exists on behalf of the corporation.¹⁹ A member may not initiate a proceeding until he or she submits a demand to the board of directors and the demand is refused or ignored for at least 90 days.

Section 168 repeals s. 617.07401, F.S., which contained provisions outlining derivative actions by members, to move those provisions into sections mirroring the FBCA.

¹⁹ "A derivative action is generally defined as a cause of action on behalf of a stockholder to enforce a right of action that exists on behalf of the corporation... It seeks redress for an injury suffered by the corporation or the stockholders generally." *Fox v. Pro. Wrecker Operators of Fla., Inc.*, 801 So. 2d 175, 179 (Fla. 5th DCA 2001) (internal citation omitted).

Sections 34-40 create ss. 617.0741-617.0747, F.S., to harmonize the FNCA's provisions on derivative actions with the FBCA and re-word the provisions repealed under s. 617.0401, F.S. The bill substantively alters these provisions by:

- Allowing directors and officers to bring derivative actions, not just members.
- Removing the requirement that a plaintiff demand action by the corporation and wait 90 days for the corporation to reject or ignore the demand before initiating the action.

Directors and Officers (Sections 41-54)

Nonprofit corporations are managed and subject to oversight by their board of directors. All corporate powers must be exercised under the board's authority. Florida law requires a director to be a natural person and over the age of eighteen. Unless the articles of incorporation or bylaws require otherwise, a director does not need to be a resident of the state or member of the corporation.²⁰

Directors

Section 41 amends s. 617.0803, F.S., requiring that a nonprofit corporation's board of directors consist of at least one person, unless it is a 501(c)(3) organization²¹, in which case the board of directors must consist of at least three people.

Section 42 creates s. 617.0804, F.S., making requirements for the selection of a board of directors. For membership corporations, aside from any initial directors named in the articles of incorporation or elected by the incorporators, the directors must be elected by the members entitled to vote at each annual meeting, unless the articles of incorporation or bylaws specify another manner for election.

For non-membership corporations, aside from any initial directors named in the articles of incorporation or elected by the incorporators, the directors must be elected, appointed, or designated as provided in the articles of incorporation. If the articles of incorporation or bylaws do not set forth a method, then the directors are elected by the board of directors.

Further, if members are divided into classes, the articles of incorporation or bylaws may allow the election of directors by the holders of one or more authorized classes of members.

Section 43 creates s. 617.0805, F.S., prescribing that unless otherwise specified by the articles of incorporation or bylaws:

- The term of a director is one year.
- The term of a director elected to fill a vacancy expires at the end of the term the director is filling.
- The director continues to serve until the director's successor is elected, appointed, or designated and until the director's successor takes office.

²⁰ Sections 617.0801-617.0802, F.S.

²¹ A 501(c)(3) organization refers to an organization exempt from federal income tax pursuant to 26 U.S.Code § 501(c)(3).

The bill also sets out that a decrease in the number of directors or term of office does not shorten an incumbent director's term.

Removal and Vacancies of Directors

Section 44 amends s. 617.0808, F.S., removing the provision regarding removal of directors of 501(c) corporations. Directors can still be removed through other means, such as methods detailed in the articles of incorporation.

Section 45 amends s. 617.0809, F.S., revising provisions regarding a vacancy occurring on a corporation's board of directors. Vacancies typically will be filled by a majority of the remaining directors in office, even if the remaining directors constitute less than a quorum, except as otherwise provided in the articles of incorporation and bylaws and except in the following circumstances:

- When a director was elected by a voting group of members, the vacancy may be filled only during the first three months that the vacancy occurs and only by that voting group.
- When the director was appointed by people other than the members, the vacancy may be filled only by those people.
- When the director was designated in the articles of incorporation or bylaws, the vacancy may not be filled by the board of directors.

Section 46 creates s. 617.08091, F.S., authorizing courts to remove a director from office in a proceeding commenced in the right of the corporation, if the court finds that:

- The director engaged in fraudulent conduct, grossly abused the position of director, or intentionally inflicted harm on the corporation; and
- Removal is in the best interest of the corporation, considering the director's conduct and the inadequacy of other remedies.

In addition to removal, the court may bar the director from reelection, redesignation, or reappointment and may order any other relief or remedy within its power. Further, only a member, officer, or director may bring an action under this section, and such action must comply with the derivative action requirements under ss. 617.0742-617.0747, F.S. The action must be brought by a member, or multiple members, having no less than 10% of the corporation's voting power.

Meetings of the Board of Directors

Section 47 amends s. 617.0820, F.S., providing that unless the articles of incorporation or the bylaws detail otherwise:

- Meetings of the board of directors may be called and noticed by the chair of the board, the president or similarly situated officer, or 20% of the directors then in office.
- Regular meetings of the board of directors may be held without notice of the date, time, place, or purpose of the meeting.
- Special meetings of the board of directors must be noticed at least two days prior, detailing the date, time, and place. The notice does not need to contain the purpose of the meeting.

Section 48 amends s. 617.0821, F.S., allowing a board of directors to take action without a meeting if written consent is signed by each director and delivered to the corporation. A

director's consent may be withdrawn by signed revocation and delivered to the corporation before the written consent is delivered to the corporation.

Section 169 repeals s. 617.0822, F.S., consolidating the notice provisions into s. 617.0820(5)-(6), F.S.

Section 49 amends s. 617.0823, F.S., altering the waiver of notice of meeting provision to require a director to not vote for or consent to action taken at a meeting when the director is objecting to the date, place, time, or way the meeting was called.

General Standards for Directors

Section 50 amends s. 617.0830, F.S., updating Florida's business judgment rule and clarifying the standard of care with which directors must act. Specifically, directors must act in good faith and in a manner the director reasonably believes is in the best interests of the corporation when discharging their duties. When becoming informed in connection with a decision-making function or devoting attention to an oversight function, the director shall discharge their duties with the care an ordinarily prudent person would believe appropriate in similar circumstances. Additionally, this section expands the group of experts and other people, as laid out in s. 617.0830(5), F.S., upon whom the director may rely upon when making decisions and discharging their duties. Last, this section provides that a director is not a trustee with respect to the corporation or property held by the corporation in trust.

Section 51 amends s. 617.0832, F.S., regarding director conflict of interest.²² The bill requires that conflict of interest transactions be fair to the corporation²³ at the time they are authorized. Additionally, there is a shifting burden provision which outlines the legal burden on each party in a proceeding challenging the validity of a director's conflict of interest transaction or seeking relief with respect to that transaction. If a disinterested majority of directors or members, who received advance notice of the conflict, authorized the transaction, then the burden is on the person challenging the transaction to prove it was not valid. If such authorization was not attained, then the burden is on the defendant to prove the fairness and validity of the transaction.

The bill also allows parties to challenge transactions on the grounds that a director or member was not disinterested when voting or approving the transaction. Moreover, the bill provides an exception to required quorum for directors or members to vote under applicable law in these transactions.

Standards of Conduct for Officers

Section 54 creates s. 617.0844, F.S., updating Florida's business judgment rule and clarifying the standard of care with which officers must act. Specifically, directors must act in good faith

²² "Director's conflict of interest transaction" means a transaction between a corporation and one or more of its directors, or another entity in which one or more of the corporation's directors is directly or indirectly a party to the transaction, other than being an indirect party as a result of being a member of the corporation, and has a direct or indirect material financial interest or other material interest.

²³ "Fair to the corporation" means that the transaction, as a whole, is beneficial to the corporation and its members, taking into appropriate account whether it is: 1. Fair in terms of the director's dealings with the corporation in connection with that transaction; and 2. Comparable to what might have been obtainable in an arm's length transaction.

and in a manner the officer reasonably believes is in the best interests of the corporation when discharging their duties. The bill provides a substantively similar provision to officers as it does for directors, allowing officers to rely on certain people and information to act. The bill further specifies the duty of an officer includes informing officers and the board of directors of material information about the affairs of the corporation and actual and probable material violations of law.

Liability of Directors and Officers

Section 52 amends s. 617.0834, F.S., harmonizing this provision with the FBCA. The bill expands the application of the laws regarding the personal liability of a director²⁴ or officer²⁵ to apply to all nonprofit corporations in the state, not just nonprofit corporations that are defined by certain sections of the federal tax code; and modifies the scope of the exemption from liability.

Application to certain nonprofit corporations:

Section 617.0834, F.S. currently provides that an officer or a director of certain forms of nonprofit corporation is not personally liable for monetary damages to any person for certain corporate actions. This limitation of liability currently only benefits directors and officers of a limited number of nonprofit corporations:

- A corporation recognized under 26 U.S.C. s. 501(c)(3), which generally includes any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition, or for the prevention of cruelty to children or animals.
- A corporation recognized under s. 26 U.S.C. s. 501(c)(4), which generally includes a civic league or organization operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality.
- An agricultural or a horticultural organization recognized under 26 U.S.C. s. 501(c)(5), but not a labor organization recognized under that same section.
- A business league, chamber of commerce, real-estate board, board of trade, or professional football league recognized under 26 U.S.C. s. 501(c)(6).

The bill removes the limitation on types of nonprofit corporation, thus broadening the protection against personal liability to apply to directors and officers of all forms of nonprofit corporation governed by ch. 617, F.S.

Actions that may lead to personal liability:

Section 617.0834, F.S., currently provides that an officer or a director of certain forms of nonprofit corporation are not personally liable for monetary damages to any person for any statement, vote, decision, or failure to take an action, regarding organizational management or policy by an officer or director, unless the officer or director breached or failed to perform his or

²⁴ For the purposes of s. 617.0834, F.S., “director” means a person who serves as a director, trustee, or member of the governing board of an organization.

²⁵ For the purposes of s. 617.0834, F.S., “officer” means a person who serves as an officer without compensation except reimbursement for actual expenses incurred or to be incurred.

her duties as an officer or director and the officer's or director's breach of, or failure to perform, his or her duties constitutes any of the following:

- A violation of the criminal law, unless the officer or director had reasonable cause to believe his or her conduct was lawful or had no reasonable cause to believe his or her conduct was unlawful;
- A transaction from which the officer or director derived an improper personal benefit, directly or indirectly; or
- Recklessness²⁶ or an act or omission that was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

In addition to broadening the types of nonprofit corporations that the liability provision applies to (as shown above), the bill also amends the law on personal liability of a director or officer as follows:

- The bill adds that a conscious disregard for the best interest of the corporation, or willful or intentional misconduct, may also warrant personal liability if the claim is related to a derivative action.
- The bill amends the liability for recklessness to provide that the provision does not apply to a derivative action.
- The bill clarifies the improper personal benefit exemption by providing that a director or officer has not obtained an improper personal benefit if a transaction and its benefits are not prohibited by state or federal laws and regulations and the transaction is fair to the corporation.

Prohibited Activities by Private Foundations

Section 53 amends s. 617.0835, F.S., regarding certain nonprofit corporations that are commonly referred to a private foundation. Current law prohibits certain actions by a private foundation related to self-dealing, excess business holdings, investments and expenditures, except to the extent that a court finds that application of the limits is contrary to the articles of incorporation and that they cannot be changed to conform to the related federal tax code provisions. The related federal tax code provisions contain an exception providing for different tax treatment of private foundations organized before January 1, 1970.²⁷

The bill modifies the exception to simplify the wording and to specifically refer to the federal tax code provision that adopts and recognizes a different tax rule for a private foundation formed prior to January 1, 1970.

Amending the Articles of Incorporation (Sections 55-57)

Nonprofit corporations may change their articles of incorporation at any time pursuant to s. 617.1001, F.S. Under s. 617.1006, F.S., the articles of amendment must include the name of the

²⁶ The term "recklessness" means the acting, or omission to act, in conscious disregard of a risk that is known, or so obvious that it should have been known, to the officer or director; and known to the officer or director, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such action or omission. Section 617.0834(b)(2), F.S.

²⁷ 26 U.S.C. s. 508(e)(2).

corporation, the text of each amendment adopted, and the date of adoption of the amendment by the members. If the nonprofit corporation has no members, or if members are not entitled to vote, then the articles of amendment must include the date of adoption by the board of directors.

Authority

Section 55 amends s. 617.1001, F.S., adding that the corporation may amend its articles of incorporation to add or change a provision that is required or permitted in the articles or to delete those that are not required or permitted.

Procedure

Section 56 amends s. 617.1002, F.S., specifying that the amendment must be adopted by the board of directors and approved by the members, unless otherwise provided by the articles of incorporation or other portions in this section. Additionally, the board of directors:

- Must inform the members of the conflict or special circumstances that led the board to not recommend the proposed amendment.
- May set conditions for the approval or effectiveness of the amendment.

However, the board of directors may adopt amendments without approval of the members to:

- Extend the duration of the corporation;
- Delete the names and addresses of the initial directors, initial registered agent, or registered office;
- Delete information in the articles of incorporation which is solely of historical interest;
- Change the corporate name by substituting the words “corporation” and “incorporated” or altering a geographical attribute to the name.
- Restate without change all of the then operative provisions of the articles of incorporation as provided in s. 617.1007.

Further, the corporation must give proper notice to the members if their approval is required to be given at a meeting. Unless otherwise provided in this chapter, articles of incorporation, or the board of directors, the approval of the amendment requires a quorum of members. If the corporation does not have members and the amendment changes provisions regarding appointment of directors by people other than the board, those people must approve the amendment by vote.

Content

Section 57 amends s. 617.1006, F.S., providing that articles of amendment take effect on the effective date determined pursuant to s. 617.0123, F.S. The bill also requires the corporation to deliver the amendment to the department for filing and include:

- The name of the corporation;
- The text of each amendment adopted, or the information required by s. 617.01201(10), F.S.;
- Provisions for implementing the amendment if it exchanges, reclassifies, or cancels memberships;
- The date of each amendment’s adoption; and
- A statement about the amendment in specified circumstances.

Merger (Sections 58-64, 170)

Under Florida law, two or more domestic, nonprofit corporations may merge into one corporation pursuant to a merger plan approved under s. 617.1101, F.S. Currently, the surviving corporate entity of such merger must be a nonprofit. The plan for merger must be adopted by the board of directors and, if the corporation has members entitled to vote, it must be approved by a majority of the members.

Plan of Merger

Section 58 amends s. 617.1101, F.S., permitting two or more domestic or foreign, eligible corporate entities to merge into a domestic corporation. Domestic or foreign eligible entities²⁸ that are not corporations may also be a party to a merger, or be created as the survivor in a merger, with a domestic corporation. To do so, the parties of the merger must comply with requirements in ch. 617, F.S., and the merger must be permitted by the organic law of the eligible entity that is not a corporation. Further, a plan of merger must include:

- The name, jurisdiction of formation, and type of entity of each party;
- The surviving entity's name, jurisdiction of formation, type of entity, and statement if the survivor is to be created in the merger;
- The terms and conditions of the merger;
- The articles of incorporation of the corporation or the public organic record²⁹ of any eligible entity;
- The effective date and time of the merger; and
- Any other provision required by the laws under which any party of the merger is organized.

The bill also sets out that terms of a plan of merger may depend on facts objectively ascertainable outside the plan pursuant to s. 617.01201(10), F.S. A plan of merger may be amended only with the consent of each party. The bill details how a domestic party to a merger may approve an amendment to the plan.

²⁸ "Eligible entity" means a domestic or foreign: 1. Corporation or corporation for profit; 2. General partnership, including a limited liability partnership; 3. Limited partnership, including a limited liability limited partnership; 4. Limited liability company; or 5. Other unincorporated entity. (b) The term does not include: 1. An individual; 2. An association or relationship that is not a partnership solely by reason of s. 620.8202(2) or a similar provision of the law of another jurisdiction; 3. A decedent's estate; or 4. A government or a governmental subdivision, agency or instrumentality.

²⁹ "Public organic record" means a record, the filing of which by a governmental body is required to form an entity, and an amendment to or restatement of such record. When a public organic record has been amended or restated, the term means the public organic record as last amended or restated. The term includes any of the following: (a) The articles of incorporation of a corporation for profit. (b) The articles of incorporation of a nonprofit corporation. (c) The certificate of limited partnership of a limited partnership. (d) The articles of organization, certificate of organization, or certificate of formation of a limited liability company. (e) The articles of incorporation of a general cooperative association or a limited cooperative association. (f) The certificate of trust of a statutory trust or similar record of a business trust. (g) The articles of incorporation of a real estate investment trust.

Limitation on Merger

Section 59 amends s. 617.1102, F.S., allowing nonprofit corporations that hold property for a charitable purpose³⁰ to merge with another entity, only if the surviving entity is a nonprofit.

Approval and Abandonment of Merger Plan

Section 60 amends s. 617.1103, F.S., requiring the board of directors to inform the members of the basis of the lack of recommendation for the plan of merger, if the board cannot make a recommendation to the members due to a conflict of interest or other special circumstances. The bill also sets out that:

- The board of directors may set conditions for the approval or effectiveness of the proposed merger.
- The corporation must give adequate notice to the members entitled to vote if the approval of the merger is to be given at a meeting. Such notice must include the purpose of the meeting, a copy of the plan, and other specified information.
- Unless otherwise required, approval of the plan of merger shall require the approval of the members at a meeting at which the current required quorum exists by a majority of the votes entitled to be cast on the plan.
- Separate voting on a plan of merger is required for each class of members that is to be converted under the plan of merger into securities, interests, or obligations; rights to acquire securities or other interests; or cash, other property, or any combination thereof.
- The articles of incorporation may expressly limit or eliminate the separate voting rights as to any class of members.
- If the corporation has no members, or the members are not allowed to vote, then the board of directors may approve the plan via a majority vote.
- After a plan of merger has been approved and before the articles of merger are effective, the plan may be abandoned (as detailed in the plan) in the same manner it was approved. If the merger is abandoned after the articles of merger are delivered to the department but before the articles of merger become effective, a statement of abandonment must be filed with the department with specified information.

Short-form Merger

Section 61 amends s. 617.1104, F.S., allowing for merger between a parent company and its subsidiary, so long as the parent owns at least 80% of the voting power of the subsidiary. Such mergers do not require the approval of the board of directors or members unless the articles of incorporation or organic rules³¹ of the parent entity specify otherwise. Within 10 days after the effective date of the merger, the parent entity must notify each of the subsidiary's members that the merger has become effective.

Articles of Merger

Section 62 amends s. 617.1105, F.S., requiring that articles of merger filing include:

³⁰ "Charitable purpose" means a purpose that: (a) Would make a corporation organized and operated exclusively for that purpose eligible to be exempt from taxation under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (b) Is considered charitable under the law of this state other than as set forth in the Internal Revenue Code of 1986, as amended.

³¹ "Organic rules" means the public organic records and private organic rules of an entity.

- The name, jurisdiction of formation, and type of entity of each party, including the survivor entity if not already identified;
- The amendment to the survivor's articles of incorporation, if they are being amended;
- The articles of incorporation of the new corporation if a new domestic corporation is being created because of a merger;
- A statement that the plan was approved by the members or by separate voting groups, if necessary;
- A statement explaining that the plan of merger did not require approval by the members, if necessary;
- A statement that the participation of the foreign corporation, party to the merger, was authorized in accordance with the foreign corporation's organic law;
- A statement that the participation of a domestic or foreign eligible entity, party to the merger, was authorized in accordance with that entity's organic law;
- A statement that the corporation does not hold any property for a charitable purpose, if the surviving entity is not a domestic or foreign corporation or other eligible entity organized as a nonprofit; and
- Any other provision not prohibited by law.

Additionally, the articles of merger must be delivered to the department for filing and may be combined with any other filing required under the organic law governing any other domestic eligible entity involved in the transaction. Last, with respect to the merger with foreign corporations or entities, the merger becomes effective at the later of when all requisite documents filed in foreign jurisdictions become effective or when the articles of merger take effect.

Effect of Merger

Section 63 amends s. 617.1106, F.S., specifying that when a merger becomes effective:

- The survivor entity comes into existence;
- The separate existence of the merging entities ceases;
- All property, contract rights, and other rights possessed by each merging entity vests into the survivor;
- All debts, obligations, and liabilities are transferred to the survivor;
- The name of the survivor may be substituted in any pending proceedings with the names of now non-existing entities;
- Neither the rights of creditors nor liens upon corporate property are impaired;
- If a survivor is a domestic eligible entity, the articles of incorporation and the bylaws or the organic rules of the survivor are amended per the merger;
- The articles of incorporation and bylaws or the organic rules of the survivor that is created in the merger, are effective;
- The interests of each merging entity which are to be canceled or converted in the merger are canceled or converted;
- Except as provided by law or the plan of merger, all the rights, privileges, franchises, and immunities of each eligible entity that is a party to the merger, other than the survivor, become the rights, privileges, franchises, and immunities of the survivor; and
- If the survivor exists before the merger:

- All the property and contract and other rights of the survivor remain its property and contract and other rights without transfer, reversion, or impairment;
- The survivor remains subject to all of its debts, obligations, and other liabilities; and
- Except as provided by law or the plan of merger, the survivor continues to hold all of its rights, privileges, franchises, and immunities.

Furthermore, the merger does not constitute a dissolution or termination of one of the entities and does not give rise to any rights an interest holder³² or third party would have upon dissolution, liquidation, or winding up. If there is property held in trust or dedicated to a charitable purpose before a merger becomes effective, such property may not be diverted from the purposes for which it was dedicated, except as otherwise specified. If a bequest, deviser, gift, promise, or similar grant is made to an eligible party to a merger, such conveyance applies to the survivor. Last, the bill details how trust obligations are to be transferred upon merger.

Merger of Domestic and Foreign Corporations

Section 64 amends s. 617.1107, F.S., specifying that if an eligible entity is a foreign entity following a merger under s. 617.1101, F.S., it must comply with the provisions of ch. 617, F.S. Foreign eligible entities are to be governed by the laws of their jurisdiction.

Section 170 repeals s. 617.1108, F.S., as the merger of nonprofit corporations is detailed in other sections of this bill.

Sale of Assets (Section 65)

Section 65 amends s. 617.1202, F.S., requiring that if the corporation wishes to sell or otherwise dispose of its property, then the board must first adopt a resolution to sell assets and make a recommendation to the members. The board may set conditions for approval of disposition of assets or, if there is a conflict of interest or special circumstances preventing the board's recommendation, provide a reason for such lack of recommendation for disposition. Then, in a meeting noticed to the members with requisite information, the members may vote on the disposition. A majority of votes of the required quorum are needed to approve the disposition. Assets disposed of during a dissolution of a corporation are not governed under this section.

Dissolution of a Nonprofit Corporation (Sections 66-83)

Dissolution is the act of terminating a corporate entity. A nonprofit corporation may be dissolved by:

- Filing of articles of dissolution prior to conducting affairs.³³
- Filing of a resolution to dissolve;³⁴

³² "Interest holder" means any of the following persons: (a) A shareholder of a corporation for profit. (b) A member of a nonprofit corporation. (c) A general partner of a general partnership. (d) A general partner of a limited partnership. (e) A limited partner of a limited partnership. (f) A member of a limited liability company. (g) A shareholder or beneficial owner of a real estate investment trust. (h) A beneficiary or beneficial owner of a statutory trust, business trust, or common law business trust. (i) Another direct holder of an interest.

³³ Section 617.1401, F.S.

³⁴ Section 617.1402, F.S.

- Circuit court order;³⁵ or
- Administrative action by the Department of State.³⁶

Sections 66-70 amend ss. 617.1401-607.1406, F.S., to primarily make grammar and stylistic edits. As to dissolution, the bill amends s. 617.1405, F.S., to:

- Add that a circuit court may appoint a trustee, custodian, receiver, or provisional director to deal with any property owned by the corporation during the dissolution process if a director or officer is not available.
- Provide that property held in trust or otherwise dedicated to a public or charitable purpose may not be diverted from its trust or charitable purpose by the dissolution of a corporation except in compliance with and pursuant to the laws of this state addressing cy pres or otherwise dealing with the nondiversion of charitable assets.
- Remove a reference to the use of property for eleemosynary³⁷ purposes that appears duplicative.

Claims Against a Dissolved Nonprofit Corporation, Court Action, and Personal Liability of Directors and Officers

Section 71 amends s. 617.1407, F.S., to make grammar and stylistic edits.

Section 72 amends s. 617.1408, F.S., defining a known claim as any claim or liability that, as of the date of the giving of written notice, has matured sufficiently on or before the date of dissolution to be legally capable of assertion against the dissolved corporation, or is unmatured as of the date of dissolution but will mature in the future solely because of the passage of time.

Under the bill, a dissolved corporation or successor entity may dispose of a known claim by first giving notice of the claim. It must:

- Include the name of the corporation and must say that the corporation is in dissolution;
- Include the effective date of dissolution;
- Specify the information that must be included in a claim;
- State that a claim must be in writing, which must be sent to a listed mailing address;
- State the deadline by which the corporation must receive claim, which deadline may not be less than 120 days after the notice is received by the claimant;
- Inform the claimant that the claim will be barred if not received by the deadline;
- State the dissolved corporation or successor entity may make allowable distributions after the deadline without further notice; and
- Be accompanied by a copy of ss. 617.1405-617.14091, F.S.

The bill also specifies how the corporation may reject a claim and when a claim is barred. A claim is barred if either a claimant who is given written notice does not deliver the claim by the specified deadline, or if the claim was timely received by the dissolved corporation but was timely rejected and the claimant does not commence an action in circuit court.

³⁵ Section 617.1430, F.S.

³⁶ Section 617.1404, F.S.

³⁷ The term eleemosynary means “charitable; supported by charity; not-for-profit.” Cornell University, Legal Information Institute.

The bill specifies that the giving of this notice does not revive any claim then barred or constitute acknowledgment by the dissolved corporation that any person to whom such notice is sent is a proper claimant and does not operate as a waiver of any defense or counterclaim in respect of any claim asserted by any person to whom such notice is sent.

Section 73 creates s. 617.1409, F.S., regarding court proceedings related to dissolution of a nonprofit corporation. If a dissolved nonprofit corporation has filed or published proper notice regarding unknown claims, the corporation may file an application in the circuit court of applicable jurisdiction for a determination of the amount and form of payment to be set aside for unknown claims. The corporation must give notice of the proceedings to known claimants, and a court may appoint a guardian ad litem to represent unknown claimants.

Section 74 creates s. 617.14091, F.S., providing that directors of dissolved corporations and the governing persons of a successor entity that has disposed of claims are not personally liable to claimants of a dissolved corporation. For claims that are not barred by ss. 617.1407-617.1408, F.S., or by any other law limiting actions,³⁸ the claim may be enforced against the dissolved corporation to the extent of its undistributed assets or against a member to the extent of their share of the claim or corporate assets.

Administrative Dissolution of a Nonprofit Corporation

Sections 75-76 amend ss. 617.1420-617.1421, F.S., requiring that the department serve a notice of intent onto a corporation when it determines there are grounds for administrative dissolution under s. 617.1420, F.S. The corporation has 60 days after receiving notice to correct each ground for dissolution. If the corporation fails to do so, the department shall dissolve the corporation administratively and issue a notice to the corporation. The notices under these sections may be made via electronic transmission if the department has a corporate email address on file.

Judicial Dissolution of a Nonprofit Corporation

Section 77 amends s. 617.1430, F.S., to add that a circuit court may dissolve a corporation, or pursue other available remedies, in a proceeding with at least 50 members, or members holding at least 10% of voting power, if the directors of the corporation have, are, or will act in a fraudulent manner, or if the corporation has insufficient assets and cannot assemble a quorum of members or directors. These grounds are in addition to the grounds for judicial dissolution in current law.

Section 78 amends s. 617.1431, F.S., to allow a court to award attorney fees and costs when parties bring an action for dissolution in bad faith.

Sections 79-80 and 83 amend ss. 617.1432-617.1433, and 617.1440, F.S., making clarifying changes that do not substantively affect existing law.

³⁸ Note that this description of the effect of the law reflects the apparent intent of the section. A literal reading of the text in the bill with the comma on line 4716 makes the provision nonsensical. A literal reading would create a legal concept known as a "limiting action," which is a term that is nonsensical, is undefined in the bill, undefined in practice, and has never apparently been used in any legal context.

Section 81 amends s. 617.1434, F.S., allowing a court in a judicial dissolution proceeding broader discretion to order remedies as an alternative to dissolution. The court may:

- Appoint a receiver or custodian.
- Appoint a provisional director.
- Make any order that is equitable.

Section 82 creates s. 617.1435, F.S., providing that a court may appoint a provisional director in a proceeding under s. 617.1430, F.S. The bill also limits liability of provisional directors, outlines their duties, and details reasonable compensation for the responsibility.

Foreign Nonprofit Corporations (Sections 84-100, 173-174)

In Florida, foreign nonprofit corporations operate under a certificate of authority issued by the department and, like domestic corporations, must notify the department of their registered agent, principal office, and other pertinent information. A foreign corporation must amend its certificate of authority to reflect any change in its operating document within 90 days of the occurrence. If a foreign corporation attempts to file for a certificate of authority under a name that is already in use by another business entity, it must find a distinguishable alternative or, pursuant to changes made to s. 617.1506, F.S., in **Section 89**, it may register under a name that is not distinguishable with the written consent of the other entity.

Corporate Name

Section 89 amends s. 617.1506, F.S., setting out that a foreign corporation whose name is unavailable under or whose name does not otherwise comply with s. 617.0401, F.S., must use an alternate name in compliance to transact business in Florida. However, a foreign corporation may register under a name that is not distinguishable from another registered entity if:

- The other entity consents to its use and changes its name with the department; or
- The applicant sends the department a certified copy of a final judgement establishing their right to use the name.

If the foreign corporation chooses to use an alternate name because its actual name does not comply with statutory requirements, the alternate name must be cross-referenced to the actual name of the foreign corporation in the records of the Division of Corporations. The bill provides additional requirements if the foreign corporation wishes subsequently to change its alternate name.

Registered Agent and Office

Sections 90-92 amend ss. 617.1507-617.1509, F.S., to parallel the requirements regarding a foreign corporation's registered agent and office to those of a domestic corporation's registered agent and office.

Notice

Section 93 amends s. 617.15091, F.S., providing that foreign corporations must give notice or other communication under ch. 617, F.S., via hand delivery, the U.S. Postal Service, a

commercial delivery service, or electronic transmission. Delivery is only effective once the department has received the notice or communication.

Certificate of Authority

Section 84 creates s. 617.15015, F.S., providing that the laws of this state, or other jurisdiction under which a foreign corporation exists, govern the organization, internal affairs, and interest holder liability³⁹ of its members. Moreover, a foreign corporation may not be denied a certificate of authority because of different laws of its jurisdiction of formation.

Section 85 amends s. 617.1502, F.S., specifying that a foreign corporation's organic law applies when the corporation fails to have a certificate of authority to transact business in Florida, and the Florida Secretary of State is the designated agent for the corporation should any unauthorized transactions occur in Florida. The section also adds that a member, officer or director of the corporation is not liable for the debts of the corporation solely because the corporation failed to properly register. A foreign nonprofit corporation that failed to register is deemed to have appointed the Secretary of State as agent for service of process.

Sections 86 and 88 amend ss. 617.1503 and 617.1505, F.S., making clarifying changes that do not substantively affect existing law.

Section 87 amends s. 617.1504, F.S., requiring that a foreign corporation amend its certificate of authority when the corporation changes the name and street address of its registered agent in the state.

Section 94 amends s. 617.1520, F.S., allowing a foreign corporation to cancel its certificate of authority by filing a notice of withdrawal signed by an officer and stating:

- The name of the foreign corporation;
- The name of the foreign corporation's jurisdiction of incorporation;
- The date the foreign corporation was authorized to conduct affairs in Florida;
- That the foreign corporation is withdrawing its certificate of authority;
- That the foreign corporation revokes the authority of its registered agent to accept service of process and the Secretary of State is now its agent for service of process;
- Mailing and email addresses; and
- A commitment to notify the department in the future of change in addresses.

Section 95 creates s. 617.1521, F.S., deeming a certificate of authority to be withdrawn if the foreign corporation converts into a domestic organization.

Section 96 creates s. 617.1522, F.S., requiring a foreign corporation to deliver a notice of withdrawal of certificate of authority to the department if:

- The foreign corporation has dissolved and completed winding up;

³⁹ "Interest holder liability" means: (a) Personal liability for a liability of an entity which arises, except as otherwise provided in the organic rules of the entity, when the entity incurs the liability and which is imposed on a person: 1. Solely by reason of the status of the person as an interest holder; or 2. By the organic rules of the entity which make one or more specified interest holders or categories of interest holders liable in their capacity as interest holders for all or specified liabilities of the entity; or (b) An obligation of an interest holder under the organic rules of an entity to contribute to the entity.

- The foreign corporation has merged into a foreign eligible entity not authorized to conduct business in Florida; or
- The foreign corporation has converted to an entity that is not formed through public filing of a record in Florida.

Section 97 creates s. 617.1523, F.S., granting the Department of Legal Affairs authority to bring legal action to enjoin a foreign corporation from conducting affairs in violation of ch. 617, F.S.

Section 98 amends s. 617.1530, F.S., permitting the department to revoke a certificate of authority if:

- The foreign corporation does not deliver for filing a statement of change under s. 617.1508, F.S.;
- The foreign corporation has failed to amend its certificate of authority; or
- The foreign corporation's period of duration stated in its articles of incorporation has expired.

The bill further outlines details for the date that revocation must occur each year and issuance of notice of revocation by the department. The foreign corporation has sixty days after receiving a notice of intent to revoke a certificate of authority to correct each ground for revocation to the satisfaction of the department.

Section 99 creates s. 617.15315, F.S., to allow a foreign corporation to apply for reinstatement after the effective date of revocation of the certificate of authority. The corporation must pay all fees and penalties alongside an application for reinstatement signed by a registered agent and officer/director, and including the following information:

- Name and street address of the foreign corporation;
- The jurisdiction of the corporation's formation;
- The foreign corporation's federal employer identification number;
- The name, title or capacity, and address of at least one officer or director; and
- Any other necessary information.

Under the bill, the corporation may apply for reinstatement along with filing its annual report. The department must reinstate the corporation if it meets the statutory requirements to do so.

Section 100 amends s. 617.1532, F.S., providing that the department must serve a corporation with a written notice explaining its reason for denial if the department denies an application for reinstatement after revocation of the certificate of authority. The foreign corporation may appeal the department's denial to the Circuit Court of Leon County.

Records and Reports (Sections 101-107)

Maintenance of Records

Section 101 amends s. 617.1601, F.S., to require that a nonprofit corporation maintain the following records:

- Articles of incorporation and bylaws.
- The minutes of all members' meetings and records of all member action taken over the last three years.

- The minutes of all board of directors' meetings, a record of all actions taken by the board without a meeting, and a record of all actions taken by a committee on behalf of the board.
- All written communications within the past three years to members, including financial statements.
- A list of names and street addresses of current directors and officers.
- The most recent annual report delivered to the department under s. 617.1622, F.S.

Inspection of Records by Members

Section 102 amends s. 617.1602, F.S., altering the provisions allowing members to inspect a corporation's records. Importantly, the bill shortens the notice period from 10 days to 5; provides that the corporation may impose reasonable restrictions on the disclosure, use, and distribution of such records; and prohibits the corporation from abolishing or limiting access to records under its articles of incorporation or bylaws. The bill also limits members from distributing information from records and limits the sale or commercial use of membership lists.

Section 103 amends s. 617.1603, F.S., allowing corporations to give copies of records via electronic delivery to members for inspection.

Section 104 amends s. 617.1604, F.S., excusing a corporation from court-ordered inspection of records if a member did not agree to reasonable restrictions on the disclosure and confidentiality of corporate records.

Section 105 amends s. 617.1605, F.S., mandating a corporation make available, on its website or through other generally recognized means, the latest financial statements to members within five business days of a request for such records. If the annual financial statements have not been prepared for the fiscal year requested, then the corporation must notify the member within five business days and make the statements available within a specified period after the request. Even so, the corporation may decline to make available financial statements if it determines the member's request was not made in good faith, or the corporation may make reasonable restrictions on the confidentiality, use, and distribution of the financial statements.

If the corporation does not respond to the member's request, the requesting member may seek a court order to access the requested statements. The court may order access to the statements and impose reasonable restrictions on access. In such legal proceedings, the corporation has the burden to demonstrate it reasonably determined the member's request was not in good faith or for a proper purpose. The court may order the corporation to give the member access to requested statements; the corporation is liable for the member's expenses and attorney fees.

Inspection Rights of Directors

Section 106 creates s. 617.16051, F.S., permitting directors of a corporation to inspect and copy the books, records, and documents of the corporation at any reasonable time in a reasonable manner. A circuit court may order a corporation to allow the director to inspect such records, unless the corporation establishes the director is not entitled to do so. The corporation may be liable for the director's costs and attorney fees if it improperly denies access to records.

Annual Report to Department

Section 107 amends s. 617.1622, F.S., establishing that an annual report is considered a statement of change if the name/address of the registered agent differs from the information in the records of the department. If a corporation submits multiple annual reports for a calendar year, the first shall be considered the annual report and subsequent filings considered amended annual reports. As a condition of merger, conversion, or domestication, the corporation must be active and current in filings its annual reports in the records of the department through December 31 of the calendar year in which the articles of merger/conversion/domestication are submitted.

Domestication (Sections 108-112)

Domestication is the process for a foreign corporation to become a domestic corporation in Florida by filing certain documents with the department.⁴⁰

Section 108 creates s. 617.180301, F.S., establishing that a foreign corporation may become a domestic corporation if it is permitted by the organic law of the foreign corporation. The corporation must enter into a plan of domestication, which must include:

- The name of the domesticating corporation;
- The name and governing jurisdiction of the domesticated corporation;
- The manner and basis of cancelling or converting the eligible interests⁴¹ or other rights of the domesticated corporation;
- The proposed organic rules of the domesticated corporation, which must be in writing; and
- The other terms and conditions of domestication.

Moreover, if a protected agreement⁴² of a domesticating corporation contains a provision applying to a merger of the corporation, the provision applies to a domestication of the corporation as if the domestication were a merger, until the provision is amended.

Plan of Domestication

Section 109 creates s. 617.18031, F.S., prescribing plans of domestication be adopted as follows:

- The plan must first be adopted by the board of directors.
 - The board may set conditions for approval or effectiveness of the plan.
 - If the board does not recommend the plan, it must include its basis for doing so.
- If the corporation has members, the plan must be approved by the members upon recommendation and with notice by the board.

⁴⁰ Section 617.1803, F.S.

⁴¹ “Eligible interest” means: (a) A share; (b) A membership; or (c) Either or both of the following rights under the organic rules governing the entity: 1. The right to receive distributions from the entity either in the ordinary course of business or upon liquidation. 2. The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business, activities, or affairs.

⁴² “Protected agreement” means any of the following: (a) A document evidencing indebtedness of a domestic corporation or eligible entity and any related agreement in effect immediately before July 1, 2026. (b) An agreement that is binding on a domestic corporation or eligible entity immediately before July 1, 2026. (c) The articles of incorporation or bylaws of a domestic corporation or the organic rules of a domestic eligible entity, in each case in effect immediately before July 1, 2026. (d) An agreement that is binding on any of the interest holders, directors, or other governors of a domestic corporation or eligible entity, in their capacities as such, immediately before July 1, 2026.

- The bill provides voting requirements, specifically that quorum of the voting group exists at a meeting to vote on domestication.
- The articles of incorporation may expressly limit or eliminate separate voting rights, except in specific circumstances.
- If a member would become subject to interest holder liability via the domestication, approval of the plan requires that member to sign a written consent.
- The plan of domestication must be approved in writing by any person whose approval is required under the articles of incorporation or bylaws.

Articles of Domestication

Section 110 creates s. 617.18032, F.S., specifying that articles of domestication must be signed by the domesticating corporation after (1) a plan of domestication has been adopted/approved and (2) a foreign corporation that is the domesticating corporation has approved the domestication pursuant to ch. 617, F.S., and the foreign corporation's organic laws.

The bill requires articles of domestication to include the names and governing jurisdictions of the domesticating and domesticated corporations, alongside a statement that the plan was approved in accordance with either this chapter or the foreign corporation's organic law. The bill further sets out:

- If the domesticated corporation is to be a domestic corporation, articles of incorporation must be attached to the articles of domestication.
- The articles of domestication must be delivered to the department of filing and take effect on a date pursuant to s. 617.0123, F.S. The bill also details domestication dates.
- If the domesticating corporation is a foreign corporation authorized to do business in Florida, its certificate of authority is automatically canceled when the domestication becomes effective.
- A copy of the articles of domestication may be filed in the official records of any county in Florida in which the domesticating corporation holds an interest in real property.

Amendment to a Plan of Domestication

Section 111 creates s. 617.18033, F.S., permitting a plan of domestication to be amended either (1) in the same manner as the plan of domestication was approved or (2) in the manner provided in the plan of domestication. However, an interest holder who was entitled to vote on/consent to approval of the plan is entitled to vote on/consent to any amendment to the plan which will change:

- The amount or kind of eligible interests or other rights, obligations, rights to acquire eligible interests, cash, or other property to be received by any of the interest holders of the domesticating corporation under the plan;
- The organic rules of the domesticated corporation that are to be in writing and that will be in effect immediately after the domestication becomes effective; or
- Any other terms or conditions of the plan, if the change would adversely affect the interest holder in any material aspect.

Furthermore, domestication may be abandoned by the corporation in the same manner the plan was approved after it has been adopted/approved but before the articles of domestication become

effective. If domestication is abandoned after the articles of domestication are delivered to the department, a statement of abandonment signed by the corporation must be delivered to the department before the domestication becomes effective.

Effect of Domestication

Section 112 creates s. 617.18034, F.S., detailing the effects of domestication as follows:

- All property, rights, and liabilities become the property/rights/liabilities of the domesticated corporation.
- The name of the domesticated corporation may be substituted for the name of the domesticating corporation in any pending action or proceeding.
- The organic rules of the domesticated corporation become effective.
- Eligible interests or other rights are cancelled or reclassified into eligible interests or other rights according to the terms of the domestication.
- The domesticated corporation is:
 - Incorporated under and subject to the organic law of the domesticated corporation;
 - The same corporation as the domesticating corporation; and
 - Deemed to have been incorporated on the date the domesticating corporation was originally incorporated.
- Regarding the interest holder liability of an interest holder before the domestication becomes effective:
 - The domestication does not discharge that liability.
 - The organic law of the domesticating corporation must continue to apply as if the domestication had not occurred.
 - The interest holder shall have rights of contribution as provided by the organic law of the domesticating corporation.
 - The interest holder may not have liability with respect to liabilities incurred after the domestication becomes effective.
- An interest holder who becomes subject to liability as a result of domestication only holds such liability for liabilities arising after the domestication becomes effective.
- Domestication does not constitute or cause the dissolution of the domesticating corporation.
- Property previously held in trust for a charitable purpose may not be diverted from that original purpose.
- A bequest, devise, gift, grant, or promise inures to the domesticated corporation.
- Trust obligations apply to property that is to be transferred to the domesticated corporation.

Conversions (Sections 113-119, 175-178)

Conversion is the process by which a for-profit corporation becomes a nonprofit corporation.

Sections 175-178 repeal ss. 617.1803 and 617.1805-617.1807, F.S., the existing provisions dealing with conversion of a domestic or foreign for-profit corporation.

Section 113 creates s. 617.1804, F.S., allowing domestic corporations to become domestic or foreign eligible entities by complying with new requirements in subsequent sections. Domestic and foreign eligible entities may also become domestic corporations.

Section 114 creates s. 617.18041, F.S., prohibiting a domestic corporation that holds property for a charitable purpose from becoming a domestic eligible entity or a foreign eligible entity, except by domestication to become a foreign corporation.

Plan of Conversion

Section 115 creates s. 617.18042, F.S., requiring domestic corporations to approve a plan of conversion to become a domestic or foreign eligible entity, which must include:

- The name of the domestic converting corporation.
- The name, governing jurisdiction, and type of entity of the converted eligible entity.
- The manner and basis of canceling or converting the eligible interest or other rights of the domestic corporation into shares, securities, eligible interests, obligations, rights, cash, and other property and rights.
- The other terms and conditions of conversion.
- The full text of the organic rules of the converted eligible entity in writing.

Section 116 creates s. 617.18043, F.S., prescribing the plan of conversion to be adopted by the board of directors and voted on by the members. The board of directors may set conditions for approval or effectiveness of the plan and must provide a recommendation or reasoning for lack of recommendation to the members. Members must receive sufficient notice of the meeting to vote and there must be a quorum of voting members at such meeting. The plan must also be approved in writing by any person whose approval is required under the articles of incorporation or bylaws. Additionally, the bill expounds on the conversion's effect on interest holder liability and conversion of partnerships and limited partnerships.

Articles of Conversion

Section 117 creates s. 617.18044, F.S., requiring articles of conversion to be signed by the converting eligible entity and include specific information in the articles. The articles must be delivered to the department for filing and are effective pursuant to s. 617.0123, F.S. The bill also specifies when a conversion is effective, when a certificate of authority is canceled, and when a copy of the articles of conversion may be filed in county records.

Amendment to a Plan of Conversion

Section 118 creates s. 617.18045, F.S., permitting a plan of conversion to be amended in the same manner as the plan was approved or in a manner provided in the plan. The plan of conversion may be abandoned by a domestic corporation, before the articles of conversion become effective and after the plan of conversion has been adopted, in a manner set out in the plan of conversion or board of directors. If the conversion is abandoned after the articles of conversion have been delivered but before they become effective, a statement of abandonment must be signed by the converting eligible entity and delivered to the department for filing.

Effect of Conversion

Section 119 creates s. 617.18046, F.S., detailing the effects of conversion, which are substantially similar to the effects of domestication listed in s. 617.18034, F.S., in the bill.

Miscellaneous Provisions

Sections 120-167 amend ss. 617.2005, 617.2006, 39.8298, 381.00316, 605.1025, 617.0102, 617.0121, 617.0122, 617.0125, 617.02011, 617.0203, 617.0205, 617.0301, 617.0504, 617.0806, 617.0824, 617.0825, 617.0831, 617.0901, 617.1008, 617.1009, 617.1404, 617.1422, 617.1423, 617.1501, 617.1510, 617.1606, 617.1623, 617.1701, 617.1702, 617.1703, 617.1711, 617.1808, 617.1809, 617.1904, 617.1907, 617.1908, 617.2001, 617.2002, 617.2003, 617.2007, 617.2101, 617.221, 620.2108, 620.8918, 628.910, 768.38, and 893.055, F.S., making clarifying changes that do not substantively affect the meaning of the law.

Sections 180-189 reenact ss. 617.1007, 295.21, 409.987, 718.1265, 719.128, 720.316, 718.3027, 720.3033, 721.13, 718.111, F.S., for the purpose of incorporating the amendments made by this bill.

Section 190 sets forth an effective date of July 1, 2026.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate. There will likely be little impact on the department as it already manages filings of corporations in Florida.

VI. Technical Deficiencies:

The sentence structure and comma placement at lines 4715-4716 is nonsensical. A change to the language and grammar would better reflect the legislative intent.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 617.01011, 617.01201, 617.0123, 617.0124, 617.0126, 617.0127, 617.0128, 617.01301, 617.01401, 617.0141, 617.0202, 617.0204, 617.0206, 617.0302, 617.0304, 617.0401, 617.0403, 617.0501, 617.0502, 617.0503, 617.0505, 617.0601, 617.0604, 617.0605, 617.0606, 617.0607, 617.0608, 617.0701, 617.0721, , 617.0742, 617.0803, 617.0808, 617.0809, 617.0820, 617.0821, 617.0823, 617.0830, 617.0832, 617.0834, 617.0835, 617.1001, 617.1002, 617.1006, 617.1101, 617.1102, 617.1103, 617.1105, 617.1106, 617.1107, 617.1202, 617.1401, 617.1402, 617.1403, 617.1405, 617.1406, 617.1407, 617.1408, 617.1420, 617.1421, 617.1430, 617.1431, 617.1432, 617.1433, 617.1440, 617.1502, 617.1503, 617.1504, 617.1505, 617.1506, 617.1507, 617.1508, 617.1509, 617.1520, 617.1530, 617.1532, 617.1601, 617.1602, 617.1603, 617.1604, 617.1605, 617.1622, 617.2005, 617.2006, 39.8298, 381.00316, 605.1025, 617.0102, 617.0121, 617.0122, 617.0125, 617.02011, 617.0203, 617.0205, 617.0301, 617.0504, 617.0806, 617.0824, 617.0825, 617.0831, 617.0901, 617.1008, 617.1009, 617.1404, 617.1422, 617.1423, 617.1501, 617.1510, 617.1606, 617.1623, 617.1701, 617.1702, 617.1703, 617.1711, 617.1808, 617.1809, 617.1904, 617.1907, 617.1908, 617.2001, 617.2002, 617.2003, 617.2007, 617.2101, 617.221, 620.2108, 620.8918, 628.910, 768.38, 893.055, 617.1007, 295.21, 409.987, 718.1265, 719.128, 720.316, 718.3027, 720.3033, 721.13, 718.111.

This bill creates the following sections of the Florida Statutes: 617.0143, 617.05021, 617.05022, 617.0603, 617.0741 617.0743, 617.0744, 617.0745, 617.0746, 617.0747, 617.0804, 617.0805, 617.08091, 617.0844, 617.1104,, 617.1409, 617.14091, 617.1434, 617.1435, 617.15015, 617.15091, 617.1521, 617.1522, 617.1523, 617.15315, 617.16051, 617.180301, 617.18031, 617.18032, 617.18033, 617.18034, 617.1804, 617.18041, 617.18042, 617.18043, 617.18044, 617.18045, 617.18046.

This bill repeals the following sections of the Florida Statutes: 617.07401, 617.0822, 617.1108, 617.1301, 617.1302, 617.1531, 617.1533, 617.1803, 617.1805, 617.1806, 617.1807, 617.2102.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Bernard

24-00209-26

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1 A bill to be entitled
 2 An act relating to nonprofit corporations; amending s.
 3 617.01011, F.S.; renaming the "Florida Not For Profit
 4 Corporation Act" as the "Florida Nonprofit Corporation
 5 Act"; amending s. 617.01201, F.S.; providing
 6 applicability; providing that provisions of a plan or
 7 filed document may not be made dependent upon facts
 8 outside the plan or filed document; requiring a
 9 corporation to file articles of amendment with the
 10 Department of State under certain circumstances;
 11 providing that articles of amendment are deemed to be
 12 authorized by the authorization of the original filed
 13 document to which they relate; providing that such
 14 articles of amendment may be filed by the corporation
 15 without further action by the board of directors or
 16 the members; defining the terms "filed document" and
 17 "plan"; making technical changes; amending s.
 18 617.0123, F.S.; providing that a document accepted for
 19 filing may specify an effective time and a delayed
 20 effective date; providing that a previous effective
 21 date may be specified in the initial articles of
 22 incorporation if such date is within a specified
 23 timeframe; specifying when a document accepted for
 24 filing is effective; providing that the date or time
 25 at which a document is filed is the time and date at
 26 the place of filing in this state; amending s.
 27 617.0124, F.S.; revising the circumstances in which a
 28 domestic or foreign corporation may correct a document
 29 filed with the department; prohibiting articles of

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30 correction from containing a delayed effective date
 31 for the correction; authorizing a corporation to
 32 withdraw a filing delivered to the department before
 33 it takes effect by delivering a withdrawal statement
 34 to the department for filing; specifying what
 35 information must be included in a withdrawal
 36 statement; providing that the action or transaction
 37 evidenced by the original filing does not take effect
 38 upon the filing of a withdrawal statement by the
 39 department; amending s. 617.0126, F.S.; revising what
 40 a domestic or foreign corporation may do if the
 41 department refuses to file a document delivered to its
 42 office for filing; amending s. 617.0127, F.S.;
 43 requiring all courts, public offices, and official
 44 bodies to receive all certificates issued by the
 45 department as prima facie evidence of certain facts;
 46 amending s. 617.0128, F.S.; requiring the department
 47 to issue, upon request, a certificate of status for a
 48 domestic corporation or a certificate of authorization
 49 for a foreign corporation; amending s. 617.01301,
 50 F.S.; revising who must answer interrogatories
 51 directed at a corporation; making technical changes;
 52 amending s. 617.01401, F.S.; defining, revising, and
 53 deleting terms; amending s. 617.0141, F.S.; requiring
 54 written and oral notice to be communicated in a
 55 specified manner; making technical changes; creating
 56 s. 617.0143, F.S.; defining terms; providing that a
 57 director is not automatically prevented from being a
 58 qualified director under certain circumstances;

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59 amending s. 617.0202, F.S.; revising the contents of
 60 the articles of incorporation; amending s. 617.0204,
 61 F.S.; deleting an exception for liability for
 62 preincorporation transactions; amending s. 617.0206,
 63 F.S.; providing an exception when the initial bylaws
 64 of a corporation must be adopted by its board of
 65 directors; amending s. 617.0302, F.S.; revising the
 66 corporate powers of nonprofit corporations; amending
 67 s. 617.0304, F.S.; making technical changes; amending
 68 s. 617.0401, F.S.; authorizing a corporation to
 69 register under a name that is not otherwise
 70 distinguishable on the records of the department under
 71 certain circumstances; providing that the corporate
 72 name as filed with the department is for public notice
 73 only and does not alone create any presumption of
 74 ownership of such name; providing applicability;
 75 amending s. 617.0403, F.S.; authorizing a foreign
 76 corporation that has registered its name to conduct
 77 its affairs in this state; making technical changes;
 78 amending s. 617.0501, F.S.; specifying the duties of a
 79 registered agent; deleting the definition for the term
 80 "authorized entity"; authorizing a court to stay a
 81 proceeding commenced by a corporation until the
 82 corporation is in compliance; making technical
 83 changes; amending s. 617.0502, F.S.; revising the
 84 information required in a statement filed with the
 85 department for a corporation requesting to change its
 86 registered office or its registered agent; deleting a
 87 provision that a registered agent may resign by

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88 signing and delivering to the department a statement
 89 of resignation; revising the statement of resignation
 90 requirements; deleting the notification requirements
 91 for a registered agent who changes his or her business
 92 name or business address; deleting a provision that a
 93 registered office or registered agent may be changed
 94 on the corporation's annual report form filed with the
 95 department; deleting a requirement that the department
 96 collect a fee for filings; creating s. 617.05021,
 97 F.S.; authorizing a registered agent to resign as
 98 agent for a corporation in a specified manner under
 99 certain circumstances; providing applicability;
 100 providing that a registered agent is terminated upon
 101 the department filing certain documents; providing
 102 that a registered agent ceases to have responsibility
 103 for any matter tendered to the agent once a statement
 104 of resignation takes effect; authorizing a registered
 105 agent to resign from a corporation regardless of
 106 whether the corporation has active status; creating s.
 107 617.05022, F.S.; authorizing a registered agent
 108 seeking to change the registered agent's name or
 109 business address to file with the department a
 110 statement of change; specifying the information to be
 111 included in the statement of change; requiring a
 112 registered agent to furnish notice of the statement of
 113 change to the represented corporation; providing that
 114 the statement of change is effective when filed by the
 115 department; providing that such changes may be made by
 116 the corporation with other filings by the department;

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117 requiring the department to collect a fee for filings;
 118 amending s. 617.0503, F.S.; deleting applicability for
 119 alien business organizations; revising the testimony
 120 and records required to be produced for the Department
 121 of Legal Affairs by certain domestic or foreign
 122 corporations; deleting definitions; making technical
 123 changes; amending s. 617.0505, F.S.; prohibiting a
 124 corporation from paying any dividend and making
 125 distributions of any part of its net income or net
 126 earnings to its members, directors, or officers;
 127 revising exceptions; providing that a dividend or
 128 distribution by a nonprofit insurance company
 129 subsidiary is not a distribution under certain
 130 circumstances; making technical changes; amending s.
 131 617.0601, F.S.; providing that, for certain nonprofit
 132 corporations, notice to, the presence of, or the vote,
 133 consent, or other action by a board of directors
 134 satisfies a specified requirement; requiring
 135 corporation members who have no other rights except as
 136 provided in the articles of incorporation or the
 137 bylaws to have the same rights and obligations as
 138 every other member; authorizing a corporation to admit
 139 members for no consideration or for such consideration
 140 as determined by the board of directors; providing
 141 that such consideration may take any form; providing
 142 that payment of such consideration may be made as set
 143 forth in or authorized by the articles of
 144 incorporation, the bylaws, or the action of the board
 145 of directors; prohibiting a corporation from being a

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146 member of itself or exercising the rights of a member
 147 with respect to itself; providing that a corporation's
 148 purchase of its own membership interest is canceled
 149 under certain circumstances; making technical changes;
 150 creating s. 617.0603, F.S.; authorizing a corporation
 151 to pay certain compensation to and confer certain
 152 benefits upon its members, directors, officers,
 153 agents, and employees; authorizing a corporation to
 154 make certain distributions to its members and others
 155 upon dissolution or final liquidation; providing that
 156 such payments, benefits, or distributions may not be
 157 deemed to be a dividend or a distribution of income or
 158 earnings; amending s. 617.0604, F.S.; authorizing a
 159 corporation to levy dues, assessments, and fees on its
 160 members to the extent authorized by the articles of
 161 incorporation or bylaws; providing that such dues,
 162 assessments, and fees may be imposed on members of the
 163 same class in alike or different amounts or
 164 proportions, and imposed on a different basis on
 165 different classes of members; providing that certain
 166 members may be made exempt from such dues,
 167 assessments, and fees to the extent provided in the
 168 articles of incorporation or bylaws; providing that
 169 the amount and method of collecting such dues,
 170 assessments, and fees may be fixed in the articles of
 171 incorporation or bylaws, or by the board of directors
 172 or its members; providing that the articles of
 173 incorporation or bylaws may provide reasonable means
 174 to enforce the collection of such dues, assessments,

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175 and fees; prohibiting a creditor of a corporation from
 176 bringing a proceeding to reach the liability of a
 177 member of the corporation unless certain conditions
 178 are met; authorizing all creditors of a corporation to
 179 intervene in any other creditor's proceeding brought
 180 to reach and apply unpaid amounts due from the
 181 corporation; authorizing all members who owe unpaid
 182 amounts to the corporation to be joined in the
 183 proceeding; providing that satisfaction of a debt owed
 184 to a creditor by the corporation through payment of a
 185 member who owes unpaid amounts to the corporation
 186 satisfies the debt of the corporation to the creditor
 187 and the debt of the member to the corporation to the
 188 extent so paid by the member to the creditor; amending
 189 s. 617.0605, F.S.; revising the process by which
 190 membership interests of a corporation may be
 191 transferred; amending s. 617.0606, F.S.; authorizing a
 192 member to resign at any time for any reason; amending
 193 s. 617.0607, F.S.; providing that a member who had a
 194 membership suspended or terminated may be liable to
 195 the corporation for dues, assessments, or fees for
 196 obligations incurred or commitments made before the
 197 expulsion, suspension, or termination; providing that
 198 any such expulsion, suspension, or termination does
 199 not relieve the member of any obligations or
 200 commitments made before the expulsion, suspension, or
 201 termination; authorizing a corporation to levy fines
 202 or penalize its members if such actions are authorized
 203 in the articles of incorporation or bylaws;

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204 prohibiting the levy of certain penalties until after
 205 the corporation has provided notice to the member
 206 concerned and has afforded the affected member an
 207 opportunity to be heard on the matter; amending s.
 208 617.0608, F.S.; prohibiting certain corporations from
 209 purchasing the membership interests or any rights
 210 arising from membership of any of their members;
 211 authorizing certain other corporations to purchase the
 212 membership interest of any member or any right arising
 213 from membership, subject to the articles of
 214 incorporation or bylaws; providing that payment for
 215 such membership interest or right arising from
 216 membership is not a dividend or a distribution of
 217 income or earnings; providing circumstances in which a
 218 corporation may purchase the membership interests of a
 219 member who resigns; amending s. 617.0701, F.S.;
 220 authorizing a corporation with members to hold
 221 meetings for certain purposes; providing that
 222 specified meetings may be held in or out of this
 223 state; providing that failure to hold a required
 224 annual meeting does not work a forfeiture or
 225 dissolution of the corporation and does not affect the
 226 validity of any corporate action; revising when
 227 special meetings of the members may be called;
 228 providing that a written demand for a special meeting
 229 may be revoked by a writing received by the
 230 corporation before receiving the written demands from
 231 certain members sufficient in number to require
 232 holding the special meeting; providing that any

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233 business other than that described in the meeting
 234 notice may not be conducted at the meeting;
 235 authorizing special meetings to be held in or out of
 236 this state at a place stated in or fixed in accordance
 237 with the articles of incorporation and bylaws;
 238 requiring that special meetings be held at the
 239 corporation's principal office if no such place is
 240 stated in or fixed in the articles of incorporation
 241 and bylaws or in the notice of special meeting;
 242 providing that action taken by written consent is
 243 effective when such written consent is signed by
 244 members entitled to cast the required number of votes
 245 on the action and has been delivered to the
 246 corporation; requiring that, for corporations whose
 247 nonvoting members must be given notice of proposed
 248 corporate action, proper notice be given to the
 249 nonvoting members after obtaining authorization by
 250 written consent; authorizing members to waive any
 251 required notice within a certain timeframe; requiring
 252 that such waiver be in writing, signed by the member,
 253 and delivered to the corporation for filing; providing
 254 that a member's attendance at a meeting waives certain
 255 objections; making technical changes; amending s.
 256 617.0721, F.S.; providing that a member or a member's
 257 attorney in fact may appoint a proxy to vote or
 258 otherwise act for the member for certain duties;
 259 requiring that an appointment form contain certain
 260 information; specifying when an appointment of a proxy
 261 is effective and valid; providing that the death or

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262 incapacity of a member who appoints a proxy does not
 263 affect the right of the corporation to accept the
 264 proxy's authority under certain circumstances;
 265 authorizing a member to revoke appointment of a proxy;
 266 providing an exception; providing that a corporation
 267 may reject a ballot or demand, as well as a vote,
 268 consent, waiver, or proxy appointment, under certain
 269 circumstances; providing that members of any class,
 270 their attorneys-in-fact, and proxies may participate
 271 in any meeting of members to the extent that the board
 272 of directors authorizes such participation for such
 273 class; limiting participation by remote communication
 274 to the guidelines and procedures adopted by the board
 275 of directors; providing that members, their attorneys-
 276 in-fact, and proxies who participate by means of
 277 remote communication are deemed present in person and
 278 may vote at a meeting under certain circumstances;
 279 requiring that a vote or action taken by a member, a
 280 member's attorney in fact, or a proxy by means of
 281 remote communication be maintained by the corporation;
 282 providing that a meeting may be held solely by means
 283 of remote communication only under certain
 284 circumstances; making technical changes; creating s.
 285 617.0741, F.S.; prohibiting directors, officers, or
 286 members from commencing a proceeding in the right of a
 287 domestic or foreign corporation unless certain
 288 circumstances exist; creating s. 617.0742, F.S.;
 289 specifying requirements for a complaint in a
 290 proceeding brought in the right of a corporation;

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291 creating s. 617.0743, F.S.; authorizing the court to
 292 stay a derivative proceeding if the corporation
 293 commences an inquiry into the allegations made in the
 294 demand or complaint; creating s. 617.0744, F.S.;
 295 authorizing the court to dismiss a derivative
 296 proceeding on motion by the corporation if a certain
 297 determination is made by specified persons; providing
 298 that the corporation has the burden of proof in all
 299 such cases in regard to certain issues; authorizing
 300 the court to appoint a panel of disinterested and
 301 independent persons to make such determination;
 302 providing construction; creating s. 617.0745, F.S.;
 303 providing that a derivative action may not be
 304 discontinued or settled without the court's approval;
 305 requiring the court to direct that notice be given to
 306 certain members under certain circumstances;
 307 authorizing the court to determine which party bears
 308 the expense of giving such notice; creating s.
 309 617.0746, F.S.; authorizing the court to take
 310 specified action upon the termination of a derivative
 311 proceeding; creating s. 617.0747, F.S.; providing
 312 applicability; amending s. 617.0803, F.S.; revising
 313 the number of persons to serve on the board of
 314 directors; creating s. 617.0804, F.S.; specifying the
 315 manner in which directors of membership and
 316 nonmembership corporations are elected; creating s.
 317 617.0805, F.S.; providing that the articles of
 318 incorporation or bylaws may specify the terms of
 319 directors; providing that if a term is not specified

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320 in the articles of incorporation or bylaws, the term
 321 of a director is 1 year; providing that a decrease in
 322 the number of directors does not affect an incumbent
 323 director's term; providing that the term of a director
 324 elected to fill a vacancy expires at the end of the
 325 term the director is filling; providing that a
 326 director continues to serve after his or her term
 327 expires until the director's successor takes office;
 328 amending s. 617.0808, F.S.; providing that a director
 329 may be removed under certain circumstances; amending
 330 s. 617.0809, F.S.; revising the manner in which a
 331 vacancy on the board of directors is filled; deleting
 332 a requirement that the term of a director elected or
 333 appointed to fill a vacancy expires at the next annual
 334 meeting to elect directors; deleting a provision
 335 authorizing a vacancy caused by an increase in the
 336 number of directors to be filled by the board of
 337 directors in a specified manner; creating s.
 338 617.08091, F.S.; authorizing the court to remove a
 339 director from office in a proceeding commenced by or
 340 in the right of the corporation if the court makes
 341 certain findings; limiting the persons who may bring
 342 such an action; requiring that an action by a member
 343 be brought only if the member or members collectively
 344 bringing action have a specified voting power;
 345 authorizing the court to bar the director from being
 346 reelected, redesignated, or reappointed for a period
 347 prescribed by the court; providing construction;
 348 amending s. 617.0820, F.S.; revising the criteria for

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349 when meetings of the board of directors may be called;
 350 authorizing that regular meetings of the board of
 351 directors may be held without notice of date, time,
 352 place, or purpose; requiring that special meetings of
 353 the board of directors be preceded by a certain amount
 354 of notice of the date, time, and place of the meeting;
 355 amending s. 617.0821, F.S.; requiring that actions
 356 taken without a meeting be delivered to the
 357 corporation; revising when certain action taken is
 358 effective; providing that a director's consent may be
 359 withdrawn by a revocation signed by the director and
 360 delivered to the corporation before delivery to the
 361 corporation of certain unrevoked written consents;
 362 amending s. 617.0823, F.S.; revising the list of what
 363 a director waives when he or she signs a waiver of
 364 notice and attends a meeting of the board of
 365 directors; amending s. 617.0830, F.S.; specifying the
 366 standards of conduct a member of the board of
 367 directors or a board committee must conform to in
 368 discharging his or her duties; authorizing members to
 369 rely on certain persons in discharging their duties;
 370 providing that a director is not a trustee in certain
 371 respects; amending s. 617.0832, F.S.; defining terms;
 372 providing that if a director's conflict of interest
 373 transaction is fair to the corporation at the time
 374 that transaction is authorized, approved, effectuated,
 375 or ratified, the transaction is not void or voidable,
 376 and is not grounds for relief, damages, or other
 377 sanctions; providing that the person challenging the

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378 validity of such transaction or seeking relief has the
 379 burden of proving certain facts; specifying the burden
 380 of proof for the person defending or asserting the
 381 validity of the director's conflict of interest;
 382 providing that the presence of or a vote cast by a
 383 director with an interest in a transaction does not
 384 affect the validity of the action if the transaction
 385 is otherwise authorized, approved, or ratified by the
 386 board of directors; authorizing a party challenging
 387 the validity of the transaction to assert and prove
 388 that a director or member was not disinterested on
 389 certain grounds for the purpose of voting on,
 390 consenting to, or approving the transaction; requiring
 391 that an action to satisfy certain authorization
 392 requirements be taken by the board of directors or a
 393 committee in order to authorize the transaction under
 394 certain circumstances; requiring that action be taken
 395 to satisfy certain requirements by the members or a
 396 committee in order to authorize the transaction under
 397 certain circumstances; reordering and amending s.
 398 617.0834, F.S.; revising immunity and liability of
 399 certain persons; specifying when such persons are
 400 deemed not to have derived an improper personal
 401 benefit from any transaction under certain
 402 circumstances; revising the definition of the term
 403 "recklessness"; providing construction; amending s.
 404 617.0835, F.S.; revising applicability; creating s.
 405 617.0844, F.S.; providing the standards of conduct an
 406 officer must conform to in discharging his or her

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407 duties; authorizing officers to rely on certain
 408 persons in discharging their duties; specifying the
 409 duties of an officer; providing that an officer is not
 410 a trustee with respect to the corporation or any
 411 property held or administered by the corporation in
 412 trust; amending s. 617.1001, F.S.; revising the
 413 authority of the corporation to amend its articles of
 414 incorporation; amending s. 617.1002, F.S.; revising the
 415 procedure for amending the articles of incorporation;
 416 amending s. 617.1006, F.S.; requiring that an
 417 amendment to the articles of incorporation be
 418 delivered to the department for filing articles of
 419 amendment; specifying what must be set forth in such
 420 articles of amendment; amending s. 617.1101, F.S.;
 421 revising the plan of merger for certain entities;
 422 specifying what a plan of merger must include;
 423 providing that terms of a plan of merger may be made
 424 dependent upon facts objectively ascertainable outside
 425 the plan; authorizing amendments to a plan of merger
 426 with the consent of each party to the merger, except
 427 as provided in the plan; authorizing a domestic party
 428 to a merger to approve an amendment to a plan in a
 429 certain manner; amending s. 617.1102, F.S.; revising
 430 the limitations on merger for certain corporations
 431 that hold property for a charitable purpose; amending
 432 s. 617.1103, F.S.; specifying the manner in which a
 433 plan of merger must be adopted for a domestic
 434 corporation whose members are entitled to vote on the
 435 merger; authorizing the adoption of a plan of merger

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436 at the meeting of the board of directors for certain
 437 domestic corporations; providing that a plan of merger
 438 may be abandoned after the plan has been approved but
 439 before the articles of merger are effective; providing
 440 that the plan may be abandoned by the board of
 441 directors in the same manner as the plan of merger was
 442 approved by a domestic corporation or a merging
 443 domestic eligible entity; requiring that a statement
 444 of abandonment signed by all parties that signed the
 445 articles of merger be delivered to the department if
 446 the merger is abandoned after articles of merger were
 447 delivered to the department for filing but before the
 448 articles of merger become effective; specifying what
 449 must be in a statement of abandonment; creating s.
 450 617.1104, F.S.; authorizing a domestic or foreign
 451 parent eligible entity that holds membership in a
 452 domestic corporation and that carries a specified
 453 percentage of voting power of the domestic corporation
 454 to merge the subsidiary into itself or into another
 455 specified domestic or foreign eligible entity or to
 456 merge itself into the subsidiary; providing that such
 457 mergers do not require approval of the board of
 458 directors or members of the subsidiary unless
 459 required; providing that articles of merger do not
 460 need to be signed by the subsidiary entity; requiring
 461 the parent eligible entity to notify subsidiary
 462 members within a specified timeframe; providing
 463 construction; amending s. 617.1105, F.S.; requiring
 464 that the articles of merger be signed by each party to

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465 the merger if the merger has been approved; providing
 466 an exception; specifying what must be included in the
 467 articles of merger; requiring that the articles of
 468 merger be delivered to the department for filing;
 469 specifying when a merger becomes effective;
 470 authorizing the filing of articles of merger in a
 471 specified manner under certain circumstances; amending
 472 s. 617.1106, F.S.; revising the effects of a merger
 473 once such merger becomes effective; providing that a
 474 merger does not give rise to any rights that any
 475 interest holder or third party would have upon a
 476 dissolution, liquidation, or winding up of that party;
 477 providing that a party to a merger is not required to
 478 wind up its affairs and cause its dissolution or
 479 termination; prohibiting certain property held in
 480 trust or otherwise used for charitable purposes from
 481 being diverted from such purposes except as provided
 482 by law; providing that any bequest, devise, gift,
 483 grant, or promise contained in certain instruments
 484 inures to the survivor of the merger; providing that a
 485 trust obligation that would govern property if the
 486 property is directed to be transferred to the
 487 nonsurviving party is transferred to the surviving
 488 party of a merger; amending s. 617.1107, F.S.;
 489 deleting provisions related to mergers of foreign
 490 corporations and domestic corporations under certain
 491 circumstances; requiring a foreign eligible entity
 492 that survives a merger to comply with ch. 617, F.S.;
 493 deleting a provision to allow abandonment of merger

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494 under certain circumstances; amending s. 617.1202,
 495 F.S.; revising the manner in which a corporation may
 496 sell, lease, exchange, or otherwise dispose of all, or
 497 substantially all, of its property; specifying the
 498 manner in which a board of directors proposes and its
 499 members approve the proposed transaction; authorizing
 500 the corporation to abandon such disposition of
 501 property without action by the members; providing
 502 exceptions; providing construction; reenacting and
 503 amending s. 617.1401, F.S.; revising what must be set
 504 forth in articles of dissolution; amending s.
 505 617.1402, F.S.; making technical changes; amending s.
 506 617.1403, F.S.; defining the term "dissolved
 507 corporation"; reenacting and amending s. 617.1405,
 508 F.S.; authorizing the circuit court to appoint a
 509 trustee, custodian, receiver, or provisional director
 510 for any property owned or acquired by the corporation
 511 to conduct its affairs for winding up and liquidating
 512 its affairs if any director or officer of the
 513 dissolved corporation is unwilling or unable to serve
 514 or cannot be located; prohibiting certain property
 515 held in trust from being diverted from its trust or
 516 charitable purpose unless done so under certain
 517 circumstances; amending s. 617.1406, F.S.; deleting
 518 obsolete language; making technical changes; amending
 519 s. 617.1407, F.S.; revising the notice requirements
 520 that a dissolved corporation or successor entity must
 521 file with the department; revising the claimants who
 522 may bring a claim against a dissolved corporation or

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523 successor entity; providing conditions under which
 524 certain claims are barred; amending s. 617.1408, F.S.;
 525 authorizing that a dissolved corporation or successor
 526 entity may dispose of known claims against it by
 527 giving written notice to its known claimants of the
 528 dissolution within a specified timeframe after a
 529 specified timeframe; specifying what must be in such
 530 written notice; authorizing that a dissolved
 531 corporation or successor entity may reject a claim
 532 submitted by a claimant and received before the
 533 specified timeframe by mailing notice of the rejection
 534 to the claimant within a specified timeframe;
 535 specifying what must be included in such notice;
 536 providing that a claim against a dissolved corporation
 537 is barred under certain circumstances; defining the
 538 term "known claim"; providing that such notice does
 539 not revive any claim then barred or acknowledge that
 540 any person to whom such notice is sent is a proper
 541 claimant and does not operate as a waiver of any
 542 defenses or counterclaims; creating s. 617.1409, F.S.;
 543 authorizing a dissolved corporation to file with the
 544 circuit court for a determination of the amount and
 545 form of security to be provided for payment of unknown
 546 claims; specifying certain notice requirements of such
 547 proceeding; authorizing the court to appoint a
 548 guardian ad litem for a specified purpose; requiring
 549 the dissolved corporation to pay the reasonable fees
 550 and expenses of the guardian ad litem; providing that
 551 provisions by the dissolved corporation for security

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552 ordered by the court satisfies the dissolved
 553 corporation's obligations with respect to certain
 554 claims; creating s. 617.14091, F.S.; providing that
 555 directors of certain dissolved corporations are not
 556 personally liable to its claimants; authorizing
 557 certain claims from being enforced against the
 558 dissolved corporation's undistributed assets and a
 559 member of the dissolved corporation on a pro rata
 560 share of the claim or the corporate assets distributed
 561 to such member, whichever is less; providing
 562 construction; amending s. 617.1420, F.S.; requiring
 563 the department to serve notice in a record to the
 564 corporation of its intent to administratively dissolve
 565 a corporation under certain circumstances; specifying
 566 the manner in which the department may issue the
 567 notice; requiring the department to administratively
 568 dissolve a corporation that does not respond to such
 569 notice within a specified timeframe; requiring the
 570 department to issue a notice in a record of
 571 administrative dissolution that states the grounds for
 572 the administrative dissolution; authorizing the
 573 department to issue such notice in a specified manner;
 574 reenacting and amending s. 617.1421, F.S.; making
 575 technical changes; amending s. 617.1430, F.S.;
 576 revising when a circuit court may dissolve a
 577 corporation or order other remedies; amending s.
 578 617.1431, F.S.; revising the venue for judicial
 579 dissolution proceedings; providing that directors need
 580 not be made parties to a proceeding to dissolve a

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581 corporation unless relief is sought against them
 582 individually; authorizing a court to award reasonable
 583 attorney fees and costs to the other parties to the
 584 proceedings if the court makes certain findings;
 585 deleting obsolete language; amending s. 617.1432,
 586 F.S.; prohibiting a court from appointing a custodian
 587 or receiver brought in certain proceedings if its
 588 members, directors, or authorized persons have
 589 provided for the appointment of a provisional director
 590 or other means for the resolution of a deadlock;
 591 authorizing the court to enforce the remedy so
 592 provided by the provisional director; revising who the
 593 court may appoint to act as receiver or custodian of
 594 the corporation; revising the duties of the receiver
 595 redesignated as custodian by the court; authorizing
 596 the court to amend the order designating the receiver
 597 as custodian and custodian as receiver; making
 598 technical changes; amending s. 617.1433, F.S.;
 599 conforming provisions to changes made by the act;
 600 making technical changes; creating s. 617.1434, F.S.;
 601 authorizing the court to order certain actions be
 602 taken as an alternative to directing the dissolution
 603 of the corporation; creating s. 617.1435, F.S.;
 604 authorizing the court to appoint a provisional
 605 director for a certain proceeding if it appears such
 606 appointment will remedy the grounds alleged by the
 607 complaining members or directors; providing that a
 608 provisional director may be appointed without a
 609 vacancy on the board of directors; providing that a

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610 provisional director has all the rights and powers of
 611 a duly elected director, until removed; specifying the
 612 criteria for a provisional director; requiring a
 613 provisional director to report to the court concerning
 614 certain matters; providing that a provisional director
 615 is not liable for actions taken or decisions made;
 616 providing exceptions; requiring the provisional
 617 director to submit recommendations to the court if
 618 directed; authorizing any officer or director to
 619 petition the court for certain instructions; requiring
 620 the court to compensate and reimburse the provisional
 621 director; amending s. 617.1440, F.S.; providing an
 622 exception to the assets that must be deposited with
 623 the Department of Financial Services for safekeeping;
 624 making technical changes; creating s. 617.15015, F.S.;
 625 providing the governing law for a foreign corporation
 626 for certain affairs and interests of the foreign
 627 corporation; prohibiting a foreign corporation from
 628 being denied a certificate of authority for a
 629 specified reason; providing that a certificate of
 630 authority does not authorize a foreign corporation to
 631 engage in any business or exercise any prohibited
 632 power; amending s. 617.1502, F.S.; making technical
 633 changes; providing that any member, officer, or
 634 director of a foreign corporation is not liable for
 635 the debts, obligations, or other liabilities of the
 636 foreign corporation under certain circumstances;
 637 providing applicability; requiring a foreign
 638 corporation that transacts business in this state

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639 without a certificate of authority to appoint the
 640 Secretary of State as its agent for service of
 641 process; amending s. 617.1503, F.S.; conforming a
 642 provision to changes made by the act; amending s.
 643 617.1504, F.S.; revising the requirements for a
 644 foreign corporation to amend its certificate of
 645 authority; revising applicability; authorizing a
 646 foreign corporation to amend its certificate of
 647 authority to add, remove, or change certain
 648 information; amending s. 617.1505, F.S.; deleting a
 649 prohibition of the state to regulate the organization
 650 or internal affairs of a foreign corporation; making a
 651 technical change; amending s. 617.1506, F.S.; revising
 652 the requirements for a foreign corporation whose name
 653 is noncompliant to use an alternate name; authorizing
 654 the foreign corporation to use its name if it becomes
 655 available; providing construction; authorizing a
 656 foreign corporation to transact business in this state
 657 under the alternate name; providing an exception;
 658 prohibiting a foreign corporation with a noncompliant
 659 name from transacting business in this state until
 660 such corporation obtains an amended certificate of
 661 authority; authorizing a foreign corporation to
 662 register under a name not otherwise distinguishable on
 663 the records of another registered entity under certain
 664 circumstances; amending s. 617.1507, F.S.; requiring
 665 certain registered agents file a statement with the
 666 department with certain information; providing the
 667 duties of a registered agent; deleting the definition

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668 of the term "authorized entity"; requiring the
 669 department to maintain an accurate record of the
 670 registered agent and registered offices; requiring the
 671 department to furnish any information for a fee;
 672 prohibiting a foreign corporation from prosecuting or
 673 maintaining any action in a court in this state until
 674 it complies with certain requirements; authorizing a
 675 court to stay a proceeding commenced by a foreign
 676 corporation until such compliance; amending s.
 677 617.1508, F.S.; specifying what must be in a statement
 678 of change; providing that a statement of change is
 679 effective when filed with the department; providing a
 680 statement of change may also be filed on the foreign
 681 corporation's annual report in an application for
 682 reinstatement; making technical changes; amending s.
 683 617.1509, F.S.; requiring the registered agent of a
 684 foreign corporation to mail a copy of his or her
 685 statement of resignation to the foreign corporation
 686 after filing it with the department; providing when a
 687 registered agent is terminated; providing that a
 688 registered agent ceases to have responsibility for any
 689 matters for the foreign corporation when a statement
 690 of resignation takes effect; providing that
 691 resignation does not affect contractual rights between
 692 the foreign corporation and the registered agent;
 693 authorizing a registered agent to resign from a
 694 foreign corporation regardless if it has active
 695 status; creating s. 617.15091, F.S.; providing the
 696 permissible means of delivery of certain

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697 communications; providing when notice to the
 698 department is effective; providing an exception;
 699 amending s. 617.1520, F.S.; requiring a foreign
 700 corporation who wishes to cancel its certificate of
 701 authority to deliver to the department a notice of
 702 withdrawal of certificate of authority; providing when
 703 the certificate is effective; requiring such
 704 certificate be signed by an officer or a director and
 705 state certain information; providing that service of
 706 process for a foreign corporation whose withdrawal is
 707 effective is on the Secretary of State; creating s.
 708 617.1521, F.S.; providing that a foreign corporation
 709 that converts to a domestic corporation or another
 710 domestic eligible entity is deemed to have withdrawn
 711 its certificate of authority on the effective date of
 712 the conversion; creating s. 617.1522, F.S.; requiring
 713 certain entities no longer authorized to conduct
 714 affairs in this state to deliver a notice of
 715 withdrawal of certificate of authority to the
 716 department for filing; specifying service of process
 717 for such entities; creating s. 617.1523, F.S.;
 718 authorizing the Department of Legal Affairs to
 719 maintain an action to enjoin a foreign corporation
 720 from illegally conducting affairs in this state;
 721 amending s. 617.1530, F.S.; authorizing the department
 722 to revoke a foreign corporation's certificate of
 723 authority to transact business under certain
 724 circumstances; requiring revocation of a foreign
 725 corporation's certificate of authority to be done on a

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726 specified date; requiring the department to issue
 727 notice to revoke the foreign corporation's certificate
 728 of authority and authority to transact business;
 729 authorizing the department to issue notice stating the
 730 grounds of such revocations by electronic transmission
 731 if the foreign corporation provided an e-mail address;
 732 providing that revocation of a foreign corporation's
 733 certificate of authority does not terminate the
 734 authority of the registered agent; creating s.
 735 617.15315, F.S.; authorizing a foreign corporation
 736 whose certificate of authority has been revoked to
 737 apply to the department for reinstatement at any time
 738 after the effective date of revocation; requiring the
 739 foreign corporation to submit all fees and penalties
 740 owed with its application for reinstatement;
 741 specifying what must be included in the application
 742 for reinstatement; authorizing a foreign corporation
 743 to be reinstated if it pays all fees and penalties and
 744 files its current annual report; requiring the
 745 registered agent and an officer or director to sign
 746 the annual report; requiring the department to
 747 reinstate the foreign corporation if all conditions
 748 are met; providing that a reinstatement relates back
 749 to the effective date of the revocation of authority;
 750 prohibiting another entity from using the name of the
 751 foreign corporation whose certificate of authority has
 752 been revoked until after a specified timeframe;
 753 requiring the department to require a foreign
 754 corporation seeking reinstatement whose name has been

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755 lawfully assumed by another eligible entity to comply
 756 with choosing a new name before accepting its
 757 application for reinstatement; amending s. 617.1532,
 758 F.S.; requiring the department to serve a foreign
 759 corporation with written notice explaining the reasons
 760 for denial of its application for reinstatement;
 761 authorizing a foreign corporation to appeal the
 762 department's denial in a specified manner; specifying
 763 how service is effectuated on the department;
 764 authorizing the Circuit Court of Leon County to take
 765 certain actions; providing that the circuit court's
 766 final decision may be appealed; amending s. 617.1601,
 767 F.S.; requiring a corporation to maintain certain
 768 records; requiring such records be maintained in a
 769 certain manner; amending s. 617.1602, F.S.; revising
 770 the records a member of a corporation may inspect and
 771 copy; authorizing the corporation to impose reasonable
 772 restrictions on the disclosure, use, or distribution
 773 of, and reasonable obligations to maintain the
 774 confidentiality of, certain records; providing that
 775 persons who become members of a corporation after a
 776 specified timeframe and who are entitled to vote at a
 777 meeting are entitled to certain information; providing
 778 an exception; prohibiting the abolishment or
 779 limitation of the right of inspection by a
 780 corporation's articles of incorporation or bylaws;
 781 revising construction; prohibiting a member from
 782 selling or distributing specific information or
 783 records; providing an exception; prohibiting a person

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784 from obtaining or using a membership list or any part
 785 thereof for any purpose unrelated to a member's
 786 interest without the consent of the board of
 787 directors; revising the definition of the term
 788 "member"; providing applicability; amending s.
 789 617.1603, F.S.; authorizing a corporation to satisfy
 790 the right of a member to inspect specific records by
 791 means chosen by the corporation; providing that the
 792 corporation bears the reasonable costs of converting
 793 specified records; making technical changes;
 794 conforming a cross-reference; amending s. 617.1604,
 795 F.S.; revising the circumstances under which a
 796 corporation is not liable for the costs of a member
 797 inspecting and copying specified records; authorizing
 798 the court to impose reasonable restrictions on the
 799 confidentiality of such records; making technical
 800 changes; amending s. 617.1605, F.S.; requiring a
 801 corporation to deliver or make available the latest
 802 annual financial statements to a member within a
 803 specified timeframe under certain circumstance;
 804 requiring the corporation to notify the member within
 805 a specified timeframe if the annual financial
 806 statements have not been prepared for the fiscal year
 807 requested; requiring the corporation to deliver to the
 808 member the annual financial statements within a
 809 specified timeframe; specifying how a corporation may
 810 deliver the specified annual financial statements;
 811 authorizing the corporation to place reasonable
 812 restrictions on members requesting annual financial

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813 statements; authorizing a corporation to decline to
 814 issue annual financial statements if the corporation
 815 determines the request was not made in good faith or
 816 for a proper purpose; authorizing a member who has not
 817 received a response from the corporation as required
 818 to seek relief from the circuit court in the
 819 applicable county; requiring the circuit court to
 820 expedite the matter; authorizing the circuit court to
 821 impose reasonable restrictions on the annual financial
 822 statements; providing that the corporation has the
 823 burden of proof; requiring the court to award the
 824 member's expenses under certain circumstances;
 825 providing exceptions; creating s. 617.16051, F.S.;
 826 providing that a director of a corporation is entitled
 827 to inspect and copy specified records of the
 828 corporation at any reasonable time for a specified
 829 purpose; authorizing the circuit court of the
 830 applicable county to order inspection and copying of
 831 such records at the corporation's expense upon
 832 application of a director who has been refused such
 833 inspection rights; providing exceptions; requiring the
 834 court to expedite such application; authorizing a
 835 court that orders access to such records to include
 836 specific provisions protecting the corporation from
 837 undue burden or expense and prohibiting the director
 838 from using such information obtained for a specified
 839 purpose; authorizing the court to order the
 840 corporation to reimburse the director for the costs
 841 incurred for the application; amending s. 617.1622,

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842 F.S.; revising the information to be included in a
 843 domestic or foreign corporation's annual report to the
 844 department; providing that if the name or address of a
 845 registered agent in a corporation's annual report
 846 differs from the records of the department, the annual
 847 report is considered a statement of change; revising
 848 when the first annual report must be delivered to the
 849 department; providing reporting requirements for
 850 specified entities involved in certain mergers,
 851 conversions, or domestications; creating s.
 852 617.180301, F.S.; providing construction; requiring a
 853 domesticating corporation to enter into a plan of
 854 domestication; specifying what must be included in a
 855 plan of domestication; authorizing the terms of a plan
 856 of domestication to be made dependent upon facts
 857 objectively ascertainable outside the plan; providing
 858 applicability; creating s. 617.18031, F.S.; providing
 859 the manner in which a domestication of a domestic
 860 corporation into a foreign jurisdiction must be
 861 adopted; creating s. 617.18032, F.S.; providing that
 862 articles of domestication must be signed by the
 863 domesticating corporation after certain circumstances;
 864 specifying information to be included in the articles
 865 of domestication; requiring that certain information
 866 be included in the articles of domestication for a
 867 domesticated corporation that is seeking to become a
 868 domestic corporation; requiring that articles of
 869 domestication be filed with the department and take
 870 effect within certain timeframes; specifying when the

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871 domestications of domestic and foreign corporations
 872 are effective; providing that a domesticating foreign
 873 corporation's certificate of authority is
 874 automatically canceled when domestication becomes
 875 effective; authorizing the filing of a certified copy
 876 of the articles of domestication in any county in this
 877 state in which the domesticating corporation holds an
 878 interest in real property; creating s. 617.18033,
 879 F.S.; authorizing the amending of a plan of
 880 domestication of a domestic corporation in certain
 881 manners; authorizing the abandoning of a plan of
 882 domestication under certain circumstances in the same
 883 manner that the plan was approved or determined by the
 884 board of directors; requiring a domesticating
 885 corporation seeking to abandon domestication to send
 886 to the department a statement of abandonment before
 887 the articles of domestication become effective;
 888 specifying the information the statement of
 889 abandonment must include; creating s. 617.18034, F.S.;
 890 specifying effects of domestication with respect to
 891 rights, responsibilities, and liabilities; providing
 892 that a domestication does not constitute or cause the
 893 dissolution of the domesticating corporation;
 894 prohibiting the diversion for any other purpose of
 895 certain property held in trust or otherwise dedicated
 896 to a charitable purpose and held by a domestic of
 897 foreign corporation immediately before a domestication
 898 becomes effective; providing that any bequest, devise,
 899 gift, grant, or promise in certain instruments inures

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900 to the domesticated corporation; providing that a
 901 trust obligation that would govern property if the
 902 property is transferred to the domesticating
 903 corporation applies to property that is transferred to
 904 the domesticated corporation after domestication takes
 905 effect; creating s. 617.1804, F.S.; specifying what
 906 certain domestic and foreign entities may convert to
 907 under certain circumstances; specifying applicability
 908 of certain provisions in certain protected agreements
 909 of a domestic converting corporation; creating s.
 910 617.18041, F.S.; prohibiting a domestic corporation
 911 that holds property for a charitable purpose from
 912 becoming a domestic eligible entity or a foreign
 913 eligible entity; providing an exception; creating s.
 914 617.18042, F.S.; authorizing a domestic corporation to
 915 convert to a domestic or foreign eligible entity by
 916 approving a plan of conversion; specifying the
 917 information to be included in the plan of conversion;
 918 providing that the terms of a plan of conversion may
 919 be made dependent upon facts objectively ascertainable
 920 outside the plan; creating s. 617.18043, F.S.;
 921 providing for the adoption of a plan of conversion for
 922 a domestic corporation converting to a domestic or
 923 foreign eligible entity other than a domestic
 924 corporation; creating s. 617.18044, F.S.; requiring
 925 specified entities that have had plans of conversion
 926 adopted and approved to sign articles of conversion;
 927 specifying the information to be included in such
 928 articles of conversion; requiring a converted domestic

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929 corporation to satisfy the requirements of filing its
 930 articles of incorporation; providing an exception;
 931 requiring that certain domestic eligible entities'
 932 organic records, if any, satisfy certain requirements;
 933 providing an exception; requiring that articles of
 934 conversion be delivered to the department for filing
 935 and take effect on a specified date; specifying when
 936 certain entities' conversions become effective;
 937 authorizing the filing of articles of conversion in
 938 combination with any filing required for certain
 939 entities; providing that an eligible entity that is a
 940 foreign eligible entity's foreign qualification
 941 cancels automatically on the effective date of its
 942 conversion; authorizing the filing of a certified copy
 943 of the articles of conversion in the official records
 944 of any county in this state in which the converting
 945 eligible entity holds an interest in real property;
 946 creating s. 617.18045, F.S.; authorizing the amending
 947 of a plan of conversion of a converting eligible
 948 entity that is a domestic corporation under certain
 949 circumstances; authorizing such converting eligible
 950 entity to abandon the plan of conversion without
 951 action by its interest holders under certain
 952 circumstances; requiring a converting eligible entity
 953 to sign and deliver to the department for filing a
 954 statement of abandonment if the conversion is
 955 abandoned after the articles of conversion have been
 956 delivered to the department but before the articles of
 957 conversion become effective; specifying when the

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958 statement of abandonment takes effect; specifying the
 959 information a statement of abandonment must contain;
 960 creating s. 617.18046, F.S.; specifying the effect of
 961 a conversion of an eligible entity; providing that
 962 certain interest holders of certain eligible entities
 963 who become subject to interest holder liability as a
 964 result of the conversion have such interest holder
 965 liability only in respect of interest holder
 966 liabilities that arise after the conversion becomes
 967 effective; providing that a conversion does not
 968 require the converting eligible entity to wind up its
 969 affairs or cause the dissolution or termination of the
 970 entity; prohibiting certain property held for
 971 charitable purposes immediately before conversion of
 972 specified entities from being diverted from the
 973 purposes for which such property was given; providing
 974 exceptions; providing that any bequest, devise, gift,
 975 grant, or promise contained in certain instruments
 976 made to a converting eligible entity takes effect or
 977 remains payable after the conversion inures to the
 978 converted eligible entity; providing for applicability
 979 of certain trust obligations under certain
 980 circumstances; amending s. 617.2005, F.S.; revising
 981 the manner in which a court may dissolve an extinct
 982 church or religious society; amending s. 617.2006,
 983 F.S.; deleting certain provisions relating to a labor
 984 union or body filing its articles of incorporation in
 985 the applicable circuit court; amending ss. 39.8298,
 986 381.00316, 605.1025, 617.0102, 617.0121, 617.0122,

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987 617.0125, 617.02011, 617.0203, 617.0205, 617.0301,
 988 617.0504, 617.0806, 617.0824, 617.0825, 617.0831,
 989 617.0901, 617.1008, 617.1009, 617.1404, 617.1422,
 990 617.1423, 617.1501, 617.1510, 617.1606, 617.1623,
 991 617.1701, 617.1702, 617.1703, 617.1711, 617.1808,
 992 617.1809, 617.1904, 617.1907, 617.1908, 617.2001,
 993 617.2002, 617.2003, 617.2007, 617.2101, 617.221,
 994 620.2108, 620.8918, 628.910, 768.38, and 893.055,
 995 F.S.; conforming provisions to changes made by the
 996 act; conforming cross-references; making technical
 997 changes; repealing ss. 617.07401, 617.0822, 617.1108,
 998 617.1301, 617.1302, 617.1531, 617.1533, 617.1803,
 999 617.1805, 617.1806, 617.1807, and 617.2102, F.S.,
 1000 relating to members' derivative actions; notice of
 1001 meetings; merger of domestic corporation and other
 1002 eligible entities; prohibited distributions;
 1003 authorized distributions; procedure for and effect of
 1004 revocation; reinstatement following revocation;
 1005 domestication of foreign not-for-profit corporations;
 1006 corporations for profit and when they may become
 1007 corporations not for profit; conversion to corporation
 1008 not for profit, petition, and contents; conversion to
 1009 corporation not for profit and authority of circuit
 1010 judge; and fines and penalties against members,
 1011 respectively; reenacting s. 617.1007(3), F.S.,
 1012 relating to restated articles of incorporation, to
 1013 incorporate the amendments to ss. 617.01201 and
 1014 617.1006, F.S., in references thereto; reenacting s.
 1015 295.21(5)(a), F.S., relating to Florida Is For

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1016 Veterans, Inc., to incorporate the amendment made to
 1017 s. 617.0302, F.S., in a reference thereto; reenacting
 1018 ss. 409.987(4)(b), 718.1265(1), 719.128(1), and
 1019 720.316(1), F.S., relating to lead agency procurement,
 1020 boards, and conflicts of interest; association
 1021 emergency powers; association emergency powers; and
 1022 association emergency powers, respectively, to
 1023 incorporate the amendment made to s. 617.0830, F.S.,
 1024 in references thereto; reenacting s. 718.3027(2) and
 1025 (5), F.S., relating to conflicts of interest, to
 1026 incorporate the amendment made to s. 617.0832, F.S.,
 1027 in references thereto; reenacting s. 720.3033(2)(a)
 1028 and (b) and (3), F.S., relating to officers and
 1029 directors, respectively, to incorporate the amendments
 1030 made to ss. 617.0832 and 617.0834, F.S., in references
 1031 thereto; reenacting s 721.13(13)(a), F.S., relating to
 1032 management, to incorporate the amendment made to s.
 1033 617.0834, F.S., in a reference thereto; reenacting s.
 1034 718.111(1)(d), F.S., relating to the association, to
 1035 incorporate the amendments made to ss. 617.0830 and
 1036 617.0834, F.S., in references thereto; providing an
 1037 effective date.

1039 Be It Enacted by the Legislature of the State of Florida:

1040
 1041 Section 1. Section 617.01011, Florida Statutes, is amended
 1042 to read:
 1043 617.01011 Short title.—This chapter ~~act~~ may be cited as the
 1044 "Florida Nonprofit Not For Profit Corporation Act."

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1045 Section 2. Subsections (1), (2), (3), (7), and (8) of
 1046 section 617.01201, Florida Statutes, are amended, subsection
 1047 (10) is added to that section, and subsection (9) of that
 1048 section is reenacted, to read:
 1049 617.01201 Filing requirements.—
 1050 (1) A document must satisfy the requirements of this
 1051 section and of any other section that adds to or varies these
 1052 requirements to be entitled to filing by the department ~~of~~
 1053 State.
 1054 (2) This chapter act must require or permit filing the
 1055 document in the office of the department ~~of State~~.
 1056 (3) The document must contain the information required by
 1057 this chapter act. It may contain other information as well.
 1058 (7) The person executing the document shall sign it and
 1059 state beneath or opposite such person's his or her signature
 1060 such person's his or her name and the capacity in which such
 1061 person he or she signs. The document may, but need not, contain
 1062 the corporate seal, an attestation, an acknowledgment, or a
 1063 verification—
 1064 ~~(a) The corporate seal,~~
 1065 ~~(b) An attestation by the secretary or an assistant~~
 1066 ~~secretary,~~
 1067 ~~(c) An acknowledgment, verification, or proof.~~
 1068 (8) If the department ~~of State~~ has prescribed a mandatory
 1069 form for the document under s. 617.0121, the document must be in
 1070 or on the prescribed form.
 1071 (9) The document must be delivered to the department for
 1072 filing. Delivery may be made by electronic transmission if and
 1073 to the extent allowed by the department. If the document is

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1074 filed in typewritten or printed form and not transmitted
 1075 electronically, the department may require that one exact or
 1076 conformed copy be delivered with the document, except as
 1077 provided in s. 617.1508. The document must be accompanied by the
 1078 correct filing fee and any other tax or penalty required by law.
 1079 (10) Whenever this chapter allows any of the terms of a
 1080 plan or a filed document to be dependent upon facts objectively
 1081 ascertainable outside the plan or filed document, the following
 1082 apply:
 1083 (a) The plan or filed document must set forth the manner in
 1084 which the facts will operate upon the terms of the plan or filed
 1085 document.
 1086 (b) The facts may include, but are not limited to:
 1087 1. Any of the following which are available in a nationally
 1088 recognized news or information medium either in print or
 1089 electronically:
 1090 a. Statistical or market indices;
 1091 b. Market prices of any security or group of securities;
 1092 c. Interest rates;
 1093 d. Currency exchange rates; and
 1094 e. Similar economic or financial data;
 1095 2. A determination or action by any person or body,
 1096 including the corporation or any other party to a plan or filed
 1097 document; or
 1098 3. The terms of, or actions taken under, an agreement to
 1099 which the corporation is a party, or any other agreement or
 1100 document.
 1101 (c) The following provisions of a plan or filed document
 1102 may not be made dependent upon facts outside the plan or filed

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1103 document:1104 1. The name and address of any person required in a filed
1105 document;1106 2. The registered office of any entity required in a filed
1107 document;1108 3. The registered agent of any entity required in a filed
1109 document;1110 4. The effective date of a filed document; and1111 5. Any required statement in a filed document of the date
1112 on which the underlying transaction was approved or the manner
1113 in which that approval was given.1114 (d) If a provision of a filed document is made dependent
1115 upon a fact ascertainable outside of the filed document, and
1116 that fact is not ascertainable by reference to a source
1117 described in subparagraph (b)1. or a document that is a matter
1118 of public record, and the affected members have not received
1119 notice of the fact from the corporation, the corporation must
1120 file with the department articles of amendment to the filed
1121 document setting forth the fact promptly after the time when the
1122 fact referred to is first ascertainable or thereafter changes.1123 Articles of amendment under this section are deemed to be
1124 authorized by the authorization of the original filed document
1125 to which they relate and may be filed by the corporation without
1126 further action by the board of directors or the members.1127 (e) As used in this subsection, the term:1128 1. "Filed document" means a document filed with the
1129 department pursuant to this chapter, except for a document filed
1130 pursuant to ss. 617.1501-617.1532.1131 2. "Plan" means a plan of merger, a plan of conversion, or

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1132 a plan of domestication.1133 Section 3. Section 617.0123, Florida Statutes, is amended
1134 to read:1135 617.0123 Effective time and date of document.-1136 ~~(1)~~ Except as provided in subsection (1) ~~(2)~~ and in s.
1137 617.0124(3), a document accepted for filing under this chapter
1138 may specify an is effective at the time and a delayed effective
1139 date. In the case of the initial articles of incorporation, a
1140 prior effective date may be specified in the articles of
1141 incorporation if such date is within 5 business days before the
1142 date of filing of filing on the date it is filed, as evidenced
1143 by the Department of State's date and time endorsement on the
1144 original document.1145 (1) Subject to s. 617.0124(3), a document accepted for
1146 filing is effective under any of the following conditions:1147 (a) If the record filed does not specify an effective time
1148 and does not specify a prior or a delayed effective date, on the
1149 date and at the time the record is accepted, as evidenced by the
1150 department's endorsement of the date and time on the filing.1151 (b) If the record filed specifies an effective time, but
1152 not a prior or delayed effective date, on the date the record is
1153 accepted, as evidenced by the department's endorsement, and at
1154 the time specified in the filing.1155 (c) If the record filed specifies a delayed effective date,
1156 but not an effective time, at 12:01 a.m. on the earlier of:1157 1. The specified date; or1158 2. The 90th day after the date the record is filed.1159 (d) If the record filed specifies a delayed effective date
1160 and an effective time, at the specified time on the earlier of:

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- 1161 1. The specified date; or
 1162 2. The 90th day after the date the record is filed.
 1163 (e) If the record filed is of initial articles of
 1164 incorporation and specifies an effective date before the date of
 1165 the filing, but no effective time, at 12:01 a.m. on the later
 1166 of:
 1167 1. The specified date; or
 1168 2. The 5th business day before the date the record is
 1169 filed.
 1170 (f) If the record filed is of initial articles of
 1171 incorporation and specifies an effective time and an effective
 1172 date before the date of the filing, at the specified time on the
 1173 later of:
 1174 1. The specified date; or
 1175 2. The 5th business day before the date the record is
 1176 filed.
 1177 (2) If the record filed does not specify the time zone or
 1178 place at which the date or time, or both, is to be determined,
 1179 the date or time, or both, at which it becomes effective will be
 1180 those prevailing at the place of filing in this state ~~A document~~
 1181 ~~may specify a delayed effective date, and if it does the~~
 1182 ~~document shall become effective on the date specified. Unless~~
 1183 ~~otherwise permitted by this act, a delayed effective date for a~~
 1184 ~~document may not be later than the 90th day after the date on~~
 1185 ~~which it is filed.~~
 1186 (3) ~~If a document is determined by the department of State~~
 1187 ~~to be incomplete and inappropriate for filing, the department of~~
 1188 ~~State may return the document to the person or corporation~~
 1189 ~~filing it, together with a brief written explanation of the~~

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- 1190 reason for the refusal to file, in accordance with s.
 1191 617.0125(3). If the applicant returns the document with
 1192 corrections in accordance with the rules of the department
 1193 within 60 days after it was mailed to the applicant by the
 1194 department, and if at the time of return the applicant so
 1195 requests in writing, the filing date of the document will be the
 1196 filing date that would have been applied had the original
 1197 document not been deficient, except as to persons who relied on
 1198 the record before correction and were adversely affected
 1199 thereby.
 1200 (4) Corporate existence may predate the filing date,
 1201 pursuant to s. 617.0203(1).
 1202 Section 4. Section 617.0124, Florida Statutes, is amended
 1203 to read:
 1204 617.0124 Correcting filed document; withdrawal of filed
 1205 record before effectiveness.-
 1206 (1) A domestic or foreign corporation may correct a
 1207 document filed by the department within 30 days after filing if:
 1208 (a) The document contains an inaccuracy ~~incorrect~~
 1209 ~~statement;~~
 1210 (b) The document contains false, misleading, or fraudulent
 1211 information;
 1212 (c) The document was defectively executed, attested,
 1213 sealed, verified, or acknowledged; or
 1214 (d) The electronic transmission of the document to the
 1215 department was defective.
 1216 (2) A document is corrected:
 1217 (a) By preparing articles of correction that:
 1218 1. Describe the document, including its filing date, or

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1219 attach a copy of the document to the articles of correction;
 1220 2. Specify the inaccuracy or defect ~~incorrect statement and~~
 1221 ~~the reason it is incorrect or the manner in which the execution~~
 1222 ~~was defective;~~ and
 1223 3. Correct the inaccuracy or defect ~~incorrect statement or~~
 1224 ~~defective execution;~~ and
 1225 (b) By delivering the executed articles of correction to
 1226 the department for filing.
 1227 (3) Articles of correction are effective on the effective
 1228 date of the document they correct except as to persons relying
 1229 on the uncorrected document and who are adversely affected by
 1230 the correction. As to those persons, articles of correction are
 1231 effective when filed.
 1232 (4) Articles of correction may not contain a delayed
 1233 effective date for the correction.
 1234 (5) Unless otherwise provided for in s. 617.1103(3) or s.
 1235 617.1809(8), a filing delivered to the department may be
 1236 withdrawn before it takes effect by delivering a withdrawal
 1237 statement to the department for filing.
 1238 (a) A withdrawal statement must:
 1239 1. Be signed by each person who signed the filing being
 1240 withdrawn, except as otherwise agreed to by such persons;
 1241 2. Identify the filing to be withdrawn; and
 1242 3. If not signed by all persons who signed the filing being
 1243 withdrawn, state that the filing is withdrawn in accordance with
 1244 the agreement of all persons who signed the filing.
 1245 (b) Upon the filing by the department of a withdrawal
 1246 statement, the action or transaction evidenced by the original
 1247 filing does not take effect.

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1248 (6) Articles of correction that are filed to correct false,
 1249 misleading, or fraudulent information are not subject to a fee
 1250 of the department if the articles of correction are delivered to
 1251 the department within 15 days after the notification of filing
 1252 sent pursuant to s. 617.0125(2).
 1253 Section 5. Section 617.0126, Florida Statutes, is amended
 1254 to read:
 1255 617.0126 Appeal from department's ~~Department of State's~~
 1256 refusal to file document.-If the department ~~of State~~ refuses to
 1257 file a document delivered to its office for filing, within 30
 1258 days after return of the document by the department by mail, as
 1259 evidenced by the postmark, the domestic or foreign corporation
 1260 may:
 1261 (1) Appeal the refusal pursuant to s. 120.68; or
 1262 (2) Petition the Circuit Court of Leon County to compel
 1263 filing of the document. ~~Appeal the refusal to the circuit court~~
 1264 ~~of the county where the corporation's principal office (or, if~~
 1265 ~~none in this state, its registered office) is or will be~~
 1266 ~~located. The appeal is commenced by petitioning the court to~~
 1267 ~~compel filing the document and by attaching to the petition~~ The
 1268 document and the department's ~~department of State's~~ explanation
 1269 of its refusal to file must be attached to the petition. The
 1270 ~~matter shall promptly be tried de novo by the court without a~~
 1271 ~~jury.~~ The court may decide the matter in a summary proceeding,
 1272 and the court may summarily order the department ~~of State~~ to
 1273 file the document or take other action the court considers
 1274 appropriate. The court's final decision may be appealed as in
 1275 other civil proceedings.
 1276 Section 6. Section 617.0127, Florida Statutes, is amended

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1277 to read:
 1278 617.0127 Certificates to be received in evidence;
 1279 ~~evidentiary~~ effect of certified copy of filed document.~~All~~
 1280 certificates issued by the department pursuant to this chapter
 1281 must be taken and received in all courts, public offices, and
 1282 official bodies as prima facie evidence of the facts stated
 1283 therein. A certificate attached to a copy of a document filed by
 1284 the department ~~of State~~, bearing the signature of the Secretary
 1285 of State, ~~(which may be in facsimile,)~~ and the seal of this
 1286 state, is conclusive evidence that the original document is on
 1287 file with the department.
 1288 Section 7. Subsection (1) of section 617.0128, Florida
 1289 Statutes, is amended, and subsection (2) of that section is
 1290 reenacted, to read:
 1291 617.0128 Certificate of status.—
 1292 (1) ~~Anyone may apply to~~ The department, upon request, shall
 1293 issue of State to furnish a certificate of status for a domestic
 1294 corporation or a certificate of authorization for a foreign
 1295 corporation.
 1296 (2) A certificate of status or authorization sets forth:
 1297 (a) The domestic corporation's corporate name or the
 1298 foreign corporation's corporate name used in this state;
 1299 (b)1. That the domestic corporation is duly incorporated
 1300 under the law of this state and the date of its incorporation,
 1301 or
 1302 2. That the foreign corporation is authorized to conduct
 1303 its affairs in this state;
 1304 (c) That all fees and penalties owed to the department have
 1305 been paid, if:

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1306 1. Payment is reflected in the records of the department,
 1307 and
 1308 2. Nonpayment affects the existence or authorization of the
 1309 domestic or foreign corporation;
 1310 (d) That its most recent annual report required by s.
 1311 617.1622 has been delivered to the department; and
 1312 (e) That articles of dissolution have not been filed.
 1313 Section 8. Section 617.01301, Florida Statutes, is amended
 1314 to read:
 1315 617.01301 Powers of department ~~of State~~.—
 1316 (1) The department ~~of State~~ may propound to any corporation
 1317 subject to ~~the provisions of this chapter act~~, and to any
 1318 officer or director thereof, such interrogatories as may be
 1319 reasonably necessary and proper to enable it to ascertain
 1320 whether the corporation has complied with all applicable filing
 1321 provisions of this chapter act. Such interrogatories must be
 1322 answered within 30 days after mailing or within such additional
 1323 time as fixed by the department. Answers to interrogatories must
 1324 be full and complete, in writing, and under oath.
 1325 Interrogatories directed to an individual must be answered by
 1326 that individual him or her, and interrogatories directed to a
 1327 corporation must be answered by an authorized officer or
 1328 director of the corporation, by a member if there are no
 1329 officers or directors of the corporation, or by a fiduciary if
 1330 the corporation is in the hands of a receiver, trustee, or other
 1331 court-appointed fiduciary ~~the president, vice president,~~
 1332 ~~secretary, or assistant secretary.~~
 1333 (2) The department ~~of State~~ is not required to file any
 1334 document:

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1335 (a) To which interrogatories, as propounded pursuant to
1336 subsection (1) relate, until the interrogatories are answered in
1337 full;

1338 (b) When interrogatories or other relevant evidence
1339 discloses that such document is not in conformity with ~~the~~
1340 ~~provisions of this chapter act~~; or

1341 (c) When the department has determined that the parties to
1342 such document have not paid all fees, taxes, and penalties due
1343 and owing this state.

1344 (3) The department ~~of State~~ may, based upon its findings
1345 hereunder or ~~as provided~~ in s. 213.053(15), bring an action in
1346 circuit court to collect any penalties, fees, or taxes
1347 determined to be due and owing the state and to compel any
1348 filing, qualification, or registration required by law. In
1349 connection with such proceeding the department may, without
1350 prior approval by the court, file a lis pendens against any
1351 property owned by the corporation and may further certify any
1352 findings to the Department of Legal Affairs for the initiation
1353 of any action permitted pursuant to s. 617.0503 which the
1354 Department of Legal Affairs may deem appropriate.

1355 (4) The department ~~has of State shall have~~ the power and
1356 authority reasonably necessary to enable it to administer this
1357 ~~chapter act~~ efficiently, to perform the duties herein imposed
1358 upon it, and to adopt rules pursuant to ss. 120.536(1) and
1359 120.54 to implement this chapter ~~the provisions of this act~~
1360 ~~conferring duties upon it.~~

1361 Section 9. Section 617.01401, Florida Statutes, is amended
1362 to read:

1363 617.01401 Definitions.—As used in this chapter, the term:

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1364 (1) "Articles of incorporation" includes original, amended,
1365 and restated articles of incorporation, articles of
1366 consolidation, and articles of merger, and all amendments
1367 thereto, including documents designated by the laws of this
1368 state as charters, and, in the case of a foreign corporation,
1369 documents equivalent to articles of incorporation in the
1370 jurisdiction of incorporation.

1371 (2) "Applicable county" means the county in this state in
1372 which a corporation's principal office is located or was located
1373 when an action is or was commenced. If the corporation has, or
1374 at the time of such action had, no principal office in this
1375 state, the applicable county is the county in which the
1376 corporation has, or at the time of such action had, an office in
1377 this state. If the corporation does not have an office in this
1378 state, the applicable county is the county in which the
1379 corporation's registered office is or was last located.

1380 (3) "Authorized entity" means any of the following:

1381 (a) A corporation for profit.

1382 (b) A limited liability company.

1383 (c) A limited liability partnership.

1384 (d) A limited partnership, including a limited liability
1385 limited partnership.

1386 ~~(4)(2)~~ "Board of directors" means the group of persons
1387 vested with the management of the affairs of the corporation
1388 irrespective of the name by which such group is designated,
1389 including, but not limited to, managers or trustees.

1390 ~~(5)(3)~~ "Bylaws" means the code or codes of rules adopted
1391 for the regulation or management of the affairs of the
1392 corporation irrespective of the name or names by which such

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1393 rules are designated.

1394 (6) "Charitable asset" means property that is given,
 1395 received, or held for a charitable purpose.

1396 (7) "Charitable purpose" means a purpose that:

1397 (a) Would make a corporation organized and operated
 1398 exclusively for that purpose eligible to be exempt from taxation
 1399 under s. 501(c)(3) of the Internal Revenue Code of 1986, as
 1400 amended, or

1401 (b) Is considered charitable under the law of this state
 1402 other than as set forth in the Internal Revenue Code of 1986, as
 1403 amended.

1404 (8)(4) "Corporation" or "domestic corporation" means a
 1405 nonprofit corporation not for profit, subject to the provisions
 1406 of this chapter, except a foreign corporation.

1407 (5) "Corporation not for profit" means a corporation no
 1408 part of the income or profit of which is distributable to its
 1409 members, directors, or officers, except as otherwise provided
 1410 under this chapter.

1411 (9)(6) "Department" means the Florida Department of State.

1412 (7) "Distribution" means the payment of a dividend or any
 1413 part of the income or profit of a corporation to its members,
 1414 directors, or officers.

1415 (a) A donation or transfer of corporate assets or income to
 1416 or from another not-for-profit corporation qualified as tax-
 1417 exempt under s. 501(c) of the Internal Revenue Code or a
 1418 governmental organization exempt from federal and state income
 1419 taxes, if such corporation or governmental organization is a
 1420 member of the corporation making such donation or transfer, is
 1421 not a distribution for purposes of this chapter.

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1422 ~~(b) A dividend or distribution by a not-for-profit~~
 1423 ~~insurance company subsidiary to its mutual insurance holding~~
 1424 ~~company organized under part III of chapter 628, directly or~~
 1425 ~~indirectly through one or more intermediate holding companies~~
 1426 ~~authorized under that part, is not a distribution for the~~
 1427 ~~purposes of this chapter.~~

1428 (10)(8) "Electronic transmission" means any form of
 1429 communication, not directly involving the physical transmission
 1430 or transfer of paper, which creates a record that may be
 1431 retained, retrieved, and reviewed by a recipient and which may
 1432 be directly reproduced in a comprehensible and legible paper
 1433 form by such recipient through an automated process. Examples of
 1434 electronic transmission include, but are not limited to,
 1435 electronic mail, telegrams, facsimile, and transmissions through
 1436 the Internet transmissions of images, and text that is sent via
 1437 electronic mail between computers.

1438 (11)(a) "Eligible entity" means a domestic or foreign:

1439 1. Corporation or corporation for profit;

1440 2. General partnership, including a limited liability
 1441 partnership;

1442 3. Limited partnership, including a limited liability
 1443 limited partnership;

1444 4. Limited liability company; or

1445 5. Other unincorporated entity.

1446 (b) The term does not include:

1447 1. An individual;

1448 2. An association or relationship that is not a partnership
 1449 solely by reason of s. 620.8202(2) or a similar provision of the
 1450 law of another jurisdiction;

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1451 3. A decedent's estate; or
 1452 4. A government or a governmental subdivision, agency or
 1453 instrumentality.
 1454 (12) "Eligible interest" means:
 1455 (a) A share;
 1456 (b) A membership; or
 1457 (c) Either or both of the following rights under the
 1458 organic rules governing the entity:
 1459 1. The right to receive distributions from the entity
 1460 either in the ordinary course of business or upon liquidation.
 1461 2. The right to receive notice or vote on issues involving
 1462 its internal affairs, other than as an agent, assignee, proxy,
 1463 or person responsible for managing its business, activities, or
 1464 affairs.
 1465 (13) "Entity" includes corporations and foreign
 1466 corporations; unincorporated associations; business trusts,
 1467 estates, limited liability companies, partnerships, trusts, and
 1468 two or more persons having a joint or common economic interest;
 1469 any state, the United States, or any foreign government.
 1470 (14)-(9) "Foreign corporation" means a nonprofit corporation
 1471 not for profit organized under laws other than the laws of this
 1472 state.
 1473 (15)-(10) "Insolvent" means the inability of a corporation
 1474 to pay its debts as they become due in the usual course of its
 1475 affairs.
 1476 (16) "Interest holder" means any of the following persons:
 1477 (a) A shareholder of a corporation for profit.
 1478 (b) A member of a nonprofit corporation.
 1479 (c) A general partner of a general partnership.

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1480 (d) A general partner of a limited partnership.
 1481 (e) A limited partner of a limited partnership.
 1482 (f) A member of a limited liability company.
 1483 (g) A shareholder or beneficial owner of a real estate
 1484 investment trust.
 1485 (h) A beneficiary or beneficial owner of a statutory trust,
 1486 business trust, or common law business trust.
 1487 (i) Another direct holder of an interest.
 1488 (17) "Interest holder liability" means:
 1489 (a) Personal liability for a liability of an entity which
 1490 arises, except as otherwise provided in the organic rules of the
 1491 entity, when the entity incurs the liability and which is
 1492 imposed on a person:
 1493 1. Solely by reason of the status of the person as an
 1494 interest holder; or
 1495 2. By the organic rules of the entity which make one or
 1496 more specified interest holders or categories of interest
 1497 holders liable in their capacity as interest holders for all or
 1498 specified liabilities of the entity; or
 1499 (b) An obligation of an interest holder under the organic
 1500 rules of an entity to contribute to the entity.
 1501 (18)-(11) "Mail" means the United States mail, facsimile
 1502 transmissions, and private mail carriers handling nationwide
 1503 mail services.
 1504 (19)-(12) "Member" means one having membership rights in a
 1505 corporation in accordance with the provisions of its articles of
 1506 incorporation or bylaws or the provisions of this chapter.
 1507 ~~(13) "Mutual benefit corporation" means a domestic~~
 1508 ~~corporation that is not organized primarily or exclusively for~~

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1509 ~~religious purposes; is not recognized as exempt under s.~~
 1510 ~~501(c)(3) of the Internal Revenue Code; and is not organized for~~
 1511 ~~a public or charitable purpose that is required upon its~~
 1512 ~~dissolution to distribute its assets to the United States, a~~
 1513 ~~state, a local subdivision thereof, or a person that is~~
 1514 ~~recognized as exempt under s. 501(c)(3) of the Internal Revenue~~
 1515 ~~Code. The term does not include an association organized under~~
 1516 ~~chapter 718, chapter 719, chapter 720, or chapter 721, or any~~
 1517 ~~corporation where membership in the corporation is required~~
 1518 ~~pursuant to a document recorded in county property records.~~

1519 (20) "Nonprofit corporation" means a corporation no part of
 1520 the income or profit of which is distributable to its members,
 1521 directors, or officers, except as otherwise provided under this
 1522 chapter.

1523 (21) "Organic rules" means the public organic record and
 1524 private organic rules of an entity.

1525 (22)(14) "Person" includes an individual and entity.

1526 (23) "Private organic rules" means the rules, regardless of
 1527 whether in a record, which govern the internal affairs of an
 1528 entity, are binding on all its interest holders, and are not
 1529 part of its public organic record, if any. If the private
 1530 organic rules are amended or restated, the term means the
 1531 private organic rules as last amended or restated. The term
 1532 includes any of the following:

1533 (a) The bylaws of a corporation for profit.

1534 (b) The bylaws of a nonprofit corporation.

1535 (c) The partnership agreement of a general partnership.

1536 (d) The partnership agreement of a limited partnership.

1537 (e) The operating agreement, limited liability company

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1538 agreement, or similar agreement of a limited liability company.

1539 (f) The bylaws, trust instrument, or similar rules of a
 1540 real estate investment trust.

1541 (g) The trust instrument of a statutory trust or similar
 1542 rules of a business trust or common law business trust.

1543 (24) "Protected agreement" means any of the following:

1544 (a) A document evidencing indebtedness of a domestic
 1545 corporation or eligible entity and any related agreement in
 1546 effect immediately before July 1, 2026.

1547 (b) An agreement that is binding on a domestic corporation
 1548 or eligible entity immediately before July 1, 2026.

1549 (c) The articles of incorporation or bylaws of a domestic
 1550 corporation or the organic rules of a domestic eligible entity,
 1551 in each case in effect immediately before July 1, 2026.

1552 (d) An agreement that is binding on any of the interest
 1553 holders, directors, or other governors of a domestic corporation
 1554 or eligible entity, in their capacities as such, immediately
 1555 before July 1, 2026.

1556 (25) "Public organic record" means a record, the filing of
 1557 which by a governmental body is required to form an entity, and
 1558 an amendment to or restatement of such record. When a public
 1559 organic record has been amended or restated, the term means the
 1560 public organic record as last amended or restated. The term
 1561 includes any of the following:

1562 (a) The articles of incorporation of a corporation for
 1563 profit.

1564 (b) The articles of incorporation of a nonprofit
 1565 corporation.

1566 (c) The certificate of limited partnership of a limited

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1567 partnership.

1568 (d) The articles of organization, certificate of
 1569 organization, or certificate of formation of a limited liability
 1570 company.

1571 (e) The articles of incorporation of a general cooperative
 1572 association or a limited cooperative association.

1573 (f) The certificate of trust of a statutory trust or
 1574 similar record of a business trust.

1575 (g) The articles of incorporation of a real estate
 1576 investment trust.

1577 ~~(26)(15)~~ "Successor entity" means any ~~trust, receivership,~~
 1578 ~~or other legal entity that is governed by the laws of this state~~
 1579 ~~to which the remaining assets of the and liabilities of a~~
 1580 ~~dissolved corporation are transferred, subject to its~~
 1581 ~~liabilities, for purposes of liquidation and that exists solely~~
 1582 ~~for the purposes of prosecuting and defending suits by or~~
 1583 ~~against the dissolved corporation and enabling the dissolved~~
 1584 ~~corporation to settle and close the business of the dissolved~~
 1585 ~~corporation, to dispose of and convey the property of the~~
 1586 ~~dissolved corporation, to discharge the liabilities of the~~
 1587 ~~dissolved corporation, and to distribute to the dissolved~~
 1588 ~~corporation's members any remaining assets, but not for the~~
 1589 ~~purpose of continuing the business for which the dissolved~~
 1590 ~~corporation was organized.~~

1591 ~~(27)(16)~~ "Voting power" means the total number of votes
 1592 entitled to be cast for the election of directors at the time
 1593 the determination of voting power is made, excluding a vote that
 1594 is contingent upon the happening of a condition or event that
 1595 has not yet occurred. If the corporation's directors are not

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1596 elected by the members, voting power must, unless otherwise
 1597 provided in the articles of incorporation or bylaws, be on a
 1598 one-member, one-vote basis. If the members of a class are
 1599 entitled to vote as a class to elect directors, the
 1600 determination of the voting power of the class is based on the
 1601 percentage of the number of directors the class is entitled to
 1602 elect relative to the total number of authorized directors. ~~If~~
 1603 ~~the corporation's directors are not elected by the members,~~
 1604 ~~voting power shall, unless otherwise provided in the articles of~~
 1605 ~~incorporation or bylaws, be on a one-member, one-vote basis.~~

1606 Section 10. Subsections (1) through (6), (8), and (9) of
 1607 section 617.0141, Florida Statutes, are amended to read:

1608 617.0141 Notice.—

1609 (1) Notice under this chapter ~~act~~ must be in writing,
 1610 unless oral notice is:

1611 (a) Expressly authorized by the articles of incorporation
 1612 or the bylaws; and

1613 (b) Reasonable under the circumstances.

1614 (2) Written notice may be communicated by mail, electronic
 1615 mail, facsimile in person, by telephone (where oral notice is
 1616 permitted), telegraph, teletype, or other form of electronic
 1617 transmission; or by mail. When oral notice is permitted, notice
 1618 may be communicated in person, by telephone, or other electronic
 1619 transmission by means of which all persons participating can
 1620 hear each other.

1621 (3) Written notice by a domestic or foreign corporation
 1622 authorized to conduct its affairs in this state to its member,
 1623 if in a comprehensible form, is effective under any of the
 1624 following circumstances:

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1625 (a) When mailed, if mailed postpaid and correctly addressed
 1626 to the member's address shown in the domestic or foreign
 1627 corporation's current record of members.†

1628 (b) When actually transmitted by facsimile
 1629 ~~telecommunication~~, if correctly directed to a telephone number
 1630 at which the member has consented to receive notice.†

1631 (c) When actually transmitted by electronic mail, if
 1632 correctly directed to an electronic mail address at which the
 1633 member has consented to receive notice.†

1634 (d) When posted on an electronic network that the member
 1635 has consented to consult, upon the later of:

1636 1. Such correct posting; or

1637 2. The giving of a separate notice to the member of the
 1638 fact of such specific posting.†~~or~~

1639 (e) When correctly transmitted to the member, if by any
 1640 other form of electronic transmission consented to by the member
 1641 to whom notice is given.

1642 (4) Consent by a member to receive notice by electronic
 1643 transmission ~~is shall be~~ revocable by the member by written
 1644 notice to the domestic or foreign corporation. Any such consent
 1645 ~~is shall be~~ deemed revoked if:

1646 (a) The domestic or foreign corporation is unable to
 1647 deliver by electronic transmission two consecutive notices given
 1648 by the domestic or foreign corporation in accordance with such
 1649 consent; and

1650 (b) Such inability becomes known to the secretary or an
 1651 assistant secretary of the domestic or foreign corporation, or
 1652 other authorized person responsible for the giving of notice.
 1653 However, the inadvertent failure to treat such inability as a

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1654 revocation does not invalidate any meeting or other action.

1655 (5) Written notice to a domestic or foreign corporation
 1656 authorized to conduct its affairs in this state may be addressed
 1657 to its registered agent at its registered office. Written notice
 1658 may also be delivered ~~or~~ to the domestic or foreign corporation
 1659 ~~or its secretary~~ at its principal office shown in its most
 1660 recent annual report or, in the case of a domestic or foreign
 1661 corporation that has not yet delivered an annual report, in a
 1662 domestic corporation's articles of incorporation or in a foreign
 1663 corporation's application for certificate of authority.

1664 (6) Except as provided in subsection (3) or elsewhere in
 1665 this chapter ~~act~~, written notice, if in a comprehensible form,
 1666 is effective at the earliest date of any of the following:

1667 (a) When received.†

1668 (b) Five days after its deposit in the United States mail,
 1669 as evidenced by the postmark, if mailed postpaid and correctly
 1670 addressed.†~~or~~

1671 (c) On the date shown on the return receipt, if sent by
 1672 registered or certified mail, return receipt requested, and the
 1673 receipt is signed by or on behalf of the addressee.

1674 (8) An affidavit of the secretary, an assistant secretary,
 1675 the transfer agent, or other authorized agent of the domestic or
 1676 foreign corporation that the notice has been given by a form of
 1677 electronic transmission is, in the absence of fraud, prima facie
 1678 evidence of the facts stated in the notice.

1679 (9) If this chapter ~~act~~ prescribes notice requirements for
 1680 particular circumstances, those requirements govern. If articles
 1681 of incorporation or bylaws prescribe notice requirements not
 1682 less stringent than the requirements of this section or other

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1683 provisions of this ~~chapter act~~, those requirements govern.

1684 Section 11. Section 617.0143, Florida Statutes, is created

1685 to read:

1686 617.0143 Qualified director.—

1687 (1) For purposes of this chapter, the term:

1688 (a) "Material interest" means an actual or potential

1689 benefit or detriment, other than one which would devolve on the

1690 corporation or the members generally, which would reasonably be

1691 expected to impair the objectivity of the director's judgment

1692 when participating in the action to be taken. For a corporation

1693 that is regulated by chapter 718, chapter 719, chapter 720,

1694 chapter 721, or chapter 723, or a corporation when membership in

1695 such corporation is required pursuant to a document recorded in

1696 the county property records, a "material interest" is limited to

1697 familial, financial, professional, or employment interests.

1698 (b) "Material relationship" means a familial, financial,

1699 professional, employment, or other relationship that would

1700 reasonably be expected to impair the objectivity of the

1701 director's judgment when participating in the action to be

1702 taken.

1703 (c) "Qualified director" is a director who, at the time

1704 action is to be taken under:

1705 1. Section 617.0744, and who does not have an interest in

1706 the outcome of the proceeding or has a material relationship

1707 with a person who has an interest in the outcome of the

1708 proceeding;

1709 2. Section 617.0832, and who is not a director as to whom

1710 the transaction is a director's conflict of interest

1711 transaction, or who has a material relationship with another

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1712 director as to whom the transaction is a director's conflict of

1713 interest transaction; or

1714 3. Section 617.0831, with respect to the application of ss.

1715 607.0850-607.0859, and who:

1716 a. Is not a party to the proceeding;

1717 b. Is not a director as to whom a transaction is a

1718 director's conflict of interest transaction, which transaction

1719 is challenged in the proceeding; and

1720 c. Does not have a material relationship with a director

1721 who is disqualified by virtue of not meeting the requirements of

1722 sub-subparagraph a. or sub-subparagraph b.

1723 (2) A director is not automatically prevented from being a

1724 qualified director if any of the following is present:

1725 (a) The nomination or election of the director to the

1726 current board of directors by any director who is not a

1727 qualified director with respect to the matter, or by any person

1728 who has a material relationship with that director, acting alone

1729 or participating with others.

1730 (b) Service as a director of another corporation of which a

1731 director who is not a qualified director with respect to the

1732 matter, or any individual who has a material relationship with

1733 that director is or was also a director.

1734 (c) With respect to actions pursuant to s. 617.0744, status

1735 as a named defendant, as a director against whom action is

1736 demanding, or as a director who approved the conduct being

1737 challenged.

1738 Section 12. Subsections (1) and (2) of section 617.0202,

1739 Florida Statutes, are amended to read:

1740 617.0202 Articles of incorporation; content.—

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- 1741 (1) The articles of incorporation must set forth:
 1742 (a) A ~~corporate~~ name for the corporation that satisfies the
 1743 requirements of s. 617.0401;
 1744 (b) The street address of the initial principal office and,
 1745 if different, the mailing address of the corporation;
 1746 (c) The purpose or purposes for which the corporation is
 1747 organized;
 1748 (d) A statement of the manner in which the directors are to
 1749 be elected or appointed. In lieu thereof, the articles of
 1750 incorporation may provide that the method of election of
 1751 directors be stated in the bylaws;
 1752 (e) Any provision that lawfully limits the corporate powers
 1753 authorized under this chapter, not inconsistent with this act or
 1754 with any other law, which limits in any manner the corporate
 1755 powers authorized under this act;
 1756 (f) The street address of the corporation's initial
 1757 registered office and the name of its initial registered agent
 1758 at that address together with a written acceptance of
 1759 appointment as a registered agent as required by s. 617.0501;
 1760 and
 1761 (g) The name and address of each incorporator.
- 1762 (2) The articles of incorporation may set forth:
 1763 (a) The names and addresses of the individuals who are to
 1764 serve as the initial directors;
 1765 (b) Any provision not inconsistent with law, regarding the
 1766 regulation of the internal affairs of the corporation,
 1767 including, without limitation, any provision with respect to the
 1768 relative rights or interests of the members as among themselves
 1769 or in the property of the corporation;

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- 1770 (c) The manner of termination of membership in the
 1771 corporation;
 1772 (d) The rights, upon termination of membership, of the
 1773 corporation, the terminated members, and the remaining members;
 1774 (e) The transferability or nontransferability of membership
 1775 to the extent consistent with s. 617.0605;
 1776 (f) The distribution of assets upon dissolution or final
 1777 liquidation or, if otherwise permitted by law, upon partial
 1778 liquidation;
 1779 (g) If the corporation is to have one or more classes of
 1780 members, any provision designating the class or classes of
 1781 members and stating the qualifications and rights of the members
 1782 of each class;
 1783 (h) The names of any persons or the designations of any
 1784 groups of persons who are to be the initial members;
 1785 (i) A provision to the effect that the corporation will be
 1786 subordinate to and subject to the authority of any head or
 1787 national association, lodge, order, beneficial association,
 1788 fraternal or beneficial society, foundation, federation, or
 1789 other corporation, society, organization, or nonprofit
 1790 association not for profit; and
 1791 (j) Any provision that under this chapter act is required
 1792 or permitted to be set forth in the bylaws. Any such provision
 1793 set forth in the articles of incorporation need not be set forth
 1794 in the bylaws.
- 1795 Section 13. Section 617.0204, Florida Statutes, is amended
 1796 to read:
 1797 617.0204 Liability for preincorporation transactions.—All
 1798 persons purporting to act as or on behalf of a corporation,

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1799 ~~knowing having actual knowledge~~ that there was no incorporation
 1800 under this chapter act, are jointly and severally liable for all
 1801 liabilities created while so acting ~~except for any liability to~~
 1802 ~~any person who also had actual knowledge that there was no~~
 1803 ~~incorporation.~~

1804 Section 14. Section 617.0206, Florida Statutes, is amended
 1805 to read:

1806 617.0206 Bylaws.—The initial bylaws of a corporation shall
 1807 be adopted by its board of directors unless that power is
 1808 reserved to the members by the articles of incorporation. The
 1809 power to alter, amend, or repeal the bylaws or adopt new bylaws
 1810 is shall be vested in the board of directors unless otherwise
 1811 provided in the articles of incorporation or the bylaws. The
 1812 bylaws may contain any provision for the regulation and
 1813 management of the affairs of the corporation not inconsistent
 1814 with law or the articles of incorporation.

1815 Section 15. Subsections (1), (3), (6), (8), (12), (14), and
 1816 (16) of section 617.0302, Florida Statutes, are amended, and a
 1817 new subsection (16) is added to that section, to read:

1818 617.0302 Corporate powers.—Every nonprofit corporation ~~not~~
 1819 ~~for profit~~ organized under this chapter, unless otherwise
 1820 provided in its articles of incorporation or bylaws, shall have
 1821 power to:

1822 ~~(1) Have succession by its corporate name for the period~~
 1823 ~~set forth in its articles of incorporation.~~

1824 (2)(3) Adopt, use, and alter a ~~common~~ corporate seal.

1825 However, such seal must always contain the words "corporation
 1826 not for profit" or "nonprofit corporation."

1827 (5)(6) Increase or decrease, by a vote of its members cast

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1828 ~~as the bylaws may direct~~, the number of its directors, subject
 1829 to any minimum number of directors required under s. 617.0803 ~~so~~
 1830 ~~that the number shall not be less than three but may be any~~
 1831 ~~number in excess thereof.~~

1832 (7)(8) Conduct its affairs, carry on its operations, and
 1833 have offices and exercise the powers granted by this chapter act
 1834 in any state, territory, district, or possession of the United
 1835 States or any foreign country.

1836 (11)(12) Purchase, take, receive, subscribe for, or
 1837 otherwise acquire, own, hold, vote, use, employ, sell, mortgage,
 1838 lend, pledge, or otherwise dispose of and otherwise use and deal
 1839 in and with, shares and other interests in, or obligations of,
 1840 other entities domestic or foreign corporations, whether for
 1841 profit or not for profit, associations, partnerships, or
 1842 individuals, or direct or indirect obligations of the United
 1843 States, or of any other government, state, territory,
 1844 governmental district, municipality, or of any instrumentality
 1845 thereof.

1846 (13)(14) Make donations for the public welfare or for
 1847 religious, charitable, scientific, literary, educational, or
 1848 other similar purposes.

1849 (15)(16) Merge with other corporations or other eligible
 1850 entities ~~identified in s. 607.1101~~, both for profit and
 1851 nonprofit not for profit, domestic and foreign, in accordance
 1852 with the merger provisions of this chapter if the surviving
 1853 ~~corporation or other surviving eligible entity is a corporation~~
 1854 ~~not for profit or other eligible entity that has been organized~~
 1855 ~~as a not for profit entity under a governing statute or other~~
 1856 ~~applicable law that permits such a merger.~~

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1857 (16) Be a promoter, incorporator, partner, member,
 1858 associate, or manager of any corporation, joint venture, or
 1859 other entity.

1860 Section 16. Section 617.0304, Florida Statutes, is amended
 1861 to read:

1862 617.0304 Lack of power to act Ultra vires.—

1863 (1) Except as provided in subsection (2), the validity of
 1864 corporate action, including, but not limited to, any conveyance,
 1865 transfer, or encumbrance of real or personal property to or by a
 1866 corporation, may not be challenged on the ground that the
 1867 corporation lacks or lacked power to act.

1868 (2) A corporation's power to act may be challenged:

1869 (a) In a proceeding by a member against the corporation to
 1870 enjoin the act;

1871 (b) In a proceeding by the corporation, directly,
 1872 derivatively, or through a receiver, trustee, or other legal
 1873 representative, or through members in a representative suit,
 1874 against an incumbent or former officer, employee, or agent of
 1875 the corporation; or

1876 (c) In a proceeding by the Attorney General, as provided in
 1877 this chapter act, to dissolve the corporation or in a proceeding
 1878 by the Attorney General to enjoin the corporation from the
 1879 transaction of unauthorized business.

1880 (3) In a member's proceeding under paragraph (2) (a) to
 1881 enjoin an unauthorized corporate act, the court may enjoin or
 1882 set aside the act, if equitable and if all affected persons are
 1883 parties to the proceeding, and may award damages for loss ~~(other~~
 1884 ~~than anticipated profits)~~ suffered by the corporation or another
 1885 party because of enjoining the unauthorized act, except the

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1886 court may not award damages for anticipated profits.

1887 Section 17. Subsections (3), (4), and (5) are added to
 1888 section 617.0401, Florida Statutes, to read:

1889 617.0401 Corporate name.—

1890 (3) Notwithstanding subsection (2), a corporation may
 1891 register under a name that is not otherwise distinguishable on
 1892 the records of the department if:

1893 (a) The other entity consents to the use and submits an
 1894 undertaking in form satisfactory to the secretary of state to
 1895 change its name to a name that is distinguishable upon the
 1896 records of the department from the name of the applying
 1897 corporation; or

1898 (b) The applicant delivers to the department a certified
 1899 copy of a final judgment of a court of competent jurisdiction
 1900 establishing the applicant's right to use the name applied for
 1901 in the state.

1902 (4) A corporate name as filed with the department is for
 1903 public notice only and does not alone create any presumption of
 1904 ownership of such name.

1905 (5) This section does not apply to the use of fictitious
 1906 names.

1907 Section 18. Subsections (1), (2), (5), and (6) of section
 1908 617.0403, Florida Statutes, are amended to read:

1909 617.0403 Registered name; application; renewal;
 1910 revocation.—

1911 (1) A foreign corporation may register its corporate name,
 1912 or its corporate name with any addition required by s. 617.1506,
 1913 if the name is distinguishable upon the records of the
 1914 department ~~of State~~ from the corporate names that are not

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1915 available under s. 617.0401(1)(e).

1916 (2) A foreign corporation registers its corporate name, or
1917 its corporate name with any addition required by s. 617.1506, by
1918 delivering to the department ~~of State~~ for filing an application:

1919 (a) Setting forth its corporate name, or its corporate name
1920 with any addition required by s. 617.1506, the state or country
1921 and date of its incorporation, and a brief description of the
1922 nature of its purposes and the affairs in which it is engaged;
1923 and

1924 (b) Accompanied by a certificate of existence, or a
1925 certificate setting forth that such corporation is in good
1926 standing under the laws of the state or country wherein it is
1927 organized, ~~(or a document of similar import)~~, from the state or
1928 country of incorporation.

1929 (5) A foreign corporation that has so registered its name
1930 the registration of which is effective may thereafter qualify to
1931 conduct its affairs in this state as a foreign corporation under
1932 the registered name or consent in writing to the use of that
1933 name by a corporation thereafter incorporated under this chapter
1934 ~~act~~ or by another foreign corporation thereafter authorized to
1935 conduct its affairs in this state. The registration terminates
1936 when the domestic corporation is incorporated or the foreign
1937 corporation qualifies or consents to the qualification of
1938 another foreign corporation under the registered name.

1939 (6) The department ~~of State~~ may revoke any registration if,
1940 after a hearing, it finds that the application therefor or any
1941 renewal thereof was not made in good faith.

1942 Section 19. Present subsections (4) and (5) of section
1943 617.0501, Florida Statutes, are redesignated as subsections (5)

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1944 and (6), respectively, a new subsection (4) is added to that
1945 section, and subsections (1) and (3) and present subsection (5)
1946 and subsection (6) of that section are amended, to read:

1947 617.0501 Registered office and registered agent.—

1948 (1) Each corporation shall have and continuously maintain
1949 in this state:

1950 (a) A registered office which may be the same as its
1951 principal office; and

1952 (b) A registered agent, who may be ~~either~~:

1953 1. An individual who resides in this state whose business
1954 office is identical to ~~with~~ such registered office; ~~or~~

1955 2. ~~Another~~ domestic entity that is an authorized entity
1956 whose business address is identical to the address of the
1957 registered office; or

1958 3. ~~A~~ foreign entity authorized to transact business in
1959 this state that is an authorized entity and whose business
1960 address is identical to the address of the registered office.

1961 (3) Each initial A registered agent, and each appointed
1962 ~~pursuant to this section or a successor registered agent that is~~
1963 ~~appointed, pursuant to s. 617.0502 on whom process may be served~~
1964 ~~shall each~~ file a statement in writing with the department ~~of~~
1965 ~~State, in the such~~ form and manner ~~as shall be~~ prescribed by the
1966 department, accepting the appointment as a registered agent
1967 while simultaneously with his or her being designated as the
1968 registered agent. The Such statement of acceptance must provide
1969 ~~shall state~~ that the registered agent is familiar with, and
1970 accepts, the obligations of that position.

1971 (4) The duties of a registered agent are:

1972 (a) To forward to the corporation, at the address most

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1973 recently supplied to the registered agent by the corporation, a
 1974 process, notice, or demand pertaining to the corporation which
 1975 is served on or received by the registered agent; and

1976 (b) If the registered agent resigns, to provide the notice
 1977 required under s. 617.0502 to the corporation at the address
 1978 most recently supplied to the registered agent by the
 1979 corporation.

1980 ~~(6)(5)~~ A corporation may not prosecute or maintain any
 1981 action in a court in this state until the corporation complies
 1982 with this section or s. 617.1508, as applicable; pays to the
 1983 department ~~of State~~ any amounts required under this chapter;
 1984 and, to the extent ordered by a court of competent jurisdiction,
 1985 pays to the department ~~of State~~ a penalty of \$5 for each day it
 1986 has failed to so comply or \$500, whichever is less. A court may
 1987 stay a proceeding commenced by a corporation until the
 1988 corporation complies with this section.

1989 ~~(6) For the purposes of this section, the term "authorized~~
 1990 ~~entity" means:~~

1991 ~~(a) A corporation for profit;~~

1992 ~~(b) A limited liability company;~~

1993 ~~(c) A limited liability partnership; or~~

1994 ~~(d) A limited partnership, including a limited liability~~
 1995 ~~limited partnership.~~

1996 Section 20. Section 617.0502, Florida Statutes, is amended
 1997 to read:

1998 617.0502 Change of registered office or registered agent;
 1999 ~~resignation of registered agent.~~

2000 (1) A corporation may change its registered office or its
 2001 registered agent upon filing with the department ~~of State~~ a

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2002 statement of change setting forth:

2003 (a) The name of the corporation;

2004 (b) The name street address of its current registered agent
 2005 office;

2006 (c) If the current registered agent office is to be
 2007 changed, the name street address of the new registered agent
 2008 office;

2009 (d) The street address name of its current registered
 2010 office for its current registered agent;

2011 (e) If the street address of the current registered office
 2012 is to be changed, the new street address of the registered
 2013 office in this state.

2014 (2) If the its current registered agent is to be changed,
 2015 the written acceptance name of the successor new registered
 2016 agent as described in s. 617.0501(3) must be provided to the
 2017 department and the new agent's written consent (either on the
 2018 statement or attached to it) to the appointment;

2019 ~~(f) That the street address of its registered office and~~
 2020 ~~the street address of the business office of its registered~~
 2021 ~~agent, as changed, will be identical; and~~

2022 ~~(g) That such change was authorized by resolution duly~~
 2023 ~~adopted by its board of directors or by an officer of the~~
 2024 ~~corporation so authorized by the board of directors.~~

2025 ~~(2)(a) Any registered agent may resign his or her agency~~
 2026 ~~appointment by signing and delivering for filing with the~~
 2027 ~~Department of State a statement of resignation and mailing a~~
 2028 ~~copy of such statement to the corporation at its mailing address~~
 2029 ~~of the respective corporation that then appears in the records~~
 2030 ~~of the Department of State; provided, however, that if a~~

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2031 composite statement of resignation is being filed pursuant to
 2032 paragraph (b), the registered agent must promptly mail a copy of
 2033 either the composite statement of resignation or a separate
 2034 notice of resignation for each respective corporation, in each
 2035 case using the respective mailing address of the respective
 2036 corporation that then appears in the records of the Department
 2037 of State. The statement of resignation shall state that a copy
 2038 of such statement of resignation or, if applicable, notice of
 2039 resignation, has been mailed to the corporation at the address
 2040 so stated. The agency is terminated as of the 31st day after the
 2041 date on which the statement was filed and unless otherwise
 2042 provided in the statement, termination of the agency acts as a
 2043 termination of the registered office.

2044 (b) If a registered agent is resigning as registered agent
 2045 from one or more corporations that each have been dissolved,
 2046 either voluntarily, administratively, or by court action, for a
 2047 continuous period of 10 years or longer, the registered agent
 2048 may elect to file the statement of resignation separately for
 2049 each such corporation or may elect to file a single composite
 2050 statement of resignation covering two or more corporations. Any
 2051 such composite statement of resignation must set forth, for each
 2052 such corporation covered by the statement of resignation, the
 2053 name of the respective corporation and the date that dissolution
 2054 became effective for the respective corporation. This subsection
 2055 is applicable only to resignations by registered agents from
 2056 domestic corporations.

2057 (3) If a registered agent changes his or her business name
 2058 or business address, he or she may change such name or address
 2059 and the address of the registered office of any corporation for

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2060 which he or she is the registered agent by:

2061 (a) Notifying all such corporations in writing of the
 2062 change;

2063 (b) ~~Signing (either manually or in facsimile) and~~
 2064 ~~delivering to the Department of State for filing a statement~~
 2065 ~~that substantially complies with the requirements of paragraphs~~
 2066 ~~(1) (a) - (f), setting forth the names of all such corporations~~
 2067 ~~represented by the registered agent; and~~

2068 (c) ~~Reciting that each corporation has been notified of the~~
 2069 ~~change.~~

2070 (4) ~~Changes of the registered office or registered agent~~
 2071 ~~may be made by a change on the corporation's annual report form~~
 2072 ~~filed with the Department of State.~~

2073 (5) ~~The Department of State shall collect a fee pursuant to~~
 2074 ~~s. 15.09(2) for filings authorized by this section.~~

2075 Section 21. Section 617.05021, Florida Statutes, is created
 2076 to read:

2077 617.05021 Resignation of a registered agent.-

2078 (1) (a) A registered agent may resign as agent for a
 2079 corporation by delivering to the department a signed statement
 2080 of resignation and mailing a copy of such statement to the
 2081 corporation at its mailing address of the respective corporation
 2082 that then appears in the records of the department; provided,
 2083 however, that if a composite statement of resignation is being
 2084 filed pursuant to paragraph (b), the registered agent must
 2085 promptly mail a copy of either the composite statement of
 2086 resignation or a separate notice of resignation for each
 2087 respective corporation, in each case using the respective
 2088 mailing address of the respective corporation that then appears

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2089 in the records of the department.

2090 (b) If a registered agent is resigning as registered agent
 2091 from one or more corporations that each have been dissolved,
 2092 either voluntarily, administratively, or by court action, for a
 2093 continuous period of 10 years or longer, the registered agent
 2094 may elect to file the statement of resignation separately for
 2095 each such corporation or may elect to file a single composite
 2096 statement of resignation covering two or more corporations. Any
 2097 such composite statement of resignation must set forth, for each
 2098 such corporation covered by the statement of resignation, the
 2099 name of the respective corporation and the date that dissolution
 2100 became effective for the respective corporation. This paragraph
 2101 is applicable only to resignations by registered agents from
 2102 domestic corporations.

2103 (2) A registered agent is terminated upon the earlier of:

2104 (a) The 31st day after the department files the statement
 2105 of resignation; or

2106 (b) When a statement of change or other record designating
 2107 a new registered agent is filed by the department.

2108 (3) When a statement of resignation takes effect, the
 2109 registered agent ceases to have responsibility for a matter
 2110 thereafter tendered to it as agent for the corporation. The
 2111 resignation does not affect contractual rights that the
 2112 corporation has against the agent or that the agent has against
 2113 the corporation.

2114 (4) A registered agent may resign from a corporation
 2115 regardless of whether the corporation has active status.

2116 Section 22. Section 617.05022, Florida Statutes, is created
 2117 to read:

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2118 617.05022 Change of name or address by a registered agent.-

2119 (1) If a registered agent changes the registered agent's
 2120 name or business address, the agent may deliver to the
 2121 department for filing a statement of change that provides the
 2122 following:

2123 (a) The name of the corporation represented by the
 2124 registered agent.

2125 (b) The name of the registered agent as currently shown in
 2126 the records of the department for the corporation.

2127 (c) If the name of the registered agent has changed, its
 2128 new name.

2129 (d) If the address of the registered agent has changed, the
 2130 new address.

2131 (e) A statement that the registered agent has given the
 2132 notice required under subsection (2).

2133 (2) A registered agent shall promptly furnish notice to the
 2134 represented corporation of the statement of change and the
 2135 changes made in the statement, as delivered to the department.

2136 (3) A statement of change is effective when filed by the
 2137 department.

2138 (4) The changes described in this section may also be made
 2139 on the corporation's annual report, in an application for
 2140 reinstatement filed with the department under s. 617.1422, or in
 2141 an amendment to or restatement of the company's articles of
 2142 incorporation in accordance with s. 617.1006 or s. 617.1007.

2143 (5) The department shall collect a fee pursuant to s.
 2144 15.09(2) for filings authorized by this section.

2145 Section 23. Section 617.0503, Florida Statutes, is amended
 2146 to read:

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2147 617.0503 Failure to maintain registered agent; subpoena by
 2148 the Department of Legal Affairs Registered agent; duties;
 2149 confidentiality of investigation records.-

2150 (1) (a) Each corporation or, foreign corporation, or alien
 2151 business organization that owns real property located in this
 2152 state, that owns a mortgage on real property located in this
 2153 state, or that conducts affairs transacts business in this state
 2154 shall have and continuously maintain in this state a registered
 2155 office and a registered agent and shall file with the department
 2156 of State notice of the registered office and registered agent as
 2157 provided in ss. 617.0501 and 617.0502. The appointment of a
 2158 registered agent in compliance with s. 617.0501 or s. 617.0502
 2159 is sufficient for purposes of this section if the registered
 2160 agent so appointed files, in the form and manner prescribed by
 2161 the department of State, an acceptance of the obligations
 2162 provided for in this section.

2163 (b) Each such corporation or, foreign corporation, or alien
 2164 business organization that fails to have and continuously
 2165 maintain a registered office and a registered agent as required
 2166 in this section is liable to this state for \$500 for each year,
 2167 or part of a year, during which the domestic or corporation,
 2168 foreign corporation, or alien business organization fails to
 2169 comply with these requirements; but this liability is forgiven
 2170 in full upon the compliance by the domestic or foreign
 2171 corporation, foreign corporation, or alien business organization
 2172 with the requirements of this subsection, even if that
 2173 compliance occurs after an action to collect such amount is
 2174 instituted. The Department of Legal Affairs may file an action
 2175 in the circuit court for the judicial circuit in which the

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2176 domestic or foreign corporation, foreign corporation, or alien
 2177 business organization is found or conducts affairs transacts
 2178 business, or in which real property belonging to the domestic or
 2179 foreign corporation, foreign corporation, or alien business
 2180 organization is located, to petition the court for an order
 2181 directing that a registered agent be appointed and that a
 2182 registered office be designated, and to obtain judgment for the
 2183 amount owed under this subsection. In connection with such
 2184 proceeding, the department may, without prior approval by the
 2185 court, file a lis pendens against real property owned by the
 2186 domestic or foreign corporation, foreign corporation, or alien
 2187 business organization, which lis pendens must shall set forth
 2188 the legal description of the real property and must shall be
 2189 filed in the public records of the county where the real
 2190 property is located. If the lis pendens is filed in any county
 2191 other than the county in which the action is pending, the lis
 2192 pendens that is filed must be a certified copy of the original
 2193 lis pendens. The failure to comply timely or fully with an order
 2194 directing that a registered agent be appointed and that a
 2195 registered office be designated will result in a civil penalty
 2196 of not more than \$1,000 for each day of noncompliance. A
 2197 judgment or an order of payment entered under this subsection
 2198 becomes a judgment lien against any real property owned by the
 2199 domestic or foreign corporation, foreign corporation, or alien
 2200 business organization when a certified copy of the judgment or
 2201 order is recorded as required by s. 55.10. The department may
 2202 avail itself of, and is entitled to use, any provision of law or
 2203 of the Florida Rules of Civil Procedure to further the
 2204 collecting or obtaining of payment pursuant to a judgment or

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2205 order of payment. The state, through the Attorney General, may
 2206 bid, at any judicial sale to enforce its judgment lien, any
 2207 amount up to the amount of the judgment or lien obtained
 2208 pursuant to this subsection. All moneys recovered under this
 2209 subsection ~~must shall~~ be treated as forfeitures under ss.
 2210 895.01-895.09 and used or distributed in accordance with the
 2211 procedure set forth in s. 895.09. A domestic or foreign
 2212 ~~corporation, foreign corporation, or alien business organization~~
 2213 that fails to have and continuously maintain a registered office
 2214 and a registered agent as required in this section may not
 2215 defend itself against any action instituted by the Department of
 2216 Legal Affairs or by any other agency of this state until the
 2217 requirements of this subsection have been met.

2218 (2) Each domestic or foreign corporation, ~~foreign~~
 2219 ~~corporation, or alien business organization~~ that owns real
 2220 property located in this state, that owns a mortgage on real
 2221 property located in this state, or that conducts affairs
 2222 ~~transacts business~~ in this state ~~must shall~~, pursuant to
 2223 subpoena served upon the registered agent of the domestic or
 2224 foreign corporation, ~~foreign corporation, or alien business~~
 2225 ~~organization~~ issued by the Department of Legal Affairs, produce,
 2226 through its registered agent or through a designated
 2227 representative within 30 days after service of the subpoena,
 2228 testimony and records showing the following:

2229 (a) True copies of documents evidencing the legal existence
 2230 of the entity, including the articles of incorporation and any
 2231 amendments to the articles of incorporation or the legal
 2232 equivalent of the articles of incorporation and such amendments.

2233 (b) The names and addresses of each current officer and

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2234 director of the entity or persons holding equivalent positions.

2235 (c) The names and addresses of all prior officers and
 2236 directors of the entity or persons holding equivalent positions,
 2237 for a period not to exceed the 5 years previous to the date of
 2238 issuance of the subpoena.

2239 (d) The names and addresses of each member current
 2240 ~~shareholder, equivalent equitable owner, and ultimate equitable~~
 2241 ~~owner~~ of the entity, the number of which names is limited to the
 2242 names of the 100 members holding the largest share of voting
 2243 power of the domestic or foreign corporation shareholders,
 2244 ~~equivalent equitable owners, and ultimate equitable owners that,~~
 2245 ~~in comparison to all other shareholders, equivalent equitable~~
 2246 ~~owners, or ultimate equitable owners, respectively, own the~~
 2247 ~~largest number of shares of stock of the corporation, foreign~~
 2248 ~~corporation, or alien business organization or the largest~~
 2249 ~~percentage of an equivalent form of equitable ownership of the~~
 2250 ~~corporation, foreign corporation, or alien business~~
 2251 ~~organization.~~

2252 (e) The names and addresses of all previous members prior
 2253 ~~shareholders, equivalent equitable owners, and ultimate~~
 2254 ~~equitable owners of the entity~~ for the 12-month period preceding
 2255 the date of issuance of the subpoena, the number of which names
 2256 is limited to the 100 members holding the largest share of
 2257 voting power of the domestic or foreign corporation
 2258 ~~shareholders, equivalent equitable owners, and ultimate~~
 2259 ~~equitable owners that, in comparison to all other shareholders,~~
 2260 ~~equivalent equitable owners, or ultimate equitable owners,~~
 2261 ~~respectively, own the largest number of shares of stock of the~~
 2262 ~~corporation, foreign corporation, or alien business organization~~

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2263 ~~or the largest percentage of an equivalent form of equitable~~
 2264 ~~ownership of the corporation, foreign corporation, or alien~~
 2265 ~~business organization.~~

2266 (f) The names and addresses of the person or persons who
 2267 provided the records and information to the registered agent or
 2268 designated representative of the entity.

2269 (g) The requirements of paragraphs (d) and (e) do not apply
 2270 to:

2271 1. A financial institution;

2272 2. A corporation, foreign corporation, or alien business
 2273 organization the securities of which are registered pursuant to
 2274 s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-
 2275 78kk, if such corporation, foreign corporation, or alien
 2276 business organization files with the United States Securities
 2277 and Exchange Commission the reports required by s. 13 of that
 2278 act; or

2279 3. A corporation, foreign corporation, or alien business
 2280 organization, the securities of which are regularly traded on an
 2281 established securities market located in the United States or on
 2282 an established securities market located outside the United
 2283 States, if such non-United States securities market is
 2284 designated by rule adopted by the Department of Legal Affairs;
 2285 upon a showing by the corporation, foreign corporation, or alien
 2286 business organization that the exception in subparagraph 1.,
 2287 subparagraph 2., or subparagraph 3. applies to the corporation,
 2288 foreign corporation, or alien business organization. Such
 2289 exception in subparagraph 1., subparagraph 2., or subparagraph
 2290 3. does not, however, exempt the corporation, foreign
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2292 corporation, or alien business organization from the
 2293 requirements for producing records, information, or testimony
 2294 otherwise imposed under this section for any period of time when
 2295 the requisite conditions for the exception did not exist.

2296 (3) The time limit for producing records and testimony may
 2297 be extended for good cause shown by the domestic or foreign
 2298 ~~corporation, foreign corporation, or alien business~~
 2299 ~~organization.~~

2300 (4) A domestic or foreign corporation person, corporation,
 2301 ~~foreign corporation, or alien business organization~~ designating
 2302 an attorney or, accountant, ~~or spouse~~ as a registered agent or
 2303 designated representative shall, with respect to this state or
 2304 any agency or subdivision of this state, be deemed to have
 2305 waived any privilege that might otherwise attach to
 2306 communications with respect to the information required to be
 2307 produced pursuant to subsection (2), which communications are
 2308 among such domestic or foreign corporation, foreign corporation,
 2309 ~~or alien business organization~~; the registered agent or
 2310 designated representative of such domestic or foreign
 2311 ~~corporation, foreign corporation, or alien business~~
 2312 ~~organization~~; and the beneficial owners of such domestic or
 2313 foreign corporation, ~~foreign corporation, or alien business~~
 2314 ~~organization~~. The duty to comply with ~~the provisions of~~ this
 2315 section will not be excused by virtue of any privilege or
 2316 ~~provision of~~ law of this state or any other state or country,
 2317 which privilege or provision authorizes or directs that the
 2318 testimony or records required to be produced under subsection
 2319 (2) are privileged or confidential or otherwise may not be
 2320 disclosed.

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2321 (5) If a domestic or foreign corporation, ~~foreign~~
 2322 ~~corporation, or alien business organization~~ fails without lawful
 2323 excuse to comply timely or fully with a subpoena issued pursuant
 2324 to subsection (2), the Department of Legal Affairs may file an
 2325 action in the circuit court for the judicial circuit in which
 2326 the domestic or foreign corporation, ~~foreign corporation, or~~
 2327 ~~alien business organization~~ is found or conducts affairs,
 2328 ~~transacts business~~ or in which real property belonging to the
 2329 domestic or foreign corporation, ~~foreign corporation, or alien~~
 2330 ~~business organization~~ is located, for an order compelling
 2331 compliance with the subpoena. The failure without a lawful
 2332 excuse to comply timely or fully with an order compelling
 2333 compliance with the subpoena will result in a civil penalty of
 2334 not more than \$1,000 for each day of noncompliance with the
 2335 order. In connection with such proceeding, the department may,
 2336 without prior approval by the court, file a lis pendens against
 2337 real property owned by the domestic or foreign corporation,
 2338 ~~foreign corporation, or alien business organization~~, which lis
 2339 pendens ~~shall~~ must set forth the legal description of the real
 2340 property and ~~shall~~ must be filed in the public records of the
 2341 county where the real property is located. If the lis pendens is
 2342 filed in any county other than the county in which the action is
 2343 pending, the lis pendens that is filed must be a certified copy
 2344 of the original lis pendens. A judgment or an order of payment
 2345 entered pursuant to this subsection will become a judgment lien
 2346 against any real property owned by the domestic or foreign
 2347 corporation, ~~foreign corporation, or alien business organization~~
 2348 when a certified copy of the judgment or order is recorded as
 2349 required by s. 55.10. The department may avail itself of, and is

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2350 entitled to use, any provision of law or of the Florida Rules of
 2351 Civil Procedure to further the collecting or obtaining of
 2352 payment pursuant to a judgment or order of payment. The state,
 2353 through the Attorney General, may bid at any judicial sale to
 2354 enforce its judgment lien, an amount up to the amount of the
 2355 judgment or lien obtained pursuant to this subsection. All
 2356 moneys recovered under this subsection shall be treated as
 2357 forfeitures under ss. 895.01-895.09 and used or distributed in
 2358 accordance with the procedure set forth in s. 895.09.

2359 (6) Information provided to, and records and transcriptions
 2360 of testimony obtained by, the Department of Legal Affairs
 2361 pursuant to this section are confidential and exempt from ~~the~~
 2362 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
 2363 Constitution while the investigation is active. For purposes of
 2364 this section, an investigation shall be considered "active"
 2365 while such investigation is being conducted with a reasonable,
 2366 good faith belief that it may lead to the filing of an
 2367 administrative, a civil, or a criminal proceeding. An
 2368 investigation does not cease being ~~to be~~ active so long as the
 2369 department is proceeding with reasonable dispatch and there is a
 2370 good faith belief that action may be initiated by the department
 2371 or other administrative or law enforcement agency. Except for
 2372 active criminal intelligence or criminal investigative
 2373 information, as defined in s. 119.011, and information which, if
 2374 disclosed, would reveal a trade secret, as defined in s.
 2375 688.002, or would jeopardize the safety of an individual, all
 2376 information, records, and transcriptions become available to the
 2377 public when the investigation is completed or becomes inactive
 2378 ~~ceases to be active~~. The department may ~~shall~~ not disclose

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2379 confidential information, records, or transcriptions of
 2380 testimony except pursuant to authorization by the Attorney
 2381 General in any of the following circumstances:

2382 (a) To a law enforcement agency participating in or
 2383 conducting a civil investigation under chapter 895, or
 2384 participating in or conducting a criminal investigation.

2385 (b) In the course of filing, participating in, or
 2386 conducting a judicial proceeding instituted pursuant to this
 2387 section or chapter 895.

2388 (c) In the course of filing, participating in, or
 2389 conducting a judicial proceeding to enforce an order or judgment
 2390 entered pursuant to this section or chapter 895.

2391 (d) In the course of a criminal proceeding.

2392

2393 A person or law enforcement agency that receives any
 2394 information, record, or transcription of testimony that has been
 2395 made confidential by this subsection shall maintain the
 2396 confidentiality of such material and may shall not disclose such
 2397 information, record, or transcription of testimony except as
 2398 provided for herein. Any person who willfully discloses any
 2399 information, record, or transcription of testimony that has been
 2400 made confidential by this subsection, except as provided for in
 2401 this subsection, commits a misdemeanor of the first degree,
 2402 punishable as provided in s. 775.082 or s. 775.083. If any
 2403 information, record, or testimony obtained pursuant to
 2404 subsection (2) is offered in evidence in any judicial
 2405 proceeding, the court may, in its discretion, seal that portion
 2406 of the record to further the policies of confidentiality set
 2407 forth in this subsection.

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2408 (7) This section is supplemental and may shall not be
 2409 construed to preclude or limit the scope of evidence gathering
 2410 or other permissible discovery pursuant to any other subpoena or
 2411 discovery method authorized by law or rule of procedure.

2412 (8) It is unlawful for any person, with respect to any
 2413 record or testimony produced pursuant to a subpoena issued by
 2414 the Department of Legal Affairs under subsection (2), to
 2415 knowingly and willfully falsify, conceal, or cover up a material
 2416 fact by a trick, scheme, or device; make any false, fictitious,
 2417 or fraudulent statement or representation; or make or use any
 2418 false writing or document knowing the writing or document to
 2419 contain any false, fictitious, or fraudulent statement or entry.
 2420 A person who violates this subsection commits a felony of the
 2421 third degree, punishable as provided in s. 775.082, s. 775.083,
 2422 or s. 775.084.

2423 (9) In the absence of a written agreement to the contrary,
 2424 a registered agent is not liable for the failure to give notice
 2425 of the receipt of a subpoena under subsection (2) to the
 2426 domestic or foreign corporation, ~~foreign corporation, or alien~~
 2427 ~~business organization~~ that appointed the registered agent if the
 2428 registered agent timely sends written notice of the receipt of
 2429 the subpoena by first-class mail or domestic or international
 2430 air mail, postage fees prepaid, to the last address that has
 2431 been designated in writing to the registered agent by the
 2432 appointing domestic or foreign corporation, ~~foreign corporation,~~
 2433 ~~or alien business organization~~.

2434 (10) The designation of a registered agent and a registered
 2435 office as required by subsection (1) for a domestic or foreign
 2436 ~~corporation, foreign corporation, or alien business organization~~

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2437 that owns real property in this state or a mortgage on real
 2438 property in this state is solely for the purposes of this
 2439 chapter; and, notwithstanding s. 48.181, s. 617.1502, s.
 2440 617.1503, or any other relevant section of the Florida Statutes,
 2441 such designation may not be used in determining whether the
 2442 domestic or foreign corporation, ~~foreign corporation, or alien~~
 2443 ~~business organization~~ is actually doing business in this state.

2444 (11) As used in this section, the term:

2445 (a) ~~"Alien business organization" means:~~

2446 1. ~~Any corporation, association, partnership, trust, joint~~
 2447 ~~stock company, or other entity organized under any laws other~~
 2448 ~~than the laws of the United States, of any United States~~
 2449 ~~territory or possession, or of any state of the United States;~~
 2450 ~~or~~

2451 2. ~~Any corporation, association, partnership, trust, joint~~
 2452 ~~stock company, or other entity or device 10 percent or more of~~
 2453 ~~which is owned or controlled, directly or indirectly, by an~~
 2454 ~~entity described in subparagraph 1. or by a foreign natural~~
 2455 ~~person.~~

2456 ~~(b) "Financial institution" means:~~

2457 1. ~~A bank, banking organization, or savings association, as~~
 2458 ~~defined in s. 220.62;~~

2459 2. ~~An insurance company, trust company, credit union, or~~
 2460 ~~industrial savings bank, any of which is licensed or regulated~~
 2461 ~~by an agency of the United States or any state of the United~~
 2462 ~~States; or~~

2463 3. ~~Any person licensed under the provisions of chapter 494.~~

2464 ~~(c) "Mortgage" means a mortgage on real property situated~~
 2465 ~~in this state, except a mortgage owned by a financial~~

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2466 institution.

2467 (b)(d) "Real property" means any real property situated in
 2468 this state or any interest in such real property.

2469 ~~(c) "Ultimate equitable owner" means a natural person who,~~
 2470 ~~directly or indirectly, owns or controls an ownership interest~~
 2471 ~~in a corporation, foreign corporation, or alien business~~
 2472 ~~organization, regardless of whether such natural person owns or~~
 2473 ~~controls such ownership interest through one or other natural~~
 2474 ~~persons or one or more proxies, powers of attorney, nominees,~~
 2475 ~~corporations, associations, partnerships, trusts, joint stock~~
 2476 ~~companies, or other entities or devices, or any combination~~
 2477 ~~thereof.~~

2478 ~~(12) Any alien business organization may withdraw its~~
 2479 ~~registered agent designation by delivering an application for~~
 2480 ~~certificate of withdrawal to the department for filing. The~~
 2481 ~~application shall set forth:~~

2482 ~~(a) The name of the alien business organization and the~~
 2483 ~~jurisdiction under the law of which it is incorporated or~~
 2484 ~~organized; and~~

2485 ~~(b) That it is no longer required to maintain a registered~~
 2486 ~~agent in this state.~~

2487 Section 24. Section 617.0505, Florida Statutes, is amended
 2488 to read:

2489 617.0505 Distributions and dividends prohibited;
 2490 ~~exceptions. Except as authorized in s. 617.1302, A corporation~~
 2491 ~~may not make distributions to its members, directors, or~~
 2492 ~~officers.~~

2493 (1) A corporation may not pay any dividend and may not make
 2494 distributions of any part of the net income or net earnings of

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2495 the corporation to its members, directors, or officers, except
2496 that a corporation may:

2497 (a) Make payments for compensation and benefits as
2498 authorized in s. 617.0603, membership purchases as authorized in
2499 s. 617.0608(2), and compensation for directors as authorized in
2500 s. 617.08101;

2501 (b) Make distributions to its members upon dissolution in
2502 conformity with the dissolution provisions of this chapter or,
2503 if expressly permitted by its articles of incorporation, upon
2504 partial liquidation; and

2505 (c) Make distributions to another nonprofit entity or
2506 governmental unit that is a member of the distributing
2507 corporation or has the power to appoint one or more of the
2508 directors of the distributing corporation A mutual benefit
2509 corporation, such as a private club that is established for
2510 social, pleasure, or recreational purposes and that is organized
2511 as a corporation of which the equity interests are held by the
2512 members, may, subject to s. 617.1302, purchase the equity
2513 membership interest of any member, and the payment for such
2514 interest is not a distribution for purposes of this section.

2515 ~~(2) A corporation may pay compensation in a reasonable~~
2516 ~~amount to its members, directors, or officers for services~~
2517 ~~rendered, may confer benefits upon its members in conformity~~
2518 ~~with its purposes, and, upon dissolution or final liquidation,~~
2519 ~~may make distributions to its members as permitted by this~~
2520 ~~chapter.~~

2521 ~~(3) If expressly permitted by its articles of~~
2522 ~~incorporation, a corporation may make distributions upon partial~~
2523 ~~liquidation to its members, as permitted by this section. Any~~

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2524 ~~such payment, benefit, or distribution does not constitute a~~
2525 ~~dividend or a distribution of income or profit for purposes of~~
2526 ~~this section.~~

2527 ~~(4)~~ A corporation that is a utility exempt from regulation
2528 under s. 367.022(7), whose articles of incorporation state that
2529 it is exempt from taxation under s. 501(c)(12) of the Internal
2530 Revenue Code of 1986, as amended, may make refunds to its
2531 members, ~~before~~ prior to a dissolution or liquidation, as its
2532 managing board deems necessary to establish or preserve its tax-
2533 exempt status. Any such refund does not constitute a dividend or
2534 a distribution of income or earnings ~~profit~~ for purposes of this
2535 section.

2536 ~~(3)(5)~~ A corporation that is regulated by chapter 718,
2537 chapter 719, chapter 720, chapter 721, or chapter 723, or a
2538 corporation where membership in such corporation is required
2539 pursuant to a document recorded in the official county property
2540 records, may make refunds to its members, give ~~giving~~ credits to
2541 its members, disburse ~~disbursing~~ insurance proceeds to its
2542 members, or disburse ~~disbursing~~ or pay ~~paying~~ settlements to its
2543 members without violating this section.

2544 (4) A dividend or distribution by a nonprofit insurance
2545 company subsidiary to its mutual insurance holding company
2546 organized under part III of chapter 628, directly or indirectly
2547 through one or more intermediate holding companies authorized
2548 under that part, is not a distribution for the purposes of this
2549 chapter.

2550 Section 25. Paragraph (b) of subsection (1) and subsections
2551 (3) through (7) of section 617.0601, Florida Statutes, are
2552 amended, and subsections (8) and (9) are added to that section,

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2553 to read:

2554 617.0601 Members, generally.-

2555 (1)

2556 (b) ~~For The articles of incorporation or bylaws of any~~
 2557 ~~nonprofit corporation not for profit that does not have members,~~
 2558 ~~or does not have members entitled to vote on a matter, any law~~
 2559 ~~requiring notice to, the presence of, or the vote, consent, or~~
 2560 ~~other action by members of the corporation in connection with~~
 2561 ~~such matter is satisfied by notice to, the presence of, or the~~
 2562 ~~vote, consent, or other action by the board of directors of the~~
 2563 ~~nonprofit corporation maintains chapters or affiliates may grant~~
 2564 ~~representatives of such chapters or affiliates the right to vote~~
 2565 ~~in conjunction with the board of directors of the corporation~~
 2566 ~~notwithstanding applicable quorum or voting requirements of this~~
 2567 ~~chapter if the corporation is registered with the Department of~~
 2568 ~~Agriculture and Consumer Services pursuant to ss. 496.401-~~
 2569 ~~496.424, the Solicitation of Contributions Act.~~

2570 (3) Corporation members have no voting or other rights
 2571 except as provided in the articles of incorporation or bylaws
 2572 and each member has the same rights and obligations as every
 2573 other member except as provided in the articles of incorporation
 2574 or bylaws. However, members of any corporation existing on July
 2575 1, 1991, ~~shall~~ continue to have the same voting and other rights
 2576 as before such date until changed by amendment of the articles
 2577 of incorporation or bylaws.

2578 (4) A corporation shall keep a membership list book
 2579 containing, in alphabetical order, the name and address of each
 2580 member. The corporation shall also keep records in accordance
 2581 with s. 617.1601.

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2582 (5) A resignation, expulsion, suspension, or termination of
 2583 membership pursuant to s. 617.0606 or s. 617.0607 must ~~shall~~ be
 2584 recorded in the membership list book. Unless otherwise provided
 2585 in the articles of incorporation or the bylaws, all the rights
 2586 and privileges of a member cease on termination of membership.

2587 (6) Except as provided in the articles of incorporation or
 2588 the bylaws, a corporation may admit members for no consideration
 2589 or for such consideration as is determined by the board of
 2590 directors. The consideration may take any form, including, but
 2591 not limited to, promissory notes, intangible property, or past
 2592 or future services. Payment of such consideration may be made at
 2593 such times and upon such terms as are set forth in or authorized
 2594 by the articles of incorporation, bylaws, or action of the board
 2595 of directors Subsections (1), (2), (3), and (4) do not apply to
 2596 a corporation that is an association as defined in s. 720.301.

2597 (7) Where the articles of incorporation expressly limit
 2598 membership in the corporation to property owners within specific
 2599 measurable geographic boundaries and where the corporation has
 2600 been formed for the benefit of all of those property owners, ~~no~~
 2601 such property owner may not ~~shall~~ be denied membership, provided
 2602 that such property owner once admitted to membership complies,
 2603 ~~shall comply~~ with the terms and conditions of membership which
 2604 may provide for termination of membership upon ceasing to be a
 2605 property owner. Any bylaws, rules, or other regulations to the
 2606 contrary are deemed void and any persons excluded from
 2607 membership by such bylaws, rules, or other regulations are
 2608 deemed members with full rights, including the right, by the
 2609 majority, or as otherwise provided in the articles of
 2610 incorporation, to call for a meeting of the membership.

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2611 (8) A corporation may not be a member of itself or exercise
 2612 the rights of a member with respect to itself. Upon a
 2613 corporation's purchase of its own membership interest in
 2614 accordance with s. 617.0608, the membership interest is
 2615 canceled.

2616 (9) Subsections (1)-(4) do not apply to a corporation that
 2617 is an association as defined in s. 720.301.

2618 Section 26. Section 617.0603, Florida Statutes, is created
 2619 to read:

2620 617.0603 Compensation and benefits.—A corporation may do
 2621 any of the following:

2622 (1) Pay compensation in reasonable amounts to its members,
 2623 directors, officers, agents, and employees for services
 2624 rendered.

2625 (2) Confer benefits upon its members in conformity with its
 2626 purposes.

2627 (3) Upon dissolution or final liquidation, make
 2628 distributions to its members or others as permitted by this
 2629 chapter.

2630 No such payments, benefits, or distributions may be deemed to be
 2631 a dividend or a distribution of income or earnings.

2632 Section 27. Subsection (2) of section 617.0604, Florida
 2633 Statutes, is amended, and subsections (3) through (7) are added
 2634 to that section, to read:

2635 617.0604 Liability of members.—

2636 (2) A corporation may levy dues, assessments, and fees on
 2637 its members to the extent authorized in the articles of
 2638 incorporation or the bylaws. Dues, assessments, and fees may be
 2639

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2640 imposed on members of the same class either alike or in
 2641 different amounts or proportions, and may be imposed on a
 2642 different basis on different classes of members. Members of a
 2643 class may be made exempt from dues, assessments, and fees to the
 2644 extent provided in the articles of incorporation or the bylaws ~~A~~
 2645 member may become liable to the corporation for dues,
 2646 assessments, or fees as provided by law.

2647 (3) The amount and method of collection of dues,
 2648 assessments, and fees may be fixed in the articles of
 2649 incorporation or bylaws, or the articles of incorporation or
 2650 bylaws may authorize the board of directors or its members to
 2651 fix the amount and method of collection.

2652 (4) The articles of incorporation or bylaws may provide
 2653 reasonable means, such as termination and reinstatement of
 2654 membership, to enforce the collection of dues, assessments, and
 2655 fees.

2656 (5) A creditor of a corporation may not bring a proceeding
 2657 to reach the liability, if any, of a member of the corporation
 2658 unless final judgment has been rendered in favor of the creditor
 2659 against the corporation and execution has been returned
 2660 unsatisfied in whole or in part or unless the proceeding would
 2661 be useless.

2662 (6) All creditors of a corporation, with or without
 2663 reducing their claims to judgment, may intervene in any other
 2664 creditor's proceeding brought pursuant to subsection (5) to
 2665 reach and apply unpaid amounts due from the corporation. All
 2666 members who owe unpaid amounts to the corporation may be joined
 2667 in the proceeding.

2668 (7) Satisfaction of a debt owed to a creditor by the

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2669 corporation through payment of a member who owes unpaid amounts
 2670 to the corporation satisfies the debt of the corporation to the
 2671 creditor and the debt of the member to the corporation to the
 2672 extent so paid by the member to the creditor.

2673 Section 28. Section 617.0605, Florida Statutes, is amended
 2674 to read:

2675 617.0605 Transfer of membership interests.—

2676 (1) Except as provided in the articles of incorporation or
 2677 bylaws, a member of a corporation may not transfer a membership
 2678 or any right arising from membership ~~except as otherwise allowed~~
 2679 ~~in this section.~~

2680 (2) ~~Except as set forth in the articles of incorporation or~~
 2681 ~~bylaws of a mutual benefit corporation, a member of a mutual~~
 2682 ~~benefit corporation may not transfer a membership or any right~~
 2683 ~~arising from membership.~~

2684 ~~(3) Where the right to ~~if~~ transfer a membership has been~~
 2685 ~~provided in the articles of incorporation or bylaws ~~rights have~~~~
 2686 ~~been provided for one or more members of a mutual benefit~~
 2687 ~~corporation,~~ a restriction on such rights is not binding with
 2688 respect to a member holding a membership issued before the
 2689 adoption of the restriction unless the restriction is approved
 2690 by the ~~members and the~~ affected member.

2691 Section 29. Section 617.0606, Florida Statutes, is amended
 2692 to read:

2693 617.0606 Resignation of members.—

2694 (1) ~~Except as may be provided in the articles of~~
 2695 ~~incorporation or bylaws of a corporation,~~ A member may resign at
 2696 any time for any reason ~~of a mutual benefit corporation may not~~
 2697 ~~transfer a membership or any right arising from membership.~~

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2698 (2) The resignation of a member does not relieve the member
 2699 from any obligations ~~that the member may have to the corporation~~
 2700 ~~as a result of obligations~~ incurred or commitments made before
 2701 resignation.

2702 Section 30. Subsections (3) and (4) of section 617.0607,
 2703 Florida Statutes, are amended, and subsection (5) is added to
 2704 that section, to read:

2705 617.0607 Termination, expulsion, and suspension.—

2706 (3) Any proceeding challenging an expulsion, suspension, or
 2707 termination, including a proceeding in which ~~the~~ defective
 2708 notice is alleged, must be commenced within 1 year after the
 2709 effective date of the expulsion, suspension, or termination.

2710 (4) A member who has been expelled or suspended or has had
 2711 a membership suspended or terminated may be liable to the
 2712 corporation for dues, assessments, or fees as a result of
 2713 obligations incurred or commitments made before the expulsion,
 2714 ~~or~~ suspension, or termination. The expulsion, suspension, or
 2715 termination does not relieve the member of any obligations or
 2716 commitments made before the expulsion, suspension, or
 2717 termination.

2718 (5) A corporation may, if authorized in the articles of
 2719 incorporation or bylaws, levy fines or otherwise penalize its
 2720 members. A fine or penalty, other than a late fee for nonpayment
 2721 of dues, may not be levied until after the corporation has
 2722 provided notice thereof to the member concerned and has afforded
 2723 the affected member an opportunity to be heard on the matter.

2724 Section 31. Section 617.0608, Florida Statutes, is amended
 2725 to read:

2726 617.0608 Purchase of memberships.—

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2727 (1) A corporation described in s. 501(c)(3) of the Internal
 2728 Revenue Code of 1986, as amended, may not purchase the
 2729 membership interests of any of its members ~~any of its~~
 2730 ~~memberships~~ or any right arising from membership. Any
 2731 corporation that is not described in s. 501(c)(3) of the
 2732 Internal Revenue Code of 1986, as amended, may purchase the
 2733 membership interest of any member or any right arising from
 2734 membership to the extent provided in the articles of
 2735 incorporation or bylaws. No such payment for purchase of
 2736 membership interest or right arising from membership may be
 2737 deemed a dividend or a distribution of income or earnings ~~except~~
 2738 as provided in s. 617.0505 or subsection (2).

2739 (2) Subject to subsection (1) s. 617.1302, a mutual benefit
 2740 corporation may purchase the membership interest of a member who
 2741 resigns, or whose membership is terminated, for the amount and
 2742 pursuant to the conditions set forth in its articles of
 2743 incorporation or bylaws, but only if, after the completing the
 2744 purchase:

2745 (a) The corporation is able to pay its debts as they become
 2746 due in the usual course of its activities; and

2747 (b) The total assets of the corporation are at least equal
 2748 to the sum of its liabilities.

2749 Section 32. Section 617.0701, Florida Statutes, is amended
 2750 to read:

2751 617.0701 Meetings of members, generally; failure to hold
 2752 annual meeting; special meeting; consent to corporate actions
 2753 without meetings; waiver of notice of meetings.—

2754 (1) A corporation with members may hold meetings of members
 2755 for the transaction of any proper business at such times stated

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2756 in or fixed in accordance with the articles of incorporation or
 2757 bylaws. The frequency of all meetings of members, the time and
 2758 manner of notice of such meetings, the conduct and adjournment
 2759 of such meetings, the determination of members entitled to
 2760 notice or to vote at such meetings, and the number or voting
 2761 power of members necessary to constitute a quorum, shall be
 2762 determined by or in accordance with the articles of
 2763 incorporation or the bylaws. Annual, regular, and special
 2764 meetings of the members may be held in or out of this state, and
 2765 the place and time of all meetings may be determined by the
 2766 board of directors.

2767 (2) The failure to hold an annual meeting at the time
 2768 stated in or fixed in accordance with a corporation's articles
 2769 of incorporation or bylaws or pursuant to this chapter does not
 2770 work ~~cause~~ a forfeiture or ~~give cause for~~ dissolution of the
 2771 corporation, and ~~nor~~ does not ~~such failure~~ affect the validity
 2772 of any corporate action ~~otherwise valid corporate acts~~, except
 2773 as provided in s. 617.1430 in the case of a deadlock among the
 2774 directors or the members.

2775 (3) (a) Except as provided in the articles of incorporation
 2776 or bylaws, special meetings of the members may be called ~~by~~
 2777 either:

2778 1. By the corporation's board of directors or the person or
 2779 persons authorized to do so by the articles of incorporation or
 2780 bylaws; or

2781 2. If members holding no less than 10 percent, or such
 2782 other amount as specified in the articles of incorporation or
 2783 bylaws, of all the votes entitled to be cast on any issue being
 2784 considered at the proposed special meeting sign, date, and

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2785 deliver to the corporation's secretary one or more written
 2786 demands for the meeting describing the purpose or purposes for
 2787 which it is to be held.

2788 (b) Unless otherwise provided in the articles of
 2789 incorporation or bylaws, a written demand for a special meeting
 2790 may be revoked by a writing to that effect received by the
 2791 corporation before the receipt by the corporation of demands
 2792 sufficient in number to require holding a special meeting
 2793 pursuant to subparagraph (a)2.

2794 (c) Only business within the purpose or purposes described
 2795 in the meeting notice may be conducted at a special meeting of
 2796 members.

2797 (d) Special meetings of members may be held in or out of
 2798 this state at a place stated in or fixed in accordance with the
 2799 articles of incorporation or the bylaws or, when not
 2800 inconsistent with the articles of incorporation or the bylaws,
 2801 in the notice of the special meeting. If no place is stated or
 2802 fixed in accordance with the articles of incorporation or the
 2803 bylaws or in the notice of the special meeting, special meetings
 2804 must be held at the corporation's principal office.

2805 ~~(a) The president,~~

2806 ~~(b) The chair of the board of directors,~~

2807 ~~(c) The board of directors,~~

2808 ~~(d) Other officers or persons as are provided for in the~~
 2809 ~~articles of incorporation or the bylaws,~~

2810 ~~(e) The holders of at least 5 percent of the voting power~~
 2811 ~~of a corporation when one or more written demands for the~~
 2812 ~~meeting, which describe the purpose for which the meeting is to~~
 2813 ~~be held, are signed, dated, and delivered to a corporate~~

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2814 ~~officer, or~~

2815 ~~(f) A person who signs a demand for a special meeting~~
 2816 ~~pursuant to paragraph (c) if notice for a special meeting is not~~
 2817 ~~given within 30 days after receipt of the demand. The person~~
 2818 ~~signing the demand may set the time and place of the meeting and~~
 2819 ~~give notice under this subsection.~~

2820 (4) Unless otherwise provided in the articles of
 2821 incorporation or bylaws, action required or permitted by this
 2822 chapter to be taken at an annual or special meeting of members
 2823 may be taken without a meeting, without prior notice, and
 2824 without a vote if the action is taken by the members entitled to
 2825 vote on such action and having not less than the minimum number
 2826 of votes necessary to authorize such action at a meeting at
 2827 which all members entitled to vote on such action were present
 2828 and voted.

2829 (a) To be effective, the action must be evidenced by one or
 2830 more written consents describing the action taken, dated and
 2831 signed by approving members having the requisite number of votes
 2832 and entitled to vote on such action, and delivered to the
 2833 corporation to its principal office in this state, its principal
 2834 place of business, the corporate secretary, or another officer
 2835 or agent of the corporation having custody of the book in which
 2836 proceedings of meetings of members are recorded. The action
 2837 taken by written consent is effective when such written consent
 2838 is signed by members entitled to cast the required number of
 2839 votes on the action and has been delivered to the corporation by
 2840 delivery as set forth in this section, but only if Written
 2841 consent to take the corporate action referred to in the consent
 2842 is not effective unless the consent is signed by members having

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2843 the requisite number of votes necessary to authorize the action
2844 within 90 days after the date of the earliest dated consent ~~and~~
2845 ~~is delivered in the manner required by this section.~~

2846 (b) Any written consent may be revoked ~~before~~ prior to the
2847 date that the corporation receives the required number of
2848 consents to authorize the proposed action. A revocation is not
2849 effective unless in writing and until received by the
2850 corporation at its principal office ~~in this state~~ or its
2851 principal place of business, or received by the corporate
2852 secretary or other officer or agent of the corporation having
2853 custody of the book in which proceedings of meetings of members
2854 are recorded.

2855 (c) If the articles of incorporation or bylaws require that
2856 notice of proposed corporate action be delivered to members not
2857 entitled to vote on the action and the action is to be taken by
2858 consent of the members entitled to vote, within 30 days after
2859 obtaining authorization by written consent, notice must be given
2860 to those members who are entitled to vote on the action but who
2861 have not consented in writing and to those members who are not
2862 entitled to vote. The notice must fairly summarize the material
2863 features of the authorized action.

2864 (d) A consent signed under this section has the effect of a
2865 meeting vote and may be described as such in any document.

2866 (e) If the action to which the members consent is such as
2867 would have required the filing of articles or a certificate
2868 under any other section of this chapter if such action had been
2869 voted on by members at a meeting, the articles or certificate
2870 filed under such other section must state that written consent
2871 has been given in accordance with this section.

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2872 (f) Whenever action is taken pursuant to this section, the
2873 written consent of the members consenting thereto ~~to such action~~
2874 or the written reports of inspectors appointed to tabulate such
2875 consents must be filed with the minutes of member proceedings.

2876 (5) (a) A member may waive any notice required by this
2877 chapter, the articles of incorporation, or the bylaws before or
2878 after the date and time stated in the notice. The waiver must be
2879 in writing, signed electronically or otherwise by the member
2880 entitled to the notice, and delivered to the corporation for
2881 filing by the corporation with the minutes or corporate records
2882 Notice of a meeting of members need not be given to any member
2883 who signs a waiver of notice, in person or by proxy, either
2884 before or after the meeting. Unless required by the articles of
2885 incorporation or bylaws, neither the affairs to be transacted at
2886 nor the purpose of the meeting need to be specified in the
2887 waiver.

2888 (b) Attendance of a member at a meeting waives objection
2889 to:

2890 1. Lack, either in person or by proxy, constitutes waiver
2891 of notice or defective notice of the meeting, unless the member
2892 promptly objects to holding the meeting or transacting business
2893 at the beginning of the meeting and does not thereafter vote for
2894 or assent to action taken at the meeting; and

2895 2. Consideration of a particular matter at the meeting
2896 which is not within the purposes described in the meeting notice
2897 waiver of any and all objections to the place of the meeting,
2898 the time of the meeting, or the manner in which it has been
2899 called or convened, unless the member objects to considering the
2900 matter when it is presented at the meeting attends a meeting

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2901 solely for the purpose of stating, at the beginning of the
2902 meeting, any such objection or objections to the transaction of
2903 affairs.

2904 (6) Subsections (1) and (3) do not apply to any corporation
2905 that is an association as defined in s. 720.301; a corporation
2906 regulated by chapter 718, chapter 719, chapter 720, chapter 721,
2907 or chapter 723; or a corporation where membership in such
2908 corporation is required pursuant to a document recorded in the
2909 county official property records.

2910 Section 33. Section 617.0721, Florida Statutes, is amended
2911 to read:

2912 617.0721 Voting by members.—

2913 (1) Members are not entitled to vote except as conferred by
2914 the articles of incorporation or the bylaws.

2915 (2) A member who is entitled to vote may vote in person or,
2916 unless the articles of incorporation or the bylaws otherwise
2917 provide, may vote by proxy ~~executed in writing by the member or~~
2918 ~~by his or her duly authorized attorney in fact.~~

2919 (3) (a) A member or the member's attorney-in-fact may
2920 appoint a proxy to vote or otherwise act for the member by:

2921 1. Signing an appointment form, with his or her signature
2922 affixed, by any reasonable means, including, but not limited to,
2923 facsimile or electronic signature;

2924 2. Transmitting or authorizing the transmission of an
2925 electronic signature to the person who will be appointed as the
2926 proxy or to a proxy solicitation firm, a proxy support service
2927 organization, a registrar, or an agent authorized by the person
2928 who will be designated as the proxy to receive such
2929 transmission; or

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2930 3. Using such other means as provided for in the articles
2931 of incorporation or the bylaws.

2932 (b) An appointment form must contain or be accompanied by
2933 information from which it can be determined that the member or
2934 the member's attorney in fact authorized the appointment of the
2935 proxy.

2936 (4) Notwithstanding any provision to the contrary in the
2937 articles of incorporation or bylaws, any copy, facsimile
2938 transmission, or other reliable reproduction of the appointment
2939 form ~~original proxy~~ may be substituted or used in lieu of the
2940 original proxy for any purpose for which the original proxy
2941 could be used if the copy, facsimile transmission, or other
2942 reproduction is a complete reproduction of the appointment form
2943 entire proxy. An appointment of a proxy is effective when a
2944 signed appointment in a record is received by the inspectors of
2945 election, the officer or agent of the corporation authorized to
2946 count votes, or the secretary. An appointment of a proxy is ~~not~~
2947 valid ~~for after~~ 11 months following the date of its execution
2948 unless a longer period, which may not exceed 3 years, is
2949 expressly ~~otherwise~~ provided in the appointment form proxy. The
2950 death or incapacity of the member appointing a proxy does not
2951 affect the right of the corporation to accept the proxy's
2952 authority unless notice of the death or incapacity is received
2953 by the inspectors of election, the officer or agent authorized
2954 to count votes, or the secretary before the proxy exercises his
2955 or her authority under the appointment. A member may revoke
2956 appointment of a proxy unless the appointment form or electronic
2957 transmission states that it is irrevocable and the appointment
2958 is coupled with an interest.

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2959 (a) If directors or officers are to be elected by members,
2960 the bylaws may provide that such elections may be conducted by
2961 mail.

2962 (b) A corporation may reject a vote, ballot, consent,
2963 waiver, demand, or proxy appointment if the person ~~secretary or~~
2964 ~~other officer or agent~~ authorized to accept or reject such vote,
2965 ballot, consent, waiver, demand, or proxy appointment ~~tabulate~~
2966 ~~votes~~, acting in good faith, has a reasonable basis to doubt ~~for~~
2967 ~~doubting~~ the validity of the signature on it or the signatory's
2968 authority to sign for the member.

2969 (5) (a) (3) If authorized by the board of directors, and
2970 subject to such guidelines and procedures as the board of
2971 directors may adopt, Members of any class, their attorneys-in-
2972 fact, and proxies may participate in any and proxy holders who
2973 are not physically present at a meeting of members may, by means
2974 of remote communication to the extent the board of directors
2975 authorizes such participation for such class. Participation by
2976 means of remote communication is subject to the guidelines and
2977 procedures adopted by the board of directors and must be in
2978 conformity with paragraph (b).+

2979 ~~(a) Participate in the meeting.~~

2980 (b) Members, their attorneys-in-fact, and proxies
2981 participating in a members' meeting by means of remote
2982 communication authorized in paragraph (a) are ~~be~~ deemed to be
2983 present in person and may vote at the meeting if the corporation
2984 has implemented reasonable measures to:

2985 1. ~~The corporation implements reasonable means to~~ Verify
2986 that each person participating remotely as a member is a member,
2987 a member's attorney-in-fact, or a proxy ~~deemed present and~~

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2988 ~~authorized to vote by means of remote communication is a member~~
2989 ~~or proxy holder;~~ and

2990 2. ~~The corporation implements reasonable measures to~~
2991 Provide such members, member's attorneys-in-fact, and proxies ~~or~~
2992 proxy holders with a reasonable opportunity to participate in
2993 the meeting and to vote on matters submitted to the members,
2994 including an opportunity to communicate and to read or hear the
2995 proceedings of the meeting substantially concurrent with the
2996 proceedings.

2997 (c) If any member, attorney-in-fact for a member, or proxy
2998 holder votes or takes other action at a members' meeting by
2999 means of remote communication, a record of such vote or other
3000 action that member's participation in the meeting must be
3001 maintained by the corporation in accordance with s. 617.1601.

3002 (d) Unless the articles of incorporation, bylaws, or
3003 demands of members in accordance with s. 617.0701(3) require a
3004 meeting of members to be held at a geographic location, the
3005 board of directors may determine that any meeting of members
3006 will not be held at a geographic location, and instead will be
3007 held solely by means of remote communication, but only if the
3008 corporation implements the measures required by paragraph (b).

3009 ~~(6)(4) If any entity corporation, whether for profit or not~~
3010 ~~for profit,~~ is a member of a corporation organized under this
3011 chapter, the chair of the governing body ~~board,~~ the president,
3012 any vice president, the secretary, or the treasurer of the
3013 member entity corporation, and any such officer or cashier or
3014 trust officer of a banking or trust corporation holding such
3015 membership, and any like officer of a foreign entity corporation
3016 ~~whether for profit or not for profit,~~ holding such membership in

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3017 a domestic corporation, ~~is shall be~~ deemed by the corporation in
 3018 which membership is held to have the authority to vote on behalf
 3019 of the member entity corporation and to execute proxies and
 3020 written waivers and consents in relation thereto, unless, before
 3021 a vote is taken or a waiver or consent is acted upon, it appears
 3022 pursuant to a certified copy of the bylaws or other governing
 3023 documents of the entity or a resolution of the governing
 3024 documents board of directors or executive committee of the
 3025 member entity corporation that such authority does not exist or
 3026 is vested in some other officer or person. In the absence of
 3027 such certification, a person executing any such proxies,
 3028 waivers, or consents or presenting himself or herself at a
 3029 meeting as one of such officers of a ~~corporate~~ member entity is
 3030 ~~shall be~~, for the purposes of this section, conclusively deemed
 3031 to be duly elected, qualified, and acting as such officer and to
 3032 be fully authorized. In the case of conflicting representation,
 3033 the ~~corporate~~ member entity shall be represented by its senior
 3034 officer, in the order stated in this subsection.

3035 ~~(7)(5)~~ The articles of incorporation or the bylaws may
 3036 provide that, in all elections for directors, every member
 3037 entitled to vote has the right to cumulate the member's his or
 3038 ~~her~~ votes and to give one candidate a number of votes equal to
 3039 the number of votes the member he or she could give if one
 3040 director were being elected multiplied by the number of
 3041 directors to be elected or to distribute such votes on the same
 3042 principles among any number of such candidates. A corporation
 3043 may not have cumulative voting unless such voting is expressly
 3044 authorized in the articles of incorporation.

3045 ~~(8)(6)~~ If a corporation has no members or its members do

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3046 not have the right to vote, the directors ~~shall~~ have the sole
 3047 voting power.

3048 ~~(9)(7)~~ Subsections (1), (7) ~~(5)~~, and (8) ~~(6)~~ do not apply
 3049 to a corporation that is an association, as defined in s.
 3050 720.301, or a corporation regulated by chapter 718 or chapter
 3051 719.

3052 Section 34. Section 617.0741, Florida Statutes, is created
 3053 to read:

3054 617.0741 Standing.—A director, an officer, or a member may
 3055 not commence a proceeding in the right of a domestic or foreign
 3056 corporation unless such director, officer, or member holds that
 3057 position at the time the action is commenced and:

3058 (1) Was a director, an officer, or a member when the
 3059 conduct giving rise to the action occurred; or

3060 (2) The person became a member through transfer or by
 3061 operation of law from a person who was a member when the conduct
 3062 giving rise to the action occurred.

3063 Section 35. Section 617.0742, Florida Statutes, is created
 3064 to read:

3065 617.0742 Complaint; demand and excuse.—A complaint in a
 3066 proceeding brought in the right of a corporation must be
 3067 verified and allege with particularity:

3068 (1) The demand, if any, made to obtain the action desired
 3069 by the director, officer, or member from the board of directors;
 3070 and

3071 (2) Either:

3072 (a) If such demand was made, that the demand was refused,
 3073 rejected, or ignored by the board of directors before the
 3074 expiration of 90 days from the date the demand was made.

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3075 (b) If such a demand was made, why irreparable injury to
 3076 the corporation or misapplication or waste of corporate assets
 3077 causing material injury to the corporation would result by
 3078 waiting for the expiration of a 90-day period from the date the
 3079 demand was made; or

3080 (c) The reason or reasons the director, officer, or member
 3081 did not make the effort to obtain the desired action from the
 3082 board of directors or comparable authority.

3083 Section 36. Section 617.0743, Florida Statutes, is created
 3084 to read:

3085 617.0743 Stay of proceedings.—If the corporation commences
 3086 an inquiry into the allegations made in the demand or complaint,
 3087 the court may stay any derivative proceeding for such period as
 3088 the court deems appropriate.

3089 Section 37. Section 617.0744, Florida Statutes, is created
 3090 to read:

3091 617.0744 Dismissal.—

3092 (1) A derivative proceeding may be dismissed, in whole or
 3093 in part, by the court upon motion by the corporation if a group
 3094 specified in subsection (2) or subsection (3) has determined in
 3095 good faith, after conducting a reasonable inquiry, that the
 3096 maintenance of the derivative proceeding is not in the best
 3097 interests of the corporation. In all such cases, the corporation
 3098 has the burden of proof regarding the qualifications, good
 3099 faith, and reasonable inquiry of the group making the
 3100 determination.

3101 (2) Unless a panel is appointed pursuant to subsection (3),
 3102 the determination required in subsection (1) must be made by:

3103 (a) A majority of qualified directors present at a meeting

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3104 of the board of directors if the qualified directors constitute
 3105 a quorum; or

3106 (b) A majority vote of a committee consisting of two or
 3107 more qualified directors appointed by majority vote of qualified
 3108 directors present at a meeting of the board of directors,
 3109 regardless of whether such qualified directors constitute a
 3110 quorum.

3111 (3) Upon motion by the corporation, the court may appoint a
 3112 panel consisting of one or more disinterested and independent
 3113 persons to make a determination required in subsection (1).

3114 (4) This section does not prevent the court from:

3115 (a) Enforcing a person's rights under the corporation's
 3116 articles of incorporation or bylaws or this chapter, including
 3117 the person's rights to information under s. 617.1602; or

3118 (b) Exercising its equitable or other powers, including
 3119 granting extraordinary relief in the form of a temporary
 3120 restraining order or preliminary injunction.

3121 Section 38. Section 617.0745, Florida Statutes, is created
 3122 to read:

3123 617.0745 Discontinuance or settlement; notice.—

3124 (1) A derivative action on behalf of a corporation may not
 3125 be discontinued or settled without the court's approval.

3126 (2) If the court determines that a proposed discontinuance
 3127 or settlement will substantially affect the interest of any of
 3128 the corporation's members, the court must direct that notice be
 3129 given to the members affected. The court may determine which
 3130 party or parties to the derivative action bears the expense of
 3131 giving the notice.

3132 Section 39. Section 617.0746, Florida Statutes, is created

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3133 to read:

3134 617.0746 Proceeds and expenses.—On termination of a
 3135 derivative proceeding, the court may:

3136 (1) Order the corporation to pay from the amount recovered
 3137 by the corporation the plaintiff's reasonable expenses,
 3138 including attorney fees and costs, incurred in the derivative
 3139 proceeding if it finds in favor of the plaintiff in whole or in
 3140 part; or

3141 (2) Order the plaintiff to pay any of the defendant's
 3142 reasonable expenses, including reasonable attorney fees and
 3143 costs, incurred in defending the proceeding if it finds that the
 3144 proceeding was commenced or maintained without reasonable cause
 3145 or for an improper purpose.

3146 Section 40. Section 617.0747, Florida Statutes, is created
 3147 to read:

3148 617.0747 Applicability to foreign corporations.—In any
 3149 derivative proceeding in the right of a foreign corporation
 3150 brought in the courts of this state, the matters covered by ss.
 3151 617.0741-617.0747 are governed by the laws of the jurisdiction
 3152 of incorporation of the foreign corporation, except for ss.
 3153 617.0743, 617.0745, and 617.0746.

3154 Section 41. Section 617.0803, Florida Statutes, is amended
 3155 to read:

3156 617.0803 Number of directors.—

3157 ~~(1)~~ A board of directors must consist of one ~~three~~ or more
 3158 persons ~~individuals~~, as may be ~~with the number~~ specified in or
 3159 fixed in accordance with the articles of incorporation or the
 3160 bylaws, as may be amended, except that a corporation that is
 3161 exempt from federal income taxation under s. 501(c)(3) of the

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3162 Internal Revenue Code of 1986, as amended, must have a board of
 3163 directors that consists of three or more persons.

3164 ~~(2) The number of directors may be increased or decreased~~
 3165 ~~from time to time by amendment to, or in the manner provided in,~~
 3166 ~~the articles of incorporation or the bylaws, but the corporation~~
 3167 ~~must never have fewer than three directors.~~

3168 ~~(3) Directors shall be elected or appointed in the manner~~
 3169 ~~and for the terms provided in the articles of incorporation or~~
 3170 ~~the bylaws.~~

3171 Section 42. Section 617.0804, Florida Statutes, is created
 3172 to read:

3173 617.0804 Selection of directors.—

3174 (1) The directors of a membership corporation, except for
 3175 any initial directors named in the articles of incorporation or
 3176 elected by the incorporators, shall be elected by the members
 3177 entitled to vote at the time at the first annual meeting of
 3178 members, and at each annual meeting thereafter. Notwithstanding
 3179 this subsection, the articles of incorporation or bylaws may
 3180 provide some other time or method of election, or provide that
 3181 some or all of the directors are appointed by some other person
 3182 or designated in some other manner.

3183 (2) The directors of a nonmembership corporation, except
 3184 for any initial directors named in the articles of incorporation
 3185 or elected by the incorporators, shall be elected, appointed, or
 3186 designated as provided in the articles of incorporation or
 3187 bylaws. If no method of election, appointment, or designation is
 3188 set forth in the articles of incorporation or bylaws, such
 3189 directors are elected by the board of directors.

3190 (3) If the articles of incorporation or bylaws divide, or

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3191 authorize dividing, the members into classes, the articles of
 3192 incorporation or bylaws may also authorize the election of all
 3193 or a specified number of directors by the holders of one or more
 3194 authorized classes of members. A class or multiple classes of
 3195 members entitled to elect one or more directors is a separate
 3196 voting group for purposes of the election of directors.

3197 Section 43. Section 617.0805, Florida Statutes, is created
 3198 to read:

3199 617.0805 Terms of directors, generally.-

3200 (1) The articles of incorporation or bylaws may specify the
 3201 terms of directors. If a term is not specified in the articles
 3202 of incorporation or bylaws, the term of a director is 1 year.

3203 (2) A decrease in the number of directors or term of office
 3204 does not shorten an incumbent director's term.

3205 (3) Except as provided in the articles of incorporation or
 3206 bylaws, the term of a director elected to fill a vacancy expires
 3207 at the end of the term that the director is filling.

3208 (4) Notwithstanding the expiration of a director's term,
 3209 the director continues to serve until the director's successor
 3210 is elected, appointed, or designated and until the director's
 3211 successor takes office unless otherwise provided in the articles
 3212 of incorporation or bylaws or there is a decrease in the number
 3213 of directors.

3214 Section 44. Present subsection (3) of section 617.0808,
 3215 Florida Statutes, is redesignated as subsection (2) of that
 3216 section, and subsection (1) and present subsection (2) of that
 3217 section are amended, to read:

3218 617.0808 Removal of directors.-

3219 (1) ~~Subject to subsection (2),~~ A director may be removed

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3220 from office pursuant to procedures provided in the articles of
 3221 incorporation or the bylaws. Unless the articles of
 3222 incorporation or bylaws provide otherwise, a director may be
 3223 removed as follows, ~~which shall provide the following, and if~~
 3224 ~~they do not do so, shall be deemed to include the following:~~

3225 (a) Any member of the board of directors may be removed
 3226 from office with or without cause by:

3227 1. Except as provided in paragraph (i), a majority of all
 3228 votes of the directors, if the director was elected or appointed
 3229 by the directors; or

3230 2. A majority of all votes of the members, if the director
 3231 was elected or appointed by the members.

3232 (b) If a director is elected by a class, chapter, or other
 3233 organizational unit, or by region or other geographic grouping,
 3234 the director may be removed only by the members of that class,
 3235 chapter, unit, or grouping. However:

3236 1. A director may be removed only if the number of votes
 3237 cast to remove the director would be sufficient to elect the
 3238 director at a meeting to elect directors, except as provided in
 3239 subparagraphs 2. and 3.

3240 2. If cumulative voting is authorized, a director may not
 3241 be removed if the number of votes sufficient to elect the
 3242 director under cumulative voting is voted against the removal of
 3243 the director.

3244 3. If at the beginning of the term of a director the
 3245 articles of incorporation or bylaws provide that the director
 3246 may be removed for missing a specified number of board meetings,
 3247 the board may remove the director for failing to attend the
 3248 specified number of meetings. The director may be removed only

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3249 if a majority of the directors then in office vote for the
3250 removal.

3251 (c) The notice of a meeting to recall a member or members
3252 of the board of directors ~~must shall~~ state the specific
3253 directors sought to be removed.

3254 (d) A proposed removal of a director at a meeting requires
3255 ~~shall require~~ a separate vote for each director whose removal is
3256 sought. Where removal is sought by written consent, a separate
3257 consent is required for each director to be removed.

3258 (e) If removal is effected at a meeting, any vacancies
3259 created must be ~~shall be~~ filled by the members or directors
3260 eligible to vote for the removal.

3261 (f) Any director who is removed from the board is not
3262 eligible to stand for reelection until the next annual meeting
3263 at which directors are elected.

3264 (g) Any director removed from office must shall turn over
3265 to the board of directors within 72 hours any and all records of
3266 the corporation in such director's ~~his or her~~ possession.

3267 (h) If a director who is removed does not relinquish such
3268 director's ~~his or her~~ office or turn over records as required
3269 under this section, the circuit court in the county where the
3270 corporation's principal office is located may summarily order
3271 the director to relinquish such director's ~~his or her~~ office and
3272 turn over corporate records upon application of any member.

3273 (i) A director elected or appointed by the board may be
3274 removed without cause by a vote of two-thirds of the directors
3275 then in office or such greater number as is set forth in the
3276 articles of incorporation or bylaws.

3277 ~~(2) A director of a corporation described in s. 501(c) of~~

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3278 ~~the Internal Revenue Code may be removed from office pursuant to~~
3279 ~~procedures provided in the articles of incorporation or the~~
3280 ~~bylaws, and the corporation may provide in the articles of~~
3281 ~~incorporation or the bylaws that it is subject to the provisions~~
3282 ~~of subsection (1).~~

3283 Section 45. Present subsection (4) of section 617.0809,
3284 Florida Statutes, is redesignated as subsection (3) of that
3285 section, and subsections (1) and (2) and present subsection (3)
3286 of that section are amended, to read:

3287 617.0809 Board vacancy.—

3288 (1) Except as otherwise provided in subsection (2) or
3289 617.0808(1)(f), the articles of incorporation, or the bylaws, if
3290 a any vacancy occurs ~~occurring~~ on the board of directors,
3291 including a vacancy resulting from an increase in the number of
3292 directors, the vacancy may be filled by a the affirmative vote
3293 of the majority of the remaining directors in office, even if
3294 though the remaining directors constitute less than a quorum, or
3295 by the sole remaining director or, if the vacancy is not so
3296 filled or if no director remains, by the members or, on the
3297 application of any person, by the circuit court of the county
3298 where the registered office of the corporation is located.

3299 (2) Except as otherwise provided in the articles of
3300 incorporation or bylaws, whenever a vacancy in the position of a
3301 director who is: occurs with respect to a director

3302 (a) Elected by a voting group of members, a class, chapter
3303 or other organizational, unit of members, or a region or other
3304 geographic grouping of members group, the vacancy may be filled
3305 during the first 3 months after the vacancy occurs only by
3306 members of that voting class, chapter, unit, or group, chapter,

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3307 unit, region, or grouping, or by a majority of the directors
 3308 then in office elected by such voting group, chapter, unit,
 3309 region, or grouping class, chapter, unit, or group. If the
 3310 vacancy has not been filled within the 3-month period, the
 3311 vacancy may be filled by vote of a majority of the directors
 3312 remaining in office in accordance with subsection (1);

3313 (b) Appointed by persons, other than the members, may be
 3314 filled only by those persons; or

3315 (c) Designated in the articles of incorporation or bylaws
 3316 may not be filled by action of the board of directors.

3317 ~~(3) The term of a director elected or appointed to fill a~~
 3318 ~~vacancy expires at the next annual meeting at which directors~~
 3319 ~~are elected. Any directorship to be filled by reason of an~~
 3320 ~~increase in the number of directors may be filled by the board~~
 3321 ~~of directors, but only for a term of office continuing until the~~
 3322 ~~next election of directors by the members or, if the corporation~~
 3323 ~~has no members or no members having the right to vote thereon,~~
 3324 ~~for such term of office as is provided in the articles of~~
 3325 ~~incorporation or the bylaws.~~

3326 Section 46. Section 617.08091, Florida Statutes, is created
 3327 to read:

3328 617.08091 Removal of directors by judicial proceedings.-

3329 (1) The court of the county where the principal office of a
 3330 corporation, or if one is not in this state, its registered
 3331 office, is located may remove a director from office in a
 3332 proceeding commenced by or in the right of the corporation if
 3333 the court finds that:

3334 (a) The director engaged in fraudulent conduct with respect
 3335 to the corporation or its members, grossly abused the position

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3336 of director, or intentionally inflicted harm on the corporation;
 3337 and

3338 (b) Considering the director's course of conduct and the
 3339 inadequacy of other available remedies, removal is in the best
 3340 interest of the corporation.

3341 (2) Only a member, an officer, or a director may bring an
 3342 action under this section, and such action must comply with the
 3343 requirements of ss. 617.0742-617.0747. An action by a member may
 3344 not be brought unless the complaint is filed by a member having,
 3345 or is formally joined by members collectively having, no less
 3346 than 10 percent of the corporation's voting power.

3347 (3) In addition to removing the director, the court may bar
 3348 the director from being reelected, redesignated, or reappointed
 3349 for a period prescribed by the court.

3350 (4) This section does not limit the equitable powers of the
 3351 court to order other relief.

3352 Section 47. Section 617.0820, Florida Statutes, is amended
 3353 to read:

3354 617.0820 Board meetings.-

3355 (1) The board of directors may hold regular or special
 3356 meetings in or out of this state.

3357 (2) A majority of the directors present, whether or not a
 3358 quorum exists, may adjourn any meeting of the board of directors
 3359 to another time and place. Unless the bylaws otherwise provide,
 3360 notice of any such adjourned meeting shall be given to the
 3361 directors who were not present at the time of the adjournment
 3362 and, unless the time and place of the adjourned meeting are
 3363 announced at the time of the adjournment, to the other
 3364 directors.

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3365 (3) Unless the articles of incorporation or the bylaws
 3366 provide otherwise, meetings of the board of directors may be
 3367 called and notice of the meeting delivered by the chair of the
 3368 board, the president or a similarly situated officer, or 20
 3369 percent of the directors then in office or by the president
 3370 unless otherwise provided in the articles of incorporation or
 3371 the bylaws.

3372 (4) Unless the articles of incorporation or the bylaws
 3373 provide otherwise, the board of directors may permit any or all
 3374 directors to participate in a regular or special meeting by, or
 3375 conduct the meeting through the use of, any means of
 3376 communication by which all directors participating may
 3377 simultaneously hear each other during the meeting. A director
 3378 participating in a meeting by this means is deemed to be present
 3379 in person at the meeting.

3380 (5) Unless the articles of incorporation or the bylaws
 3381 provide for a longer or shorter period, regular meetings of the
 3382 board of directors may be held without notice of the date, time,
 3383 place, or purpose of the meeting.

3384 (6) Unless the articles of incorporation or the bylaws
 3385 provide otherwise, a special meeting of the board of directors
 3386 must be preceded by at least 2 days' notice of the date, time,
 3387 and place of the meeting. The notice need not describe the
 3388 purpose of the special meeting unless required by the articles
 3389 of incorporation or the bylaws.

3390 Section 48. Subsections (1) and (2) of section 617.0821,
 3391 Florida Statutes, are amended to read:

3392 617.0821 Action by directors without a meeting.—

3393 (1) Unless the articles of incorporation or the bylaws

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3394 provide otherwise, action required or permitted by this chapter
 3395 ~~act~~ to be taken at a board of directors' meeting or committee
 3396 meeting may be taken without a meeting if the action is taken by
 3397 all members of the board or of the committee. The action must be
 3398 evidenced by one or more written consents describing the action
 3399 taken and signed by each director or committee member and
 3400 delivered to the corporation.

3401 (2) Action taken under this section is effective when the
 3402 last director signs the consent and delivers the consent to the
 3403 corporation, unless the consent specifies a different effective
 3404 date. A director's consent may be withdrawn by a revocation
 3405 signed by the director and delivered to the corporation before
 3406 delivery to the corporation of unrevoked written consents signed
 3407 by all the directors.

3408 Section 49. Section 617.0823, Florida Statutes, is amended
 3409 to read:

3410 617.0823 Waiver of notice.—Notice of a meeting of the board
 3411 of directors need not be given to any director who signs a
 3412 waiver of notice either before or after the meeting. Attendance
 3413 of a director at a meeting constitutes ~~shall constitute~~ a waiver
 3414 of notice of such meeting and a waiver of any objection ~~and all~~
 3415 ~~objections~~ to the date of the meeting, the place of the meeting,
 3416 the time of the meeting, or the manner in which it has been
 3417 called or convened, except when a director states, at the
 3418 beginning of the meeting or promptly upon arrival at the
 3419 meeting, any objection to holding the meeting or the transaction
 3420 of affairs because the meeting is not lawfully called or
 3421 convened and, after such objection, the director does not vote
 3422 for or consent to action taken at the meeting.

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3423 Section 50. Section 617.0830, Florida Statutes, is amended
3424 to read:

3425 (Substantial rewording of section. See s. 617.0830,
3426 F.S., for present text.)

3427 617.0830 General standards for directors.—

3428 (1) Each member of the board of directors, when discharging
3429 duties of a director, including in discharging duties as a
3430 member of a board committee, shall act:

3431 (a) In good faith; and

3432 (b) In a manner such director reasonably believes is in the
3433 best interests of the corporation.

3434 (2) The members of the board of directors or a board
3435 committee, when becoming informed in connection with a
3436 decisionmaking function or devoting attention to an oversight
3437 function, shall discharge their duties with the care that an
3438 ordinary prudent person in a like position would reasonably
3439 believe appropriate under similar circumstances.

3440 (3) In discharging board or board committee duties, a
3441 director who does not have knowledge that makes reliance
3442 unwarranted is entitled to rely on the performance by any of the
3443 persons specified in paragraph (5) (a) or paragraph (5) (b) to
3444 whom the board may have delegated, formally or informally by
3445 course of conduct, the authority or duty to perform one or more
3446 of the board's functions that are delegable under applicable
3447 law.

3448 (4) In discharging board or board committee duties, a
3449 director who does not have knowledge that makes reliance
3450 unwarranted is entitled to rely on any information, opinions,
3451 reports, or statements, including financial statements and other

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3452 financial data, prepared or presented by any of the persons
3453 specified in subsection (5).

3454 (5) A director is entitled to rely, in accordance with
3455 subsection (3) or subsection (4), on:

3456 (a) One or more officers or employees of the corporation
3457 whom the director reasonably believes to be reliable and
3458 competent in the functions performed or the information,
3459 opinions, reports, or statements provided;

3460 (b) Legal counsel, public accountants, or other persons
3461 retained by the corporation or by a committee of the board of
3462 the corporation as to matters involving skills or expertise the
3463 director reasonably believes are matters:

3464 1. Within the particular person's professional or expert
3465 competence; or

3466 2. As to which the particular person merits confidence; or

3467 (c) A committee of the board of directors of which the
3468 director is not a member if the director reasonably believes the
3469 committee merits confidence.

3470 (d) In the case of a corporation engaged in religious
3471 activity, religious authorities and ministers, priests, rabbis,
3472 imams, or other persons whose positions or duties the director
3473 reasonably believes justify reliance and confidence and whom the
3474 director believes to be reliable and competent in the matters
3475 presented.

3476 (6) A director is not a trustee with respect to the
3477 corporation or with respect to any property held or administered
3478 by the corporation in trust, including property that may be
3479 subject to restrictions imposed by the donor or transferor of
3480 the property.

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3481 Section 51. Section 617.0832, Florida Statutes, is amended
3482 to read:

3483 (Substantial rewording of section.

3484 See s. 617.0832, F.S., for present text.)

3485 617.0832 General standards for directors.-

3486 (1) As used in this section, the term:

3487 (a) "Director's conflict of interest transaction" means a
3488 transaction between a corporation and one or more of its
3489 directors, or another entity in which one or more of the
3490 corporation's directors is directly or indirectly a party to the
3491 transaction, other than being an indirect party as a result of
3492 being a member of the corporation, and has a direct or indirect
3493 material financial interest or other material interest.

3494 (b) "Fair to the corporation" means that the transaction,
3495 as a whole, is beneficial to the corporation and its members,
3496 taking into appropriate account whether it is:

3497 1. Fair in terms of the director's dealings with the
3498 corporation in connection with that transaction; and

3499 2. Comparable to what might have been obtainable in an
3500 arm's length transaction.

3501 (c) "Family member" includes any of the following:

3502 1. The director's spouse.

3503 2. A child, stepchild, parent, stepparent, grandparent,
3504 sibling, step sibling, or half sibling of the director or the
3505 director's spouse.

3506 (d) "Indirect material financial interest" or "indirectly a
3507 party to a transaction" means that a director's family member
3508 has a material financial interest in the transaction, other than
3509 having an indirect interest as a member of the corporation, or

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3510 if the transaction is with an entity, other than the
3511 corporation, which has a material financial interest in the
3512 transaction and controls, or is controlled by, the director or
3513 another person specified in this chapter.

3514 (e) "Indirect material financial interest" or "other
3515 material interest" means a director has a financial or other
3516 interest in the transaction which would reasonably be expected
3517 to impair the objectivity of the director's judgment when
3518 participating in the action on the authorization of the
3519 transaction.

3520 (f) "Indirectly a party to a transaction" means a director
3521 who has a material financial interest in or is a director,
3522 officer, member, manager, or partner of a person, other than the
3523 corporation, who is a party to the transaction.

3524 (2) If a director's conflict of interest transaction is
3525 fair to the corporation at the time it is authorized, approved,
3526 effectuated, or ratified:

3527 (a) Such transaction is not void or voidable; and

3528 (b) The fact that the transaction is a director's conflict
3529 of interest transaction is not grounds for any equitable relief,
3530 an award of damages, or other sanctions, because of that
3531 relationship or interest, because such director or directors are
3532 present at the meeting of the board of directors or a committee
3533 thereof which authorizes, approves, or ratifies such
3534 transaction, or because such directors or their votes are
3535 counted for such purpose.

3536 (3) (a) In a proceeding challenging the validity of a
3537 director's conflict of interest transaction or in a proceeding
3538 seeking equitable relief, award of damages, or other sanctions

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3539 with respect to a director's conflict of interest transaction,
 3540 the person challenging the validity or seeking equitable relief,
 3541 award of damages, or other sanctions has the burden of proving
 3542 the lack of fairness of the transaction if:

3543 1. The material facts of the transaction and the director's
 3544 interest in the transaction were disclosed or known to the board
 3545 of directors or committee that authorizes, approves, or ratifies
 3546 the transaction and the transaction was authorized, approved, or
 3547 ratified by a vote of a majority of the qualified directors,
 3548 even if the qualified directors constitute less than a quorum of
 3549 the board or the committee; however, the transaction may not be
 3550 authorized, approved, or ratified under this subsection solely
 3551 by a single director; or

3552 2. The material facts of the transaction and the director's
 3553 interest in the transaction were disclosed or known to the
 3554 members who voted upon such transaction and the transaction was
 3555 authorized, approved, or ratified by a majority of the votes
 3556 cast by disinterested members or by the written consent of
 3557 disinterested members representing a majority of the votes that
 3558 could be cast by all disinterested members. A membership
 3559 interest owned by or voted under the control of a director who
 3560 has a relationship or an interest in the director's conflict of
 3561 interest transaction may not be considered a membership interest
 3562 owned by a disinterested member and may not be counted in a vote
 3563 of members to determine whether to authorize, approve, or ratify
 3564 a director's conflict of interest transaction under this
 3565 subsection. The vote of those membership interests, however, is
 3566 counted in determining whether the transaction is approved under
 3567 other sections of this chapter. A majority of the membership

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3568 interests, whether or not present, which are entitled to be
 3569 counted in a vote on the transaction under this subsection,
 3570 constitutes a quorum for the purpose of taking action under this
 3571 section.

3572 (b) If neither of the conditions provided in paragraph (a)
 3573 have been satisfied, the person defending or asserting the
 3574 validity of a director's conflict of interest transaction has
 3575 the burden of proving its fairness in a proceeding challenging
 3576 the validity of the transaction.

3577 (4) The presence of or a vote cast by a director with an
 3578 interest in the transaction does not affect the validity of an
 3579 action taken in paragraph (3) (a) if the transaction is otherwise
 3580 authorized, approved, or ratified as provided in subsection (3),
 3581 but the presence or vote of the director may be counted for
 3582 purposes of determining whether the transaction is approved
 3583 under this chapter.

3584 (5) In addition to other grounds for challenge, a party
 3585 challenging the validity of the transaction is not precluded
 3586 from asserting and proving that a particular director or member
 3587 was not disinterested on grounds of financial or other interest
 3588 for purposes of the vote on, consent to, or approval of the
 3589 transaction.

3590 (6) If directors' action under this section does not
 3591 otherwise satisfy a quorum or voting requirement applicable to
 3592 the authorization of the transaction by directors as required by
 3593 the articles of incorporation, the bylaws, this chapter, or any
 3594 other law, an action to satisfy such authorization requirements,
 3595 whether as part of the same action or by way of another action,
 3596 must be taken by the board of directors or a committee in order

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3597 to authorize the transaction. In such action, the vote or
 3598 consent of directors who are not disinterested may be counted.

3599 (7) If members' action under this section does not satisfy
 3600 a quorum or voting requirement applicable to the authorization
 3601 of the transaction by members as required by the articles of
 3602 incorporation, the bylaws, this chapter, or any other law, an
 3603 action to satisfy such authorization requirements, whether as
 3604 part of the same action or by way of another action, must be
 3605 taken by the members in order to authorize the transaction. In
 3606 such action, the vote or consent of members who are not
 3607 disinterested members may be counted.

3608 Section 52. Section 617.0834, Florida Statutes, is
 3609 reordered and amended to read:

3610 617.0834 Liability of directors and officers and directors
 3611 of certain corporations and associations not for profit;
 3612 immunity from civil liability.-

3613 (1) A director or an officer or director of a nonprofit
 3614 organization recognized under s. 501(e)(3) or s. 501(e)(4) or s.
 3615 501(e)(6) of the Internal Revenue Code of 1986, as amended, or
 3616 of an agricultural or a horticultural organization recognized
 3617 under s. 501(e)(5), of the Internal Revenue Code of 1986, as
 3618 amended, is not personally liable for monetary damages to the
 3619 corporation or any person for any statement, vote, decision to
 3620 take or not, or failure to take an action, or any failure to
 3621 take any action, as a director or an officer regarding
 3622 organizational management or policy by an officer or director,
 3623 unless:

3624 (a) The director or officer or director breached or failed
 3625 to perform the director's or officer's his or her duties as a

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3626 director or an officer or director; and

3627 (b) The director's or officer's or director's breach of, or
 3628 failure to perform, the director's or officer's his or her
 3629 duties constitutes any of the following:

3630 1. A violation of the criminal law, unless the ~~officer or~~
 3631 director or officer had reasonable cause to believe the
 3632 director's or officer's his or her conduct was lawful or had no
 3633 reasonable cause to believe the director's or officer's his or
 3634 her conduct was unlawful. A judgment or other final adjudication
 3635 against a director or an officer or director in any criminal
 3636 proceeding for violation of the criminal law estops that
 3637 director or officer or director from contesting the fact that
 3638 the director's or officer's his or her breach, or failure to
 3639 perform, constitutes a violation of the criminal law, but does
 3640 not estop the director or officer or director from establishing
 3641 that the director or officer he or she had reasonable cause to
 3642 believe that the director's or officer's his or her conduct was
 3643 lawful or had no reasonable cause to believe that the director's
 3644 or officer's his or her conduct was unlawful;

3645 2. A transaction from which the director or officer or
 3646 director derived an improper personal benefit, directly or
 3647 indirectly; ~~or~~

3648 3. In a proceeding by or in the right of the corporation to
 3649 procure a judgment in its favor or by or in the right of a
 3650 member, conscious disregard for the best interest of the
 3651 corporation, or willful or intentional misconduct; or

3652 4. In a proceeding by or in the right of someone other than
 3653 the corporation or a member, recklessness or an act or omission
 3654 that was committed in bad faith or with malicious purpose or in

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3655 a manner exhibiting wanton and willful disregard of human
3656 rights, safety, or property.

3657 (2) A director or an officer is deemed not to have derived
3658 an improper personal benefit from any transaction if the
3659 transaction and the nature of any personal benefit derived by
3660 the director or officer are not prohibited by state or federal
3661 law or regulation and, without further limitation, the
3662 transaction is fair to the corporation at the time it is
3663 authorized, approved, or ratified as determined in accordance
3664 with s. 617.0832.

3665 (3) The circumstances set forth in subsection (2) are not
3666 exclusive and do not preclude the existence of other
3667 circumstances under which a director or officer will be deemed
3668 not to have derived an improper benefit.

3669 (4) For the purposes of this section, the term:

3670 (c)(a) "Recklessness" means the acting, or omission to act,
3671 in conscious disregard of a risk:

3672 1. Known, or so obvious that it should have been known, to
3673 the director or officer ~~or director~~; and

3674 2. Known to the director or officer ~~or director~~, or so
3675 obvious that it should have been known, to be so great as to
3676 make it highly probable that harm would follow from such action
3677 or omission.

3678 (a)(b) "Director" means a person who serves as a director,
3679 trustee, or member of the governing board of an organization.

3680 (b)(e) "Officer" means a person who serves as an officer
3681 without compensation except reimbursement for actual expenses
3682 incurred or to be incurred.

3683 Section 53. Subsection (4) of section 617.0835, Florida

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3684 Statutes, is amended to read:

3685 617.0835 Prohibited activities by private foundations.—

3686 (4) ~~The provisions of Subsections (2) and (3) do not apply~~
3687 ~~to any corporation that was incorporated before January 1, 1970,~~
3688 ~~and that has been properly relieved from the requirements of 26~~
3689 ~~U.S.C. s. 508(e)(1) by a timely judicial proceeding to the~~
3690 ~~extent that a court of competent jurisdiction determines that~~
3691 ~~such application would be contrary to the terms of the articles~~
3692 ~~of incorporation or organization or other instrument governing~~
3693 ~~such corporation or governing the administration of charitable~~
3694 ~~funds held by it and that the same may not properly be changed~~
3695 ~~to conform to such subsections.~~

3696 Section 54. Section 617.0844, Florida Statutes, is created
3697 to read:

3698 617.0844 Standards of conduct for officers.—

3699 (1) An officer, when discharging his or her duties, shall
3700 act:

3701 (a) In good faith; and

3702 (b) In a manner such officer reasonably believes to be in
3703 the best interests of the corporation.

3704 (2) An officer, when becoming informed in connection with a
3705 decisionmaking function or devoting attention to an oversight
3706 function, shall discharge his or her duties with the care that
3707 an ordinary prudent person in a like position would reasonably
3708 believe appropriate under similar circumstances.

3709 (3) In discharging his or her duties, an officer who does
3710 not have knowledge that makes reliance unwarranted is entitled
3711 to rely on the performance by any of the persons specified in
3712 paragraph (5) (a) or paragraph (5) (b) to whom the board may have

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3713 delegated, formally or informally by course of conduct, the
 3714 authority or duty to perform one or more of the board's
 3715 functions that are delegable under applicable law.

3716 (4) In discharging his or her duties, an officer who does
 3717 not have knowledge that makes reliance unwarranted is entitled
 3718 to rely on any information, opinions, reports, or statements,
 3719 including financial statements and other financial data,
 3720 prepared or presented by any of the persons specified in
 3721 subsection (5).

3722 (5) An officer is entitled to rely, in accordance with
 3723 subsection (3) or subsection (4), on:

3724 (a) One or more officers or employees of the corporation
 3725 whom the officer reasonably believes to be reliable and
 3726 competent in the functions performed or the information,
 3727 opinions, reports, or statements provided;

3728 (b) Legal counsel, public accountants, or other persons
 3729 retained by the corporation or by a committee of the board of
 3730 the corporation as to matters involving skills or expertise the
 3731 officer reasonably believes are matters:

3732 1. Within the particular person's professional or expert
 3733 competence; or

3734 2. As to which the particular person merits confidence; or

3735 (c) A committee of the board of directors of which the
 3736 officer is not a member if the officer reasonably believes the
 3737 committee merits confidence.

3738 (d) In the case of a corporation engaged in religious
 3739 activity, religious authorities and ministers, priests, rabbis,
 3740 imams, or other persons whose positions or duties the officer
 3741 reasonably believes justify reliance and confidence and whom the

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3742 officer believes to be reliable and competent in the matters
 3743 presented.

3744 (6) The duty of an officer includes the obligation to:

3745 (a) Inform the superior officer to whom, or the board of
 3746 directors or the committee to which, the officer reports of
 3747 information about the affairs of the corporation known to the
 3748 officer, within the scope of the officer's functions, and known
 3749 or as should be known to the officer to be material to such
 3750 superior officer, board, or committee; and

3751 (b) Inform such officer's superior officer, or another
 3752 appropriate person within the corporation, or the board of
 3753 directors, or a committee thereof, of any actual or probable
 3754 material violation of law involving the corporation or material
 3755 breach of duty to the corporation by an officer, employee, or
 3756 agent of the corporation the officer believes has occurred or is
 3757 likely to occur.

3758 (7) An officer is not a trustee with respect to the
 3759 corporation or to any property held or administered by the
 3760 corporation in trust, including property that may be subject to
 3761 restrictions imposed by the donor.

3762 Section 55. Subsection (1) of section 617.1001, Florida
 3763 Statutes, is amended to read:

3764 617.1001 Authority to amend the articles of incorporation.—

3765 (1) A corporation may amend its articles of incorporation
 3766 at any time to add or change a provision that is required or
 3767 permitted in the articles of incorporation or to delete a
 3768 provision not required to be contained in the articles of
 3769 incorporation. Whether a provision is required or permitted in
 3770 the articles of incorporation is determined as of the effective

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3771 ~~date of the amendment as provided in this act.~~

3772 Section 56. Present paragraph (b) of subsection (1) and
3773 present subsections (2) and (3) of section 617.1002, Florida
3774 Statutes, are redesignated as subsections (2), (4), and (5),
3775 respectively, a new subsection (3) is added to that section, and
3776 present subsection (1) of that section is amended, to read:

3777 617.1002 Procedure for amending articles of incorporation.—

3778 (1) Unless the articles of incorporation provide otherwise
3779 ~~an alternative procedure~~, amendments to the articles of
3780 incorporation shall ~~must~~ be adopted ~~made~~ in the following
3781 manner:

3782 (a) If there are members entitled to vote on a proposed
3783 amendment to the articles of incorporation, the proposed
3784 amendment shall first be adopted by the board of directors. ~~must~~
3785 ~~adopt a resolution setting forth the proposed amendment and~~
3786 ~~directing that it be submitted to a vote at a meeting of members~~
3787 ~~entitled to vote on the proposed amendment, which may be either~~
3788 ~~an annual or a special meeting. Written notice setting forth the~~
3789 ~~proposed amendment or a summary of the changes to be effected by~~
3790 ~~the amendment must be given to each member entitled to vote at~~
3791 ~~such meeting in accordance with the articles of incorporation or~~
3792 ~~the bylaws. The proposed amendment shall be adopted upon~~
3793 ~~receiving at least a majority, or any larger or smaller~~
3794 ~~percentage specified in the articles of incorporation or the~~
3795 ~~bylaws, of the votes which members present at such meeting or~~
3796 ~~represented by proxy are entitled to cast; or~~

3797 (b) Except as provided in subsection (3) or, with respect
3798 to restatements that do not require member approval, or s.
3799 617.1007, the members shall approve the amendment.

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3800 (c) In submitting the proposed amendment to the members for
3801 approval, the board of directors shall recommend that the
3802 members approve the amendment unless the board of directors
3803 determines that, because of a conflict of interest or other
3804 special circumstances, it should not make such a recommendation,
3805 in which case the board must inform the members of the basis for
3806 proceeding without such recommendation.

3807 (d) The board of directors may set conditions for the
3808 approval of the amendment by the members or the effectiveness of
3809 the amendment.

3810 (e) If the amendment is required to be approved by the
3811 members, and the approval is to be given at a meeting, the
3812 corporation must notify each member entitled to vote on the
3813 amendment of the meeting of members at which the amendment is to
3814 be submitted for approval. The notice must state that the
3815 purpose, or one of the purposes, of the meeting is to consider
3816 the amendment, and must contain or be accompanied by a copy of
3817 the amendment.

3818 (f) Unless this chapter, the articles of incorporation, or
3819 the board of directors, acting pursuant to paragraph (d),
3820 requires a greater vote or a greater quorum, the approval of the
3821 amendment requires the approval of the members at a meeting at
3822 which the current required quorum exists.

3823 (2)(b) If there are no members or if members are not
3824 entitled to vote on proposed amendments to the articles of
3825 incorporation, unless the articles of incorporation provide
3826 otherwise, an amendment may be adopted at a meeting of the board
3827 of directors by a majority vote of the directors then in office,
3828 or by the incorporators if no board has been elected. Unless the

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3829 articles of incorporation provide otherwise, an amendment
 3830 adopted by the board of directors under this subsection must
 3831 also be approved, if the amendment changes or deletes a
 3832 provision regarding the appointment of a director by persons
 3833 other than the board, by those persons as if they constituted a
 3834 voting group.

3835 (3) Unless the articles of incorporation provide otherwise,
 3836 the board of directors of a corporation with members entitled to
 3837 vote on proposed amendments may adopt amendments to the
 3838 corporation's articles of incorporation without approval of the
 3839 members to:

3840 (a) Extend the duration of the corporation if it was
 3841 incorporated at a time when limited duration was required by
 3842 law;

3843 (b) Delete the names and addresses of the initial
 3844 directors;

3845 (c) Delete the name and address of the initial registered
 3846 agent or registered office, if a statement of change is on file
 3847 with the department;

3848 (d) Delete any other information contained in the articles
 3849 of incorporation which is solely of historical interest;

3850 (e) Change the corporate name by substituting the word
 3851 "corporation," "incorporated," or the abbreviation "Corp.," or
 3852 "Inc.," for a similar word or abbreviation in the name, or by
 3853 adding, deleting, or changing a geographical attribution for the
 3854 name; or

3855 (f) Restate without change all of the then operative
 3856 provisions of the articles of incorporation as provided in s.
 3857 617.1007.

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3858 Section 57. Section 617.1006, Florida Statutes, is amended
 3859 to read:

3860 617.1006 Contents of articles of amendment.—

3861 (1) After an amendment to the articles of incorporation has
 3862 been adopted and approved as required by this chapter, the
 3863 corporation shall deliver to the department for filing articles
 3864 of amendment which must be signed in accordance with The
 3865 articles of amendment must be executed by the corporation as
 3866 provided in s. 617.01201 and must set forth:

3867 (a)(1) The name of the corporation;

3868 (b)(2) The text of each amendment adopted or the
 3869 information required by s. 617.01201(10), if applicable;

3870 (c) If the amendment provides for an exchange, a
 3871 reclassification, or a cancellation of memberships, provisions
 3872 for implementing the amendment if not contained in the amendment
 3873 itself, which may be made dependent upon facts objectively
 3874 ascertainable outside the articles of amendment in accordance
 3875 with s. 617.01201(10);

3876 (d) The date of each amendment's adoption; and

3877 (e) If the amendment:

3878 1. Was adopted by the incorporators or the board of
 3879 directors without member approval, a statement that the
 3880 amendment was adopted by the incorporators or by the board of
 3881 directors and that member approval was not required;

3882 2. Required approval by the members, a statement that the
 3883 amendment was duly approved by the members in the manner
 3884 required by this chapter and by the articles of incorporation
 3885 and bylaws; or

3886 3. Is being filed pursuant to s. 617.01201(10), a statement

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3887 to that effect.3888 (2) Articles of amendment take effect on the effective date
3889 determined pursuant to s. 617.0123.3890 ~~(3) If there are members entitled to vote on a proposed~~
3891 ~~amendment, the date of the adoption of the amendment by the~~
3892 ~~members and a statement that the number of votes cast for the~~
3893 ~~amendment was sufficient for approval; and~~3894 ~~(4) If there are no members or if members are not entitled~~
3895 ~~to vote on a proposed amendment, a statement of such fact and~~
3896 ~~the date of the adoption of the amendment by the board of~~
3897 ~~directors.~~3898 Section 58. Section 617.1101, Florida Statutes, is amended
3899 to read:3900 (Substantial rewording of section.3901 See s. 617.1101, F.S., for present text.)3902 617.1101 Plan of merger.—3903 (1) By complying with this chapter, including adopting a
3904 plan of merger in accordance with subsection (3) and complying
3905 with s. 617.1103:3906 (a) Subject to and except as otherwise provided in s.
3907 617.1102, one or more domestic corporations may merge with one
3908 or more domestic or foreign eligible entities pursuant to a plan
3909 of merger, resulting in a survivor; and3910 (b) Any two or more eligible entities may merge, resulting
3911 in a surviving entity that is a domestic corporation created in
3912 the merger.3913 (2) Subject to and except as otherwise provided in s.
3914 617.1102, a domestic eligible entity that is not a corporation
3915 may be a party to a merger with a domestic corporation, or may

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3916 be created as the survivor in a merger in which a domestic
3917 corporation is a party, but only if the parties to the merger
3918 comply with this chapter and the merger is permitted by the
3919 organic law of the domestic eligible entity that is not a
3920 corporation. A foreign eligible entity may be a party to a
3921 merger with a domestic corporation or, subject to and as
3922 otherwise provided in s. 617.1102, may be created as the
3923 survivor in a merger in which a domestic corporation is a party,
3924 but only if the parties to the merger comply with this chapter
3925 and the merger is permitted by the organic law of the foreign
3926 eligible entity.3927 (3) The plan of merger must set forth:3928 (a) As to each party to the merger, its name, jurisdiction
3929 of formation, and type of entity;3930 (b) The survivor's name, jurisdiction of formation, and
3931 type of entity, and, if the survivor is to be created in the
3932 merger, a statement to that effect;3933 (c) The terms and conditions of the merger, including:3934 1. A statement that the interests in such entity are to be
3935 canceled; or3936 2. The manner of converting the interests in such entity
3937 into interests, securities, obligations, money, other property,
3938 rights to acquire interests or securities, or any combination of
3939 the foregoing;3940 (d) The articles of incorporation of any domestic or
3941 foreign corporation, or the public organic record of any other
3942 domestic or foreign eligible entity to be created by the merger,
3943 or if a new domestic or foreign corporation or other eligible
3944 entity is not to be created by the merger, any amendment to, or

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3945 restatement of, the survivor's articles of incorporation or
 3946 other public organic record;

3947 (e) The effective date and time of the merger, which may be
 3948 on or after the filing date of filing the articles of merger;
 3949 and

3950 (f) Any other provision required by the laws under which
 3951 any party to the merger is organized or by which it is governed,
 3952 or by the articles of incorporation or organic rules of any such
 3953 party.

3954 (4) In addition to the requirements of subsection (3), a
 3955 plan of merger may contain any other provision that is not
 3956 prohibited by law.

3957 (5) Terms of a plan of merger may be made dependent upon
 3958 facts objectively ascertainable outside the plan in accordance
 3959 with s. 617.01201(10).

3960 (6) A plan of merger may be amended only with the consent
 3961 of each party to the merger, except as provided in the plan. A
 3962 domestic party to a merger may approve an amendment to a plan:

3963 (a) In the same manner as the plan was approved, if the
 3964 plan does not provide for the manner in which it may be amended;
 3965 or

3966 (b) In the manner provided in the plan, except that an
 3967 interest holder that was entitled to vote on or consent to the
 3968 approval of the plan is entitled to vote on or consent to any
 3969 amendment to the plan which will change:

3970 1. The amount or kind of interests, securities,
 3971 obligations, money, other property, rights to acquire interests
 3972 or securities, or any combination of the foregoing, to be
 3973 received under the plan by the interest holders of any party to

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3974 the merger;

3975 2. The articles of incorporation of any domestic
 3976 corporation, or the organic rules of any other type of entity,
 3977 that will be the survivor of the merger, except for changes
 3978 permitted by s. 617.1002(3) or by comparable provisions of the
 3979 organic law of any other type of entity; or

3980 3. Any of the other terms or conditions of the plan if the
 3981 change would adversely affect the interest holder in any
 3982 material respect.

3983 Section 59. Section 617.1102, Florida Statutes, is amended
 3984 to read:

3985 617.1102 Limitation on merger.—A domestic corporation that
 3986 holds property for a charitable purpose ~~not for profit organized~~
 3987 under this chapter may merge with one or more other eligible
 3988 entities, as identified in s. 607.1101(1), only if the surviving
 3989 entity of such merger is a domestic or foreign corporation ~~not~~
 3990 for profit or other eligible entity that has been organized as a
 3991 nonprofit ~~not-for-profit~~ entity under a governing statute or
 3992 other applicable law that allows such a merger.

3993 Section 60. Section 617.1103, Florida Statutes, is amended
 3994 to read:

3995 (Substantial rewording of section.

3996 See s. 617.1103, F.S., for present text.)

3997 617.1103 Approval of plan of merger; abandonment of plan
 3998 thereafter.—

3999 (1) In the case of a domestic corporation that is a party
 4000 to a merger, the plan of merger shall be adopted in the
 4001 following manner if there are members of the domestic
 4002 corporation entitled to vote on the merger:

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4003 (a) The plan of merger shall first be adopted by the board
 4004 of directors of such domestic corporation.

4005 (b) Except as provided in paragraph (h), and in s.
 4006 617.1104, the members entitled to vote shall vote to adopt the
 4007 plan of merger.

4008 (c) In submitting the plan of merger to the members for
 4009 approval, the board of directors shall recommend that the
 4010 members approve the plan, unless the board of directors makes a
 4011 determination that because of conflicts of interest or other
 4012 special circumstances it should not make such a recommendation,
 4013 in which case the board shall inform the members of the basis
 4014 for proceeding without such recommendation.

4015 (d) The board of directors may set conditions for the
 4016 approval of the proposed merger by the members or the
 4017 effectiveness of the plan of merger.

4018 (e) If the approval by members is to be given at a meeting,
 4019 the corporation shall notify each member entitled to vote of the
 4020 meeting of members at which the plan is submitted for approval
 4021 in accordance with this chapter and the articles of
 4022 incorporation and bylaws of the corporation. The notice must
 4023 also state that the purpose, or one of the purposes, of the
 4024 meeting is to consider the plan of merger, regardless of whether
 4025 the meeting is an annual or a special meeting, and contain or be
 4026 accompanied by a copy of the plan. If the corporation is not to
 4027 be the surviving entity, the notice must also include or be
 4028 accompanied by a copy of the articles of incorporation and
 4029 bylaws or the organic rules of the surviving entity.

4030 (f) Unless this chapter, the articles of incorporation, or
 4031 the board of directors, acting pursuant to paragraph (d),

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4032 requires a greater vote or a greater quorum in the respective
 4033 case, approval of the plan of merger shall require the approval
 4034 of the members at a meeting at which the current required quorum
 4035 exists by a majority of the votes entitled to be cast on the
 4036 plan and, if any class of members is entitled to vote as a
 4037 separate voting group on the plan of merger, the approval of
 4038 each such separate voting group at a meeting at which a quorum
 4039 of the voting group is present by a majority of the votes
 4040 entitled to be cast on the merger by that voting group.

4041 (g) Subject to paragraph (h), unless otherwise provided in
 4042 the articles of incorporation, separate voting on a plan of
 4043 merger is required for each class of members that is to be
 4044 converted under the plan of merger into securities, interests,
 4045 or obligations; rights to acquire securities or other interests;
 4046 or cash, other property, or any combination thereof.

4047 (h) The articles of incorporation may expressly limit or
 4048 eliminate the separate voting rights as to any class of members.

4049 (2) If a domestic corporation that is a party to a merger
 4050 has no members or if its members are not entitled to vote on a
 4051 plan of merger, such plan may be adopted at a meeting of its
 4052 board of directors by a majority vote of the directors then in
 4053 office.

4054 (3) (a) After a plan of merger has been approved and before
 4055 articles of merger are effective, the plan may be abandoned as
 4056 provided in the plan. Unless prohibited by the plan, the plan
 4057 may be abandoned by the board of directors in the same manner as
 4058 the plan was approved by:

4059 1. A domestic corporation; or

4060 2. A merging domestic eligible entity if the organic law of

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4061 the entity does not provide for amendment of a plan of merger.
 4062 (b) If a merger is abandoned under paragraph (a) after
 4063 articles of merger have been delivered to the department for
 4064 filing but before the articles of merger have become effective,
 4065 a statement of abandonment signed by all the parties that signed
 4066 the articles of merger shall be delivered to the department for
 4067 filing before the articles of merger become effective. The
 4068 statement takes effect on filing, whereupon the merger is deemed
 4069 abandoned and does not become effective. The statement of
 4070 abandonment must contain:
 4071 1. The name of each party to the merger;
 4072 2. The date on which the articles of merger were filed by
 4073 the department; and
 4074 3. A statement that the merger has been abandoned in
 4075 accordance with this section.
 4076 Section 61. Section 617.1104, Florida Statutes, is created
 4077 to read:
 4078 617.1104 Short-form merger between parent and subsidiary or
 4079 between subsidiaries.-
 4080 (1)(a) A domestic or foreign parent eligible entity that
 4081 holds a membership in a domestic corporation that carries at
 4082 least 80 percent of the voting power of each class of membership
 4083 of the domestic corporation which has voting power may:
 4084 1. Merge the subsidiary into itself, or into another
 4085 domestic or foreign eligible entity in which the parent eligible
 4086 entity owns at least 80 percent of the voting power of each
 4087 class and series of the outstanding interests that have voting
 4088 power; or
 4089 2. Merge itself into the subsidiary.

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4090 (b) Mergers under subparagraphs (a)1. and 2. do not require
 4091 the approval of the board of directors or members of the
 4092 subsidiary unless the articles of incorporation or organic rules
 4093 of the parent eligible entity or the articles of incorporation
 4094 of the subsidiary entity otherwise provide. The articles of
 4095 merger relating to a merger under this section do not need to be
 4096 signed by the subsidiary entity.
 4097 (2) The parent eligible entity shall, within 10 days after
 4098 the effective date of a merger approved under subsection (1),
 4099 notify each of the subsidiary entity's members that the merger
 4100 has become effective.
 4101 (3) Except as provided for in subsections (1) and (2), a
 4102 merger between a parent eligible entity and a domestic
 4103 subsidiary corporation is governed by ss. 617.1101-617.1107,
 4104 which are applicable to mergers generally.
 4105 Section 62. Section 617.1105, Florida Statutes, is amended
 4106 to read:
 4107 (Substantial rewording of section.
 4108 See s. 617.1105, F.S., for present text.)
 4109 617.1105 Articles of merger.-
 4110 (1) After a plan of merger has been adopted and approved as
 4111 required by this chapter or, if the merger is being effected
 4112 pursuant to s. 617.1101(1)(b), the merger has been approved as
 4113 required by the organic law governing the parties to the merger,
 4114 the articles of merger must be signed by each party to the
 4115 merger, except as provided in s. 617.1104. The articles of
 4116 merger must set forth:
 4117 (a) The name, jurisdiction of formation, and type of entity
 4118 of each party to the merger;

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4119 (b) If not already identified as the survivor pursuant to
 4120 paragraph (a), the name, jurisdiction of formation, and type of
 4121 entity of the survivor;

4122 (c) If the articles of incorporation of the survivor are
 4123 being amended, or if a new domestic corporation is being created
 4124 as a result of the merger:

4125 1. The amendments to the survivor's articles of
 4126 incorporation; or

4127 2. The articles of incorporation of the new corporation;

4128 (d) If the plan of merger required approval by the members
 4129 of a domestic corporation that is a party to the merger, a
 4130 statement that the plan was duly approved by the members and, if
 4131 voting by any separate voting group was required, by each such
 4132 separate voting group, in the manner required by this chapter
 4133 and the articles of incorporation of such domestic corporation;

4134 (e) If the plan of merger did not require approval by the
 4135 members of a domestic corporation that is a party to the merger,
 4136 a statement to that effect;

4137 (f) As to each foreign corporation that is a party to the
 4138 merger, a statement that the participation of the foreign
 4139 corporation was duly authorized in accordance with such
 4140 corporation's organic law;

4141 (g) As to each domestic or foreign eligible entity that is
 4142 a party to the merger and that is not a domestic or foreign
 4143 corporation, a statement that the participation of the eligible
 4144 entity in the merger was duly authorized in accordance with such
 4145 eligible entity's organic law; and

4146 (h) If the survivor is not a domestic or foreign
 4147 corporation or other eligible entity that has been organized as

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4148 a nonprofit entity under a governing statute or other applicable
 4149 law that allows such a merger, as to each domestic corporation
 4150 that is a party to the merger, a statement that it does not hold
 4151 any property for a charitable purpose.

4152 (2) In addition to the requirements of subsection (1),
 4153 articles of merger may contain any other provision not
 4154 prohibited by law.

4155 (3) The articles of merger shall be delivered to the
 4156 department for filing, and, subject to subsection (4), the
 4157 merger must take effect on the effective date determined in
 4158 accordance with s. 617.0123.

4159 (4) With respect to a merger in which one or more foreign
 4160 entities is a party or a foreign corporation created by the
 4161 merger is the survivor, the merger itself becomes effective at
 4162 the later of:

4163 (a) When all documents required to be filed in all foreign
 4164 jurisdictions to effect the merger have become effective; or

4165 (b) When the articles of merger take effect.

4166 (5) Articles of merger required to be filed under this
 4167 section may be combined with any filing required under the
 4168 organic law governing any other domestic eligible entity
 4169 involved in the transaction if the combined filing satisfies the
 4170 requirements of both this section and the other organic law.

4171 Section 63. Section 617.1106, Florida Statutes, is amended
 4172 to read:

4173 (Substantial rewording of section.

4174 See s. 617.1106, F.S., for present text.)

4175 617.1106 Effect of merger.-

4176 (1) When a merger becomes effective:

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4177 (a) The domestic or foreign eligible entity that is
 4178 designated in the plan of merger as the survivor continues or
 4179 comes into existence, as the case may be;
 4180 (b) The separate existence of every merging entity, other
 4181 than the survivor, ceases;
 4182 (c) All property owned by, and every contract right and
 4183 other right possessed by, each merging entity vests in the
 4184 survivor, without transfer, reversion, or impairment;
 4185 (d) All debts, obligations, and other liabilities of each
 4186 merging entity become debts, obligations, and liabilities of the
 4187 survivor;
 4188 (e) The name of the survivor may be, but need not be,
 4189 substituted in any pending proceeding for the name of any party
 4190 to the merger whose separate existence ceased in the merger;
 4191 (f) Neither the rights of creditors nor any liens upon the
 4192 property of any corporation party to the merger are impaired by
 4193 such merger;
 4194 (g) If the survivor is a domestic eligible entity, the
 4195 articles of incorporation and bylaws or the organic rules of the
 4196 survivor are amended to the extent provided in the plan of
 4197 merger;
 4198 (h) The articles of incorporation and bylaws or the organic
 4199 rules of a survivor that is a domestic eligible entity and is
 4200 created by the merger become effective;
 4201 (i) The interests of each merging entity which are to be
 4202 canceled or converted in the merger are canceled or converted,
 4203 and the interest holders of those interests are entitled only to
 4204 the rights provided to them under the plan of merger and to any
 4205 appraisal rights they have under the merging entity's organic

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4206 law;
 4207 (j) Except as provided by law or the plan of merger, all
 4208 the rights, privileges, franchises, and immunities of each
 4209 eligible entity that is a party to the merger, other than the
 4210 survivor, become the rights, privileges, franchises, and
 4211 immunities of the survivor; and
 4212 (k) If the survivor exists before the merger:
 4213 1. All the property and contract and other rights of the
 4214 survivor remain its property and contract and other rights
 4215 without transfer, reversion, or impairment;
 4216 2. The survivor remains subject to all of its debts,
 4217 obligations, and other liabilities; and
 4218 3. Except as provided by law or the plan of merger, the
 4219 survivor continues to hold all of its rights, privileges,
 4220 franchises, and immunities.
 4221 (2) Except as provided in the organic law governing a party
 4222 to a merger or in its articles of incorporation or organic
 4223 rules, the merger does not give rise to any rights that any
 4224 interest holder or third party would have upon a dissolution,
 4225 liquidation, or winding up of that party. The merger does not
 4226 require a party to the merger to wind up its affairs and does
 4227 not constitute or cause its dissolution or termination.
 4228 (3) Property held in trust or otherwise dedicated to a
 4229 charitable purpose and held by a domestic or foreign eligible
 4230 entity immediately before a merger becomes effective may not, as
 4231 a result of the merger, be diverted from the purposes for which
 4232 it was donated, granted, devised, or otherwise transferred
 4233 except pursuant to the laws of this state addressing cy pres or
 4234 dealing with nondiversion of charitable assets.

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4235 (4) Any bequest, devise, gift, grant, or promise contained
 4236 in a will or other instrument of donation, subscription, or
 4237 conveyance which is made to an eligible entity that is a party
 4238 to a merger that is not the survivor and which takes effect or
 4239 remains payable after the merger inures to the survivor.

4240 (5) A trust obligation that would govern property if the
 4241 property is directed to be transferred to a nonsurviving
 4242 eligible entity applies to property that is to be transferred
 4243 instead to the survivor after a merger becomes effective.

4244 Section 64. Section 617.1107, Florida Statutes, is amended
 4245 to read:

4246 617.1107 Merger of domestic and foreign corporations.—

4247 (1) ~~One or more foreign corporations and one or more~~
 4248 ~~domestic corporations may be merged into a corporation of this~~
 4249 ~~state or of another jurisdiction if such merger is permitted by~~
 4250 ~~the laws of the jurisdiction under which each such foreign~~
 4251 ~~corporation is organized and if:~~

4252 ~~(a) Each foreign corporation complies with the applicable~~
 4253 ~~laws of the jurisdiction under which it is organized; and~~

4254 ~~(b) Each domestic corporation complies with the provisions~~
 4255 ~~of this act relating to the merger of domestic corporations.~~

4256 ~~(2) Following a merger in accordance with s. 617.1101, if~~
 4257 ~~the surviving eligible entity is a foreign eligible entity~~
 4258 ~~corporation is to be governed by the laws of any jurisdiction~~
 4259 ~~other than this state, it must comply with the provisions of~~
 4260 ~~this chapter act with respect to foreign corporations if it is~~
 4261 ~~to conduct its affairs in this state, and in every case it will~~
 4262 ~~be deemed to have filed with the department of State:~~

4263 (a) An agreement that it may be served with process in this

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4264 state in any proceeding for the enforcement of any obligation of
 4265 any domestic corporation which is a party to such merger; and

4266 (b) An irrevocable appointment of the department ~~of State~~
 4267 ~~of this state~~ as its agent to accept service of process in any
 4268 such proceeding.

4269 ~~(2)(3)~~ Following a merger in accordance with s. 617.1101,
 4270 if the surviving eligible entity is a corporation is to be
 4271 governed by the laws of this state, the effect of such merger is
 4272 the same as in the case of the merger of domestic corporations.
 4273 If the surviving eligible entity corporation is to be governed
 4274 by the laws of any jurisdiction other than this state, the
 4275 effect of such merger is governed by the laws of such other
 4276 jurisdiction.

4277 ~~(4) At any time prior to the filing of the articles of~~
 4278 ~~merger by the Department of State, the merger may be abandoned~~
 4279 ~~pursuant to provisions therefor, if any, set forth in the plan~~
 4280 ~~of merger.~~

4281 Section 65. Section 617.1202, Florida Statutes, is amended
 4282 to read:

4283 617.1202 Sale, lease, exchange, or other disposition of
 4284 corporate property and assets requiring member approval. ~~A sale,~~
 4285 ~~lease, exchange, or other disposition of all or substantially~~
 4286 ~~all of the property and assets of a corporation, in all cases~~
 4287 ~~other than those not requiring member approval as specified in~~
 4288 ~~s. 617.1201, may be made upon such terms and conditions and for~~
 4289 ~~such consideration, which may consist in whole or in part of~~
 4290 ~~money or property, real or personal, including shares, bonds, or~~
 4291 ~~other securities of any corporation or corporations for profit,~~
 4292 ~~domestic or foreign, and must be authorized in the following~~

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4293 manner:

4294 (1) If ~~a the~~ corporation has members entitled to vote, the
 4295 corporation may sell, lease, exchange, or otherwise dispose of
 4296 all, or substantially all, of its property, with or without good
 4297 will, on the terms and conditions and for the consideration
 4298 determined by the corporation's board of directors, but only if
 4299 the board of directors proposes and its members approve the
 4300 proposed transaction in the following manner: ~~on the sale,~~
 4301 ~~lease, exchange, or other disposition of corporate property, the~~
 4302 ~~board of directors must adopt a resolution approving such sale,~~
 4303 ~~lease, exchange, or other disposition, and directing that it be~~
 4304 ~~submitted to a vote at a meeting of members entitled to vote~~
 4305 ~~thereon, which may be either an annual or special meeting.~~
 4306 Written notice stating that the purpose, or one of the purposes,
 4307 of such meeting is to consider the sale, lease, exchange, or
 4308 other disposition of all or substantially all of the property
 4309 and assets of the corporation must be given to each member
 4310 entitled to vote at such meeting in accordance with the articles
 4311 of incorporation or the bylaws. At such meeting, the members may
 4312 authorize such sale, lease, exchange, or other disposition and
 4313 may approve or fix, or may authorize the board of directors to
 4314 fix, any or all of the terms and conditions thereof and the
 4315 consideration to be received by the corporation therefor. Such
 4316 authorization requires at least a majority of the votes which
 4317 members present at such meeting or represented by proxy are
 4318 entitled to cast. After such authorization by a vote of members,
 4319 the board of directors may, in its discretion, abandon such
 4320 sale, lease, exchange, or other disposition of assets, subject
 4321 to the rights of third parties under any contracts relating to

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4322 such sale, lease, exchange, or other disposition, without
 4323 further action or approval by members.

4324 (a) The board of directors shall first adopt a resolution
 4325 approving the disposition, and thereafter, the disposition must
 4326 also be approved by the corporation's members having voting
 4327 rights thereon.

4328 (b) In submitting the disposition to the members who have
 4329 voting rights for approval, the board of directors shall
 4330 recommend the proposed transaction to the members of record
 4331 unless the board of directors makes a determination that because
 4332 of a conflict of interest or other special circumstances it
 4333 should not make such a recommendation, in which event the board
 4334 of directors shall inform the members of the basis for its so
 4335 proceeding without such recommendation.

4336 (c) The board of directors may set conditions for approval
 4337 of the disposition or the effectiveness of the disposition.

4338 (d) If the disposition is required to be approved by the
 4339 members under this subsection and if the approval is to be given
 4340 at the meeting, the corporation must notify each member entitled
 4341 to vote of the meeting of members at which the disposition is to
 4342 be submitted for approval. The notice must state that the
 4343 purpose, or one of the purposes, of the meeting is to consider
 4344 the disposition and must contain a description of the
 4345 disposition and the consideration to be received by the
 4346 corporation.

4347 (e) Unless this chapter, the articles of incorporation, or
 4348 the board of directors acting pursuant to paragraph (c) requires
 4349 a greater vote or a greater quorum, the approval of the
 4350 disposition shall require the approval of the members entitled

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4351 to vote at a meeting at which the current required quorum exists
 4352 consisting of a majority of all the votes entitled to be cast on
 4353 the disposition.

4354 (2) After a disposition has been approved by the members
 4355 under this section, and at any time before the disposition has
 4356 been consummated, it may be abandoned by the corporation without
 4357 action by the members, subject to any contractual rights of
 4358 other parties to the disposition.

4359 (3) A disposition of assets in the course of dissolution is
 4360 governed by ss. 617.1401-617.1440 and not by this section.

4361 (4) If the corporation has no members or if its members are
 4362 not entitled to vote thereon, a sale, lease, exchange, or other
 4363 disposition of all or substantially all the property and assets
 4364 of a corporation may be authorized by a majority vote of the
 4365 directors then in office.

4366 Section 66. Subsection (2) of section 617.1401, Florida
 4367 Statutes, is amended, and subsection (3) of that section is
 4368 reenacted, to read:

4369 617.1401 Voluntary dissolution of corporation prior to
 4370 conducting its affairs.—

4371 (2) Articles of dissolution must be executed in accordance
 4372 with s. 617.01201 and must set forth:

4373 (a) The name of the corporation;

4374 (b) The date of filing of its articles of incorporation;

4375 (c) That the corporation has not commenced to conduct its
 4376 affairs;

4377 (d) That no debts of the corporation remain unpaid; ~~and~~

4378 (e) That any net assets of the corporation remaining after
 4379 winding up have been distributed in accordance with s. 617.1406;

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4380 and

4381 (f) That the incorporator or a majority of the
 4382 incorporators or a majority of the directors, as the case may
 4383 be, authorized the dissolution.

4384 (3) The articles of dissolution must be filed and shall
 4385 become effective in accordance with s. 617.1403, may be revoked
 4386 in accordance with s. 617.1404, and shall have the effect
 4387 prescribed in s. 617.1405.

4388 Section 67. Section 617.1402, Florida Statutes, is amended
 4389 to read:

4390 617.1402 Dissolution of corporation subsequent to
 4391 conducting its affairs.—A corporation desiring to dissolve and
 4392 wind up its affairs must adopt a resolution to dissolve in the
 4393 following manner:

4394 (1) If the corporation has members entitled to vote on a
 4395 resolution to dissolve, and unless the board of directors
 4396 determines that because of a conflict of interest or other
 4397 substantial reason it should not make any recommendation, the
 4398 board of directors must adopt a resolution recommending that the
 4399 corporation be dissolved and directing that the question of such
 4400 dissolution be submitted to a vote at a meeting of members
 4401 entitled to vote thereon, which may be either an annual or
 4402 special meeting. Written notice stating that the purpose, or one
 4403 of the purposes, of such meeting is to consider the advisability
 4404 of dissolving the corporation must be given to each member
 4405 entitled to vote at such meeting in accordance with the articles
 4406 of incorporation or the bylaws. A resolution to dissolve the
 4407 corporation ~~must shall~~ be adopted upon receiving at least a
 4408 majority of the votes which members present at such meeting or

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4409 represented by proxy are entitled to cast.

4410 (2) If the corporation has no members or if its members are
4411 not entitled to vote on a resolution to dissolve, the
4412 dissolution of the corporation may be authorized at a meeting of
4413 the board of directors by a majority vote of the directors then
4414 in office.

4415 Section 68. Subsection (1) of section 617.1403, Florida
4416 Statutes, is amended, and subsection (3) is added to that
4417 section, to read:

4418 617.1403 Articles of dissolution.—

4419 (1) At any time after dissolution is authorized, the
4420 corporation may dissolve by delivering to the department of
4421 ~~State~~ for filing articles of dissolution setting forth:

4422 (a) The name of the corporation;

4423 (b) If the corporation has members entitled to vote on
4424 dissolution, the date of the meeting of members at which the
4425 resolution to dissolve was adopted, a statement that the number
4426 of votes cast for dissolution was sufficient for approval, or a
4427 statement that such a resolution was adopted by written consent
4428 and executed in accordance with s. 617.0701; and

4429 (c) If the corporation has no members or if its members are
4430 not entitled to vote on dissolution, a statement of such fact,
4431 the date of the adoption of such resolution by the board of
4432 directors, the number of directors then in office, and the vote
4433 for the resolution.

4434 (3) For purposes of ss. 617.1401-617.1422, the term
4435 "dissolved corporation" means a corporation whose articles of
4436 dissolution have become effective and includes a successor
4437 entity, as defined in s. 617.01401.

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4438 Section 69. Subsection (1) of section 617.1405, Florida
4439 Statutes, is amended, subsections (5) and (6) are added to that
4440 section, and subsection (4) of that section is reenacted, to
4441 read:

4442 617.1405 Effect of dissolution.—

4443 (1) A ~~dissolved~~ corporation that has dissolved continues
4444 its corporate existence but may not conduct its affairs except
4445 to the extent appropriate to wind up and liquidate its affairs,
4446 including:

4447 (a) Collecting its assets;

4448 (b) Disposing of its properties that will not be
4449 distributed in kind pursuant to the plan of distribution of
4450 assets adopted under s. 617.1406;

4451 (c) Discharging or making provision for discharging its
4452 liabilities;

4453 (d) Distributing its remaining property in accordance with
4454 the plan of distribution of assets adopted under s. 617.1406;
4455 and

4456 (e) Doing every other act necessary to wind up and
4457 liquidate its affairs.

4458 (4) The name of a dissolved corporation is not available
4459 for assumption or use by another corporation until 120 days
4460 after the effective date of dissolution unless the dissolved
4461 corporation provides the department with an affidavit, executed
4462 pursuant to s. 617.01201, authorizing the immediate assumption
4463 or use of the name by another corporation.

4464 (5) For purposes of this section, the circuit court may
4465 appoint a trustee, custodian, receiver, or provisional director
4466 as described in s. 617.1435 for any property owned or acquired

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4467 by the corporation who may engage in any act permitted in
 4468 accordance with subsection (1) if any director or officer of the
 4469 dissolved corporation is unwilling or unable to serve or cannot
 4470 be located.

4471 (6) Property held in trust or otherwise dedicated to a
 4472 public or charitable purpose may not be diverted from its trust
 4473 or charitable purpose by the dissolution of a corporation except
 4474 in compliance with and pursuant to the laws of this state
 4475 addressing cy pres or otherwise dealing with the nondiversion of
 4476 charitable assets.

4477 Section 70. Section 617.1406, Florida Statutes, is amended
 4478 to read:

4479 617.1406 Plan of distribution of assets.—A plan providing
 4480 for the distribution of assets, not inconsistent with this
 4481 chapter ~~act~~ or the articles of incorporation, must be adopted by
 4482 a corporation in the following manner:

4483 (1) If the corporation has members entitled to vote on a
 4484 plan of distribution of assets, the board of directors must
 4485 adopt a resolution recommending a plan of distribution and
 4486 directing its submission to a vote at a meeting of members
 4487 entitled to vote thereon, which may be either an annual or a
 4488 special meeting. Written notice setting forth the proposed plan
 4489 of distribution or a summary thereof must be given to each
 4490 member entitled to vote at such meeting in accordance with the
 4491 articles of incorporation or the bylaws. Such plan of
 4492 distribution shall be adopted upon receiving at least a majority
 4493 of the votes which the members present at such meeting or
 4494 represented by proxy are entitled to cast.

4495 (2) If the corporation has no members or if its members are

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4496 not entitled to vote on a plan of distribution, such plan may be
 4497 adopted at a meeting of the board of directors by a majority
 4498 vote of the directors then in office.

4499 (3) A plan of distribution of assets must provide that:

4500 (a) All liabilities and obligations of the corporation be
 4501 paid and discharged, or adequate provisions be made therefor;

4502 (b) Assets held by the corporation upon condition requiring
 4503 return, transfer, or conveyance, which condition occurs by
 4504 reason of the dissolution, be returned, transferred, or conveyed
 4505 in accordance with such requirements;

4506 (c) Assets received and held by the corporation subject to
 4507 limitations permitting their use only for charitable, religious,
 4508 ~~elemosynary~~, benevolent, educational, or similar purposes, but
 4509 not held upon a condition requiring return, transfer, or
 4510 conveyance by reason of the dissolution, be transferred or
 4511 conveyed to one or more domestic or foreign corporations,
 4512 trusts, societies, or organizations engaged in activities
 4513 substantially similar to those of the dissolving corporation, as
 4514 provided in the plan of distribution of assets;

4515 (d) Other assets, if any, be distributed in accordance with
 4516 ~~the provisions of the~~ articles of incorporation or the bylaws to
 4517 the extent that the articles of incorporation or the bylaws
 4518 determine the distributive rights of members, or any class or
 4519 classes of members, or provide for distribution to others; and

4520 (e) Any remaining assets be distributed to such persons,
 4521 trusts, societies, organizations, or domestic or foreign
 4522 corporations, whether for profit or not for profit, as specified
 4523 in the plan of distribution of assets.

4524 (4) A copy of the plan of distribution of assets,

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4525 authenticated by an officer of the corporation and containing
 4526 the officer's certificate of compliance with the requirements of
 4527 subsection (1) or subsection (2) must be filed with the
 4528 department ~~of State~~.

4529 Section 71. Section 617.1407, Florida Statutes, is amended
 4530 to read:

4531 617.1407 Unknown claims against dissolved corporation.—

4532 (1) A dissolved corporation or successor entity may execute
 4533 one of the following procedures to resolve payment of unknown
 4534 claims:

4535 (a) A dissolved corporation or successor entity may file
 4536 notice of its dissolution with the department on the form
 4537 prescribed by the department and request that persons with
 4538 ~~having~~ claims against the corporation which are not known claims
 4539 as defined in s. 617.1408(5) to the corporation or successor
 4540 entity present them in accordance with the notice. The notice
 4541 must:

4542 1. State the name of the corporation that is the subject
 4543 ~~and the date of the~~ dissolution;

4544 2. State that the corporation is the subject of a
 4545 dissolution and the effective date of the dissolution;

4546 3. Specify ~~Describe~~ the information that must be included
 4547 in a claim;

4548 4. State that a claim must be in writing and provide a
 4549 mailing address to which the claim may be sent; and

4550 5. ~~3.~~ State that a claim against the corporation under this
 4551 subsection will be ~~is~~ barred unless a proceeding to enforce the
 4552 claim is commenced within 4 years after the date of the filing
 4553 of the notice.

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4554 (b) A dissolved corporation or successor entity may, within
 4555 10 days after filing articles of dissolution with the
 4556 department, publish a "Notice of Corporate Dissolution." The
 4557 notice must appear once a week for 2 consecutive weeks in a
 4558 newspaper of general circulation in the county in the state in
 4559 which the corporation has its principal office, if any, or, if
 4560 none, in a county in the state in which the corporation owns
 4561 real or personal property. Such newspaper shall meet the
 4562 requirements as are prescribed by law for such purposes. The
 4563 notice must:

4564 1. State the name of the corporation that is the subject
 4565 ~~and the date of the~~ dissolution;

4566 2. State that the corporation is the subject of a
 4567 dissolution and the effective date of the dissolution;

4568 3. Specify ~~Describe~~ the information that must be included
 4569 in a claim;

4570 4. State that a claim must be in writing and provide a
 4571 mailing address to which the claim may be sent; and

4572 5. ~~3.~~ State that a claim against the corporation under this
 4573 subsection will be ~~is~~ barred unless a proceeding to enforce the
 4574 claim is commenced within 4 years after the filing date of the
 4575 ~~second consecutive weekly publication~~ of the notice.

4576 (2) If the dissolved corporation or successor entity
 4577 complies with paragraph (1)(a) or paragraph (1)(b), unless
 4578 sooner barred by another statute limiting actions, the claim of
 4579 each of the following claimants is barred unless the claimant
 4580 commences a proceeding to enforce the claim against the
 4581 dissolved corporation within 4 years after the date of filing
 4582 the notice with the department or the date of the second

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4583 consecutive weekly publication, as applicable:

4584 (a) A claimant who was not given did not receive written
4585 notice under s. 617.1408; ~~(9)~~, or whose claim is not provided for
4586 ~~under s. 617.1408(10)~~, regardless of whether such claim is based
4587 on an event occurring before or after the effective date of
4588 ~~dissolution.~~

4589 (b) A claimant whose claim was timely sent to the dissolved
4590 corporation but on which no action was taken; ~~or-~~

4591 (c) A claimant whose claim was excluded as a known claim as
4592 defined in s. 617.1408(5)(b).

4593 (3) This section does not preclude or relieve the
4594 corporation from its notification to claimants otherwise set
4595 forth in this chapter. A claim may be entered under this section:

4596 ~~(a) Against the dissolved corporation, to the extent of its~~
4597 ~~undistributed assets; or~~

4598 ~~(b) If the assets have been distributed in liquidation,~~
4599 ~~against a member of the dissolved corporation to the extent of~~
4600 ~~such member's pro rata share of the claim or the corporate~~
4601 ~~assets distributed to such member in liquidation, whichever is~~
4602 ~~less; however, the aggregate liability of any member of a~~
4603 ~~dissolved corporation may not exceed the amount distributed to~~
4604 ~~the member in dissolution.~~

4605 Section 72. Section 617.1408, Florida Statutes, is amended
4606 to read:

4607 (Substantial rewording of section.

4608 See s. 617.1408, F.S., for present text.)

4609 617.1408 Known claims against dissolved corporation.

4610 (1) A dissolved corporation or a successor entity may
4611 dispose of the known claims against it by giving written notice

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4612 that satisfies the requirements of subsection (2) to its known
4613 claimants of the dissolution at any time after the effective
4614 date of the dissolution, but no later than the date that is 270
4615 days before the date which is 3 years after the effective date
4616 of the dissolution.

4617 (2) The written notice must:

4618 (a) State the name of the corporation that is the subject
4619 of the dissolution;

4620 (b) State that the corporation is the subject of a
4621 dissolution and the effective date of the dissolution;

4622 (c) Specify the information that must be included in a
4623 claim;

4624 (d) State that a claim must be in writing and provide a
4625 mailing address where a claim may be sent;

4626 (e) State the deadline, which may not be less than 120 days
4627 after the date of the written notice is received by the
4628 claimant, by which the dissolved corporation must receive the
4629 claim;

4630 (f) State that the claim will be barred if not received by
4631 the deadline;

4632 (g) State that the dissolved corporation or successor
4633 entity may make distributions thereafter to other claimants and
4634 the members of the corporation or persons interested as having
4635 been such claimants without further notice; and

4636 (h) Be accompanied by a copy of ss. 617.1405-617.14091.

4637 (3) A dissolved corporation or successor entity may reject,
4638 in whole or in part, a claim submitted by a claimant and
4639 received before the deadline specified in the written notice
4640 pursuant to subsections (1) and (2) by mailing notice of the

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4641 rejection to the claimant, on or before the date that is the
 4642 earlier of 90 days after the dissolved corporation receives the
 4643 claim, or the date that is at least 150 days before the date
 4644 which is 3 years after the effective date of the dissolution. A
 4645 rejection notice sent by the dissolved corporation pursuant to
 4646 this subsection must state that the claim will be barred unless
 4647 the claimant, not later than 120 days after the claimant
 4648 receives the rejection notice, commences an action in the
 4649 circuit court in the applicable county against the dissolved
 4650 corporation to enforce the claim.

4651 (4) A claim against a dissolved corporation is barred:
 4652 (a) If a claimant who is given written notice pursuant to
 4653 this section does not deliver the claim to the dissolved
 4654 corporation by the specified deadline; or
 4655 (b) If the claim was timely received by the dissolved
 4656 corporation but was timely rejected by the dissolved corporation
 4657 under subsection (3) and the claimant does not commence the
 4658 required action in the applicable county within 120 days after
 4659 the claimant receives the rejection notice.

4660 (5) (a) For purposes of this chapter, "known claim" means
 4661 any claim or liability that, as of the date of the giving of
 4662 written notice described in subsections (1) and (2) above:
 4663 1. Has matured sufficiently on or before the date of
 4664 dissolution to be legally capable of assertion against the
 4665 dissolved corporation; or
 4666 2. Is unmatured as of the date of dissolution but will
 4667 mature in the future solely because of the passage of time.
 4668 (b) For purposes of this chapter, "known claim" does not
 4669 include a contingent liability or a claim based on an event

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4670 occurring after the effective date of the dissolution.
 4671 (6) The giving of any notice pursuant to this section does
 4672 not revive any claim then barred or constitute acknowledgment by
 4673 the dissolved corporation that any person to whom such notice is
 4674 sent is a proper claimant and does not operate as a waiver of
 4675 any defense or counterclaim in respect of any claim asserted by
 4676 any person to whom such notice is sent.

4677 Section 73. Section 617.1409, Florida Statutes, is created
 4678 to read:
 4679 617.1409 Court proceedings.—
 4680 (1) A dissolved corporation that has filed a notice under
 4681 s. 617.1407(1)(a) or published a notice under s. 617.1407(1)(b)
 4682 may file an application with the circuit court in the applicable
 4683 county for a determination of the amount and form of security to
 4684 be provided for payment of claims that are not known claims as
 4685 defined in s. 617.1408(5) but that, based on the facts known to
 4686 the dissolved corporation, are reasonably estimated to arise
 4687 after the effective date of dissolution. Provisions need not be
 4688 made for any claim that is or is reasonably anticipated to be
 4689 barred under s. 617.1407(2).

4690 (2) Within 10 days after the filing of the application
 4691 pursuant to subsection (1), notice of the proceeding must be
 4692 given by the dissolved corporation to each claimant holding a
 4693 claim whose identity and contingent claim is known to the
 4694 dissolved corporation.

4695 (3) In any proceeding under this section, the court may
 4696 appoint a guardian ad litem to represent all claimants whose
 4697 identities are unknown. The reasonable fees and expenses of such
 4698 guardian ad litem, including all reasonable expert witness fees,

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4699 must be paid by the dissolved corporation.

4700 (4) Provisions by the dissolved corporation for security in
 4701 the amount and the form ordered by the court under subsection
 4702 (1) satisfies the dissolved corporation's obligations with
 4703 respect to claims that are contingent, have not been made known
 4704 to the dissolved corporation, or are based on an event occurring
 4705 after the effective date of dissolution, and such claims may not
 4706 be enforced against a person who received assets in liquidation.

4707 Section 74. Section 617.14091, Florida Statutes, is created
 4708 to read:

4709 617.14091 Limitation on director liability for a dissolved
 4710 corporation; claims against dissolved corporation; enforcement.-

4711 (1) Directors of a dissolved corporation or governing
 4712 persons of a successor entity that has disposed of claims under
 4713 s. 617.1407, s. 617.1408, or s. 617.1409 are not personally
 4714 liable to the claimants of the dissolved corporation.

4715 (2) For a claim that is not barred by s. 617.1407 or s.
 4716 617.1408, or by any other law, limiting actions may be enforced:

4717 (a) Against the dissolved corporation, to the extent of its
 4718 undistributed assets; or

4719 (b) Except as provided in s. 617.1409(4), if the assets
 4720 have been distributed in liquidation, against a member of the
 4721 dissolved corporation to the extent of the member's pro rata
 4722 share of the claim or the corporate assets distributed to the
 4723 member in liquidation, whichever is less, provided that the
 4724 aggregate liability of any member of a dissolved corporation
 4725 arising under s. 617.1408 or otherwise may not exceed the total
 4726 amount distributed to the member in dissolution.

4727 Section 75. Subsection (1) of section 617.1420, Florida

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4728 Statutes, is amended, and subsections (3) and (4) are added to
 4729 that section, to read:

4730 617.1420 Grounds for administrative dissolution.-

4731 (1) The department ~~of State~~ may commence a proceeding under
 4732 s. 617.1421 to administratively dissolve a corporation if:

4733 (a) The corporation has failed to file its annual report
 4734 and pay the annual report filing fee by 5 p.m. Eastern Time on
 4735 the third Friday in September;

4736 (b) The corporation is without a registered agent or
 4737 registered office in this state for 30 days or more;

4738 (c) The corporation does not notify the department ~~of State~~
 4739 within 30 days after its registered agent or registered office
 4740 has been changed, after its registered agent has resigned, or
 4741 after its registered office has been discontinued;

4742 (d) The corporation has failed to answer truthfully and
 4743 fully, within the time prescribed by this chapter act,
 4744 interrogatories propounded by the department ~~of State~~; or

4745 (e) The corporation's period of duration stated in its
 4746 articles of incorporation has expired.

4747 (3) If the department determines that one or more grounds
 4748 exist for administratively dissolving a corporation under
 4749 paragraph (1) (a), paragraph (1) (b), paragraph (1) (c), or
 4750 paragraph (1) (d), the department shall serve notice in a record
 4751 to the corporation of its intent to administratively dissolve
 4752 the corporation. Issuance of the notice may be made by
 4753 electronic transmission to a corporation that has provided the
 4754 department with an e-mail address.

4755 (4) If, within 60 days after sending the notice of intent
 4756 to administratively dissolve pursuant to subsection (3), a

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4757 corporation does not correct each ground for dissolution under
 4758 paragraph (1) (a), paragraph (1) (b), paragraph (1) (c), or
 4759 paragraph (1) (d), or demonstrate to the reasonable satisfaction
 4760 of the department that each ground determined by the department
 4761 does not exist, the department shall dissolve the corporation
 4762 administratively and issue to the corporation a notice in a
 4763 record of administrative dissolution that states the grounds for
 4764 dissolution. Issuance of the notice of administrative
 4765 dissolution may be made by electronic transmission to a
 4766 corporation that has provided the department with an e-mail
 4767 address.

4768 Section 76. Subsections (1), (2), and (4) of section
 4769 617.1421, Florida Statutes, are amended, and subsection (3) of
 4770 that section is reenacted, to read:

4771 617.1421 Procedure for and effect of administrative
 4772 dissolution.—

4773 (1) If the department ~~of State~~ determines that one or more
 4774 grounds exist under s. 617.1420 for administratively dissolving
 4775 a corporation, it shall serve the corporation with notice of its
 4776 intent under s. 617.0504(2) to administratively dissolve the
 4777 corporation. If the corporation has provided the department with
 4778 an e-mail ~~electronic mail~~ address, such notice shall be by
 4779 electronic transmission. Administrative dissolution for failure
 4780 to file an annual report shall occur on the fourth Friday in
 4781 September of each year. The department ~~of State~~ shall issue a
 4782 certificate of dissolution to each dissolved corporation.
 4783 Issuance of the certificate of dissolution may be by electronic
 4784 transmission to any corporation that has provided the department
 4785 with an e-mail ~~electronic mail~~ address.

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4786 (2) If the corporation does not correct each ground for
 4787 dissolution under s. 617.1420(1) (b), (c), (d), or (e) or
 4788 demonstrate to the reasonable satisfaction of the department ~~of~~
 4789 ~~State~~ that each ground determined by the department does not
 4790 exist within 60 days after issuance of the notice, the
 4791 department shall administratively dissolve the corporation by
 4792 issuing a certificate of dissolution that recites the ground or
 4793 grounds for dissolution and its effective date. Issuance of the
 4794 certificate of dissolution may be by electronic transmission to
 4795 any corporation that has provided the department with an e-mail
 4796 electronic mail address.

4797 (3) A corporation administratively dissolved continues its
 4798 corporate existence but may not conduct any affairs except that
 4799 necessary to wind up and liquidate its affairs under s. 617.1405
 4800 and adopt a plan of distribution of assets pursuant to s.
 4801 617.1406.

4802 (4) A director, officer, or agent of a corporation
 4803 dissolved pursuant to this section, purporting to act on behalf
 4804 of the corporation, is not personally liable for the debts,
 4805 obligations, and liabilities of the corporation arising from
 4806 such action and incurred subsequent to the corporation's
 4807 administrative dissolution unless that officer, director, or
 4808 agent only if he or she has actual notice of the administrative
 4809 dissolution at the time such action is taken. Any, but such
 4810 liability shall be terminated upon the ratification of such
 4811 action by the corporation's board of directors or members
 4812 subsequent to the reinstatement of the corporation.

4813 Section 77. Section 617.1430, Florida Statutes, is amended
 4814 to read:

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4815 617.1430 Grounds for judicial dissolution.—A circuit court
4816 may dissolve a corporation or order such other remedy as
4817 provided in s. 617.1432 or s. 617.1434:

4818 (1) (a) In a proceeding by the Department of Legal Affairs
4819 if it is established that:

4820 1. The corporation obtained its articles of incorporation
4821 through fraud; or

4822 2. The corporation has exceeded or abused, or is continuing
4823 to exceed or abuse ~~continued to exceed or abuse~~ the authority
4824 conferred upon it by law.

4825 (b) The enumeration in paragraph (a) of grounds for
4826 judicial dissolution does not exclude actions or special
4827 proceedings by the Department of Legal Affairs or any state
4828 official for the annulment or dissolution of a corporation for
4829 other causes as provided by law.

4830 (2) In a proceeding brought by at least 50 members or
4831 members holding at least 10 percent of the voting power,
4832 whichever is less, or by a member or group or percentage of
4833 members as otherwise provided in the articles of incorporation
4834 or bylaws, or by a director or any person authorized in the
4835 articles of incorporation, if it is established that:

4836 (a) The directors are deadlocked in the management of the
4837 corporate affairs, the members are unable to break the deadlock,
4838 and irreparable injury to the corporation or its mission is
4839 threatened or being suffered because of the deadlock;

4840 (b) The members are deadlocked in voting power and have
4841 failed, for a period that includes at least two consecutive
4842 annual meeting dates, to elect successors to directors whose
4843 terms have expired or would have expired upon qualification of

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4844 their successors; ~~or~~

4845 (c) The corporate assets are being misapplied or wasted;

4846 (d) The directors or those in control of the corporation
4847 have acted, are acting, or are reasonably expected to act in a
4848 manner that is illegal or fraudulent; or

4849 (e) The corporation has insufficient assets to continue its
4850 activities and is no longer able to assemble a quorum of
4851 directors or members.

4852 (3) In a proceeding by a creditor if it is established
4853 that:

4854 (a) The creditor's claim has been reduced to judgment, the
4855 execution on the judgment returned unsatisfied, and the
4856 corporation is insolvent; or

4857 (b) The corporation has admitted in writing that the
4858 creditor's claim is due and owing and the corporation is
4859 insolvent.

4860 (4) In a proceeding by the corporation to have its
4861 voluntary dissolution continued under court supervision.

4862 Section 78. Section 617.1431, Florida Statutes, is amended
4863 to read:

4864 617.1431 Procedure for judicial dissolution.—

4865 (1) Venue for a proceeding brought under s. 617.1430 lies
4866 in the circuit court of the applicable county ~~where the~~
4867 ~~corporation's principal office is or was last located, as shown~~
4868 ~~by the records of the Department of State, or, if none in this~~
4869 ~~state, where its registered office is or was last located.~~

4870 (2) It is not necessary to make members or directors
4871 parties to a proceeding to dissolve a corporation unless relief
4872 is sought against them individually.

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4873 (3) A court in a proceeding brought to dissolve a
 4874 corporation may issue injunctions, appoint a receiver or
 4875 custodian during the proceeding pendente lite with all powers
 4876 and duties the court directs, take other action required to
 4877 preserve the corporate assets wherever located, and carry on the
 4878 affairs of the corporation until a full hearing can be held.

4879 (4) If the court determines that any party has commenced,
 4880 continued, or participated in a proceeding under s. 617.1430,
 4881 and has acted arbitrarily, frivolously, vexatiously, or in bad
 4882 faith, the court may award reasonable attorney fees and costs to
 4883 the other parties to the proceeding who have been affected
 4884 adversely by such actions.

4885 Section 79. Subsections (1) through (5) of section
 4886 617.1432, Florida Statutes, are amended to read:
 4887 617.1432 Receivership or custodianship.—

4888 (1) A court in a judicial proceeding brought under s.
 4889 617.1430 to dissolve a corporation may appoint one or more
 4890 receivers to wind up and liquidate, or one or more custodians to
 4891 manage, the affairs of the corporation, except as otherwise
 4892 provided herein. The court shall hold a hearing, after notifying
 4893 all parties to the proceeding and any interested persons
 4894 designated by the court, before appointing a receiver or
 4895 custodian. The court appointing a receiver or custodian has
 4896 exclusive jurisdiction over the corporation and all of its
 4897 property wherever located. A court may not appoint a custodian
 4898 or a receiver in a judicial proceeding brought under s.
 4899 617.1430(2)(a) or s. 617.1430(2)(b) if the members, directors,
 4900 or any person authorized in the articles of incorporation, by
 4901 agreement or otherwise, or a court pursuant to s. 617.1435, have

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4902 provided for the appointment of a provisional director or other
 4903 means for the resolution of the deadlock, but the court may
 4904 enforce the remedy so provided, if appropriate.

4905 (2) The court may appoint a natural person or an eligible
 4906 entity ~~a corporation~~ authorized to act as a receiver or
 4907 custodian. The eligible entity ~~corporation~~ may be a domestic
 4908 ~~corporation~~ or a foreign eligible entity ~~corporation~~ authorized
 4909 to transact business in this state. The court may require the
 4910 receiver or custodian to post bond, with or without sureties, in
 4911 an amount the court directs.

4912 (3) The court shall describe the powers and duties of the
 4913 receiver or custodian in its appointing order, which may be
 4914 amended from time to time. Among other powers:

4915 (a) The receiver:

4916 1. May dispose of all or any part of the assets of the
 4917 corporation wherever located, at a public or private sale, if
 4918 authorized by the court; and

4919 2. May sue and defend in the receiver's his or her own name
 4920 as receiver of the corporation in all courts of this state.

4921 (b) The custodian may exercise all of the powers of the
 4922 corporation, through or in place of its board of directors or
 4923 officers, to the extent necessary to manage the affairs of the
 4924 corporation in the best interests of its members and creditors.

4925 (4) The court during a receivership may redesignate the
 4926 receiver to act as a custodian, and during a custodianship may
 4927 redesignate the custodian to act as a receiver, if doing so is
 4928 consistent with the mission of the corporation and in the best
 4929 interests of the corporation, and its members, if any, and
 4930 creditors. The court may amend the order designating the

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4931 receiver as custodian and custodian as receiver as the court
 4932 deems appropriate.

4933 (5) The court from time to time during the receivership or
 4934 custodianship may order compensation paid and expense
 4935 disbursements or reimbursements made to the receiver or
 4936 custodian and ~~his or her~~ his or her counsel for the receiver or custodian
 4937 from the assets of the corporation or proceeds from the sale of
 4938 the assets.

4939 Section 80. Section 617.1433, Florida Statutes, is amended
 4940 to read:

4941 617.1433 Judgment of dissolution.—

4942 (1) If after a hearing in a proceeding under s. 617.1430
 4943 the court determines that one or more grounds for judicial
 4944 dissolution described in s. 617.1430 exist, it may enter a
 4945 judgment dissolving the corporation and specifying the effective
 4946 date of the dissolution, and the clerk of the court shall
 4947 deliver a certified copy of the judgment to the department of
 4948 State, which shall file it.

4949 (2) After entering the judgment of dissolution, the court
 4950 shall direct or oversee the winding up and liquidation of the
 4951 corporation's affairs in accordance with ss. 617.1405 and
 4952 617.1406, and the notification of claimants in accordance with
 4953 ss. 617.1407 and 617.1408, subject to the provisions of
 4954 subsection (3).

4955 (3) In a proceeding for judicial dissolution, the court may
 4956 require all creditors of the corporation to file with the clerk
 4957 of the court or with the receiver, in such form as the court may
 4958 prescribe, proofs under oath of their respective claims. If the
 4959 court requires the filing of claims, it shall fix a date, which

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4960 shall be not less than 4 months after the date of the order, as
 4961 the last day for filing of claims. The court shall prescribe the
 4962 method by which such notice for the deadline for filing claims
 4963 ~~that~~ shall be given to creditors and claimants. ~~Before~~ Prior to
 4964 the fixed date so fixed, the court may extend the time for the
 4965 filing of claims by court order. Creditors and claimants failing
 4966 to file proofs of claim on or before the fixed date so fixed may
 4967 be barred, by order of court, from participating in the
 4968 distribution of the assets of the corporation. ~~Nothing in~~ This
 4969 section does not affect ~~affects~~ the enforceability of any
 4970 recorded mortgage or lien or the perfected security interest or
 4971 rights of a person in possession of real or personal property.

4972 Section 81. Section 617.1434, Florida Statutes, is created
 4973 to read:

4974 617.1434 Alternative remedies to judicial dissolution.—

4975 (1) In a proceeding under s. 617.1430, the court may, as an
 4976 alternative to directing the dissolution of the corporation and
 4977 upon a showing of sufficient merit to warrant such remedy:

4978 (a) Appoint a receiver or a custodian during the proceeding
 4979 as provided in s. 617.1432;

4980 (b) Appoint a provisional director as provided in s.
 4981 617.1435; or

4982 (c) Make any order or grant any equitable relief other than
 4983 dissolution as in its discretion it may deem appropriate.

4984 (2) Alternative remedies, such as the appointment of a
 4985 receiver or custodian, may also be ordered upon a showing of
 4986 sufficient merit to warrant such remedy, in advance of directing
 4987 the dissolution of the corporation or, after a judgment of
 4988 dissolution is entered, to assist in facilitating the winding up

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4989 of the corporation.4990 Section 82. Section 617.1435, Florida Statutes, is created
4991 to read:4992 617.1435 Provisional director.-4993 (1) (a) In a proceeding under s. 617.1430(2), the court may
4994 appoint a provisional director if it appears that such
4995 appointment will remedy the grounds alleged by the complaining
4996 members or director to support the jurisdiction of the court
4997 under s. 617.1430. A provisional director may be appointed
4998 notwithstanding the absence of a vacancy on the board of
4999 directors, and such director has all the rights and powers of a
5000 duly elected director, including the right to notice of and to
5001 vote at meetings of directors.5002 (b) A provisional director retains the rights described in
5003 paragraph (a) until such time as the provisional director is
5004 removed by order of the court or, unless otherwise ordered by a
5005 court, removed by a vote of the members or directors sufficient
5006 either to elect a majority of the board of directors or, if
5007 greater than majority voting is required by the articles of
5008 incorporation or the bylaws, to elect the requisite number of
5009 directors needed to take action. A provisional director shall be
5010 an impartial person who is neither a member nor a creditor of
5011 the corporation or of any subsidiary or affiliate of the
5012 corporation, and whose further qualifications, if any, may be
5013 determined by the court.5014 (2) The provisional director shall report to the court as
5015 ordered by the court concerning the matter complained of, or the
5016 status of the deadlock, if any, and of the status of the
5017 corporation's affairs, as the court shall direct. A provisional

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5018 director is not liable for any action taken or decision made,
5019 except as directors may be liable under s. 617.0831. In
5020 addition, the provisional director must submit to the court, if
5021 so directed, recommendations as to the appropriate disposition
5022 of the action. Whenever a provisional director is appointed, any
5023 officer or director of the corporation may petition the court
5024 for instructions clarifying the duties and responsibilities of
5025 such officer or director.5026 (3) In any proceeding under which a provisional director is
5027 appointed pursuant to this section, the court must allow
5028 reasonable compensation to the provisional director for services
5029 rendered and reimbursement or direct payment of reasonable costs
5030 and expenses, which amounts shall be paid by the corporation.5031 Section 83. Section 617.1440, Florida Statutes, is amended
5032 to read:5033 617.1440 Deposit with Department of Financial Services.-
5034 Unless otherwise provided in ss. 617.1407-617.1409, assets of a
5035 dissolved corporation that should be transferred to a creditor,
5036 claimant, member of the corporation, or other person who cannot
5037 be found or who is not competent to receive them ~~must shall~~ be
5038 deposited, or reduced to cash and deposited, as appropriate,
5039 within 6 months after the date fixed for the payment of the
5040 final liquidating distribution, with the Department of Financial
5041 Services for safekeeping, where such assets shall be held as
5042 abandoned property. When the creditor, claimant, member, or
5043 other person furnishes satisfactory proof of entitlement to the
5044 amount or assets deposited, the Department of Financial Services
5045 shall pay the creditor, claimant, member, or other person, or
5046 ~~their~~ him or her or his or her representative for that creditor,

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5047 claimant, member or other person, that amount or those assets.

5048 Section 84. Section 617.15015, Florida Statutes, is created

5049 to read:

5050 617.15015 Foreign corporation governing law.—

5051 (1) The laws of this state or other jurisdiction under

5052 which a foreign corporation exists govern:

5053 (a) The organization and internal affairs of the foreign

5054 corporation; and

5055 (b) The interest holder liability of its members.

5056 (2) A foreign corporation may not be denied a certificate

5057 of authority by reason of a difference between the laws of its

5058 jurisdiction of formation and the laws of this state.

5059 (3) A certificate of authority does not authorize a foreign

5060 corporation to engage in any business or exercise any power that

5061 a corporation may not engage in or exercise in this state.

5062 Section 85. Subsection (4) of section 617.1502, Florida

5063 Statutes, is amended, and subsections (6), (7), and (8) are

5064 added to that section, to read:

5065 617.1502 Consequences of conducting affairs without

5066 authority.—

5067 (4) A foreign corporation which conducts its affairs in

5068 this state without authority to do so ~~is shall be~~ liable to this

5069 state for the years or parts thereof during which it conducted

5070 its affairs in this state without authority in an amount equal

5071 to all fees and taxes which would have been imposed by this

5072 chapter act upon such corporation had it duly applied for and

5073 received authority to conduct its affairs in this state as

5074 required by this chapter act. In addition to the payments ~~thus~~

5075 prescribed in this subsection, such corporation ~~is shall be~~

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5076 liable for a civil penalty of not less than \$500 or more than

5077 \$1,000 for each year or part thereof during which it conducts

5078 its affairs in this state without a certificate of authority.

5079 The department ~~of State~~ may collect all penalties due under this

5080 subsection.

5081 (6) A member, an officer, or a director of a foreign

5082 corporation is not liable for the debts, obligations, or other

5083 liabilities of the foreign corporation solely because the

5084 foreign corporation transacted business in this state without a

5085 certificate of authority.

5086 (7) Section 617.15015(1) applies even if a foreign

5087 corporation fails to have a certificate of authority to transact

5088 business in this state.

5089 (8) If a foreign corporation transacts business in this

5090 state without a certificate of authority or cancels its

5091 certificate of authority, it appoints the Secretary of State as

5092 its agent for service of process in proceedings and actions

5093 arising out of the transaction of business in this state.

5094 Section 86. Subsections (1) and (3) of section 617.1503,

5095 Florida Statutes, are amended to read:

5096 617.1503 Application for certificate of authority.—

5097 (1) A foreign corporation may apply for a certificate of

5098 authority to conduct its affairs in this state by delivering an

5099 application to the department ~~of State~~ for filing. Such

5100 application must shall be made on forms prescribed and furnished

5101 by the department ~~of State~~ and must shall set forth:

5102 (a) The name of the foreign corporation or, if its name is

5103 unavailable for use in this state, a corporate name that

5104 satisfies the requirements of s. 617.1506;

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- 5105 (b) The jurisdiction under the law of which it is
5106 incorporated;
- 5107 (c) Its date of incorporation and period of duration;
- 5108 (d) The purpose or purposes which it intends to pursue in
5109 this state and a statement that it is authorized to pursue such
5110 purpose or purposes in the jurisdiction of its incorporation;
- 5111 (e) The street address of its principal office;
- 5112 (f) The address of its registered office in this state and
5113 the name of its registered agent at that office;
- 5114 (g) The names and usual business addresses of its current
5115 directors and officers; and
- 5116 (h) Such additional information as may be necessary or
5117 appropriate in order to enable the department ~~of State~~ to
5118 determine whether such corporation is entitled to file an
5119 application for authority to conduct its affairs in this state
5120 and to determine and assess the fees and taxes payable as
5121 prescribed in this chapter act.
- 5122 ~~(3) A foreign corporation may not be denied authority to~~
5123 ~~conduct its affairs in this state by reason of the fact that the~~
5124 ~~laws of the jurisdiction under which such corporation is~~
5125 ~~organized governing its organization and internal affairs differ~~
5126 ~~from the laws of this state.~~
- 5127 Section 87. Section 617.1504, Florida Statutes, is amended
5128 to read:
- 5129 617.1504 Amended certificate of authority.—
- 5130 (1) A foreign corporation authorized to conduct its affairs
5131 in this state shall make application to the department ~~of State~~
5132 to obtain an amended certificate of authority if it changes:
- 5133 (a) Its corporate name;

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- 5134 (b) The period of its duration;
- 5135 (c) The purpose or purposes which it intends to pursue in
5136 this state; ~~or~~
- 5137 (d) The jurisdiction of its incorporation; or
- 5138 (e) The name and street address in this state of the
5139 foreign corporation's registered agent in this state, unless the
5140 change was timely made in accordance with s. 617.1508.
- 5141 (2) Such application must ~~shall~~ be made within 90 days
5142 after the occurrence of any change mentioned in subsection (1),
5143 ~~shall be made~~ on forms prescribed by the department, and must
5144 ~~shall~~ be executed and filed in the same manner as an original
5145 application for authority, and must ~~shall~~ set forth:
- 5146 (a) The name of the foreign corporation as it appears on
5147 the department's records;
- 5148 (b) The jurisdiction of its incorporation;
- 5149 (c) The date it was authorized to conduct its affairs in
5150 this state;
- 5151 (d) If the name of the foreign corporation has changed, the
5152 name relinquished, the new name, a statement that the change of
5153 name has been effected under the laws of the jurisdiction of its
5154 incorporation, and the date the change was effected;
- 5155 (e) If the period of duration has changed, a statement of
5156 such change and the date the change was effected;
- 5157 (f) If the jurisdiction of incorporation has changed, a
5158 statement of such change and the date the change was effected;
5159 and
- 5160 (g) If the purposes that the foreign corporation intends to
5161 pursue in this state have changed, a statement of such new
5162 purposes, and a further statement that the foreign corporation

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5163 is authorized to pursue such purposes in the jurisdiction of its
5164 incorporation.

5165 (3) The requirements of s. 617.1503 for obtaining a
5166 original certificate of authority apply to obtaining an amended
5167 certificate under this section unless the official having
5168 custody of the foreign corporation's publicly filed records in
5169 its jurisdiction of incorporation did not require an amendment
5170 to effectuate the change on its records.

5171 (4) Subject to subsection (3), a foreign corporation
5172 authorized to transact business in this state may make an
5173 application to the department to obtain an amended certificate
5174 of authority to add, remove, or change the name, title,
5175 capacity, or address of an officer or director of the foreign
5176 corporation.

5177 Section 88. Section 617.1505, Florida Statutes, is amended
5178 to read:

5179 617.1505 Effect of certificate of authority.—

5180 (1) Unless the department determines that an application
5181 for a certificate of authority does not comply with the filing
5182 requirements of this chapter, upon payment of all filing fees, a
5183 certificate of authority authorizes the foreign corporation to
5184 which it is issued to conduct its affairs in this state subject,
5185 however, to the right of the department of State to suspend or
5186 revoke the certificate as provided in this chapter act.

5187 (2) A foreign corporation with a valid certificate of
5188 authority has the same but no greater rights and has the same
5189 but no greater privileges as, and except as otherwise provided
5190 by this chapter act is subject to the same duties, restrictions,
5191 penalties, and liabilities now or later imposed on, a domestic

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5192 corporation of like character.

5193 ~~(3) This act does not authorize this state to regulate the~~
5194 ~~organization or internal affairs of a foreign corporation~~
5195 ~~authorized to conduct its affairs in this state.~~

5196 Section 89. Section 617.1506, Florida Statutes, is amended
5197 to read:

5198 617.1506 Corporate name of foreign corporation.—

5199 (1) A foreign corporation whose name is unavailable under
5200 or whose name does not otherwise comply with s. 617.0401 must
5201 use an alternate name that complies with s. 617.0401 to transact
5202 business in this state. An alternate name adopted for use in
5203 this state must be cross-referenced to the actual name of the
5204 foreign corporation in the records of the Division of
5205 Corporations, provided that no cross-reference is required if
5206 the alternate name involves no more than adding the suffix
5207 "corporation" or "incorporated" or the abbreviation "Corp.," or
5208 "Inc.," or the designation "Corp" or "Inc" to the name; provided
5209 that the name of a foreign corporation may not contain the word
5210 "company" or the abbreviation "co." If the actual name of the
5211 foreign corporation subsequently becomes available in this state
5212 and the foreign corporation elects to operate in this state
5213 under its actual name, or the foreign corporation chooses to
5214 change its alternate name, a record approving the election or
5215 change, as the case may be, by its board of directors or by its
5216 members if such members are entitled to vote on such a record,
5217 and signed as required pursuant to s. 617.01201, must be
5218 delivered to the department for filing ~~may not file an~~
5219 ~~application for a certificate of authority unless the corporate~~
5220 ~~name of such corporation satisfies the requirements of s.~~

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5221 ~~617.0401. To obtain or maintain a certificate of authority to~~
 5222 ~~transact business in this state, the foreign corporation:~~

5223 ~~(a) May add the word "corporation" or "incorporated" or the~~
 5224 ~~abbreviation "corp." or "inc." or words of like import, which~~
 5225 ~~clearly indicate that it is a corporation instead of a natural~~
 5226 ~~person or partnership or other business entity; however, the~~
 5227 ~~name of a foreign corporation may not contain the word "company"~~
 5228 ~~or the abbreviation "co."; or~~

5229 ~~(b) May use an alternate name to transact business in this~~
 5230 ~~state if its real name is unavailable. Any alternate corporate~~
 5231 ~~name adopted for use in this state must be cross-referenced to~~
 5232 ~~the real corporate name in the records of the Division of~~
 5233 ~~Corporations. If the real corporate name of the corporation~~
 5234 ~~becomes available in this state or if the corporation chooses to~~
 5235 ~~change its alternate name, a copy of the resolution of its board~~
 5236 ~~of directors, changing or withdrawing the alternate name and~~
 5237 ~~executed as required by s. 617.01201, must be delivered for~~
 5238 ~~filing.~~

5239 (2) The corporate name, including the alternate name, of a
 5240 foreign corporation must be distinguishable, within the records
 5241 of the Division of Corporations, from:

5242 (a) Any corporate name of a corporation for profit
 5243 incorporated or authorized to transact business in this state.

5244 (b) The alternate name of another foreign corporation
 5245 authorized to transact business in this state.

5246 (c) The corporate name of a nonprofit not-for-profit
 5247 corporation incorporated or authorized to transact business in
 5248 this state.

5249 (d) The names of all other entities or filings, except

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5250 fictitious name registrations pursuant to s. 865.09, organized,
 5251 or registered under the laws of this state, that are on file
 5252 with the Division of Corporations.

5253 (3) A foreign corporation that adopts an alternate name
 5254 under subsection (1) and obtains a certificate of authority with
 5255 the alternate name need not comply with s. 865.09 with respect
 5256 to the alternate name.

5257 (4) So long as a foreign corporation maintains a
 5258 certificate of authority with an alternate name, it may transact
 5259 business in this state under the alternate name unless the
 5260 foreign corporation is authorized under s. 865.09 to transact
 5261 business in this state under another name.

5262 (5) If a foreign corporation authorized to transact
 5263 business in this state changes its corporate name to one that
 5264 does not satisfy the requirements of s. 617.0401, such
 5265 corporation may not transact business in this state under the
 5266 changed name until the corporation adopts a name satisfying the
 5267 requirements of s. 617.0401 and obtains an amended certificate
 5268 of authority under s. 617.1504.

5269 (6) Notwithstanding this section, a foreign corporation may
 5270 register under a name that is not otherwise distinguishable on
 5271 the records of another entity registered with the department if:

5272 (a) The other entity consents to the use and submits an
 5273 undertaking in a form satisfactory to the Secretary of State to
 5274 change its name to a name that is distinguishable upon the
 5275 records of the department from the name of the applying
 5276 corporation; or

5277 (b) The applicant delivers to the department a certified
 5278 copy of a final judgment of a court of competent jurisdiction

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5279 establishing the applicant's right to use the name applied for
5280 in the state.

5281 Section 90. Subsections (2) and (3) of section 617.1507,
5282 Florida Statutes, are amended, and subsection (4), (5), and (6)
5283 are added to that section, to read:

5284 617.1507 Registered office and registered agent of foreign
5285 corporation.—

5286 (2) Each initial A registered agent, and each appointed
5287 ~~pursuant to this section or a~~ successor registered agent
5288 appointed pursuant to s. 617.1508 on whom process may be served
5289 shall ~~each~~ file a statement in writing with the department of
5290 ~~State~~, in the such form and manner ~~as shall be~~ prescribed by the
5291 department, accepting the appointment as a registered agent
5292 while simultaneously with his or her being designated as the
5293 registered agent. Such statement of acceptance shall state that
5294 the registered agent is familiar with, and accepts, the
5295 obligations of that position.

5296 (3) The duties of a registered agent are:

5297 (a) To forward to the foreign corporation at the address
5298 most recently supplied to the registered agent by the foreign
5299 corporation, a process, notice, or demand pertaining to the
5300 foreign corporation which is served on or received by the
5301 registered agent; and

5302 (b) If the registered agent resigns, to provide the
5303 statement required under s. 617.1509 to the foreign corporation
5304 at the address most recently supplied to the registered agent by
5305 the foreign corporation ~~For purposes of this section,~~
5306 ~~"authorized entity" means:~~

5307 ~~(a) A corporation for profit;~~

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5308 ~~(b) A limited liability company;~~

5309 ~~(c) A limited liability partnership; or~~

5310 ~~(d) A limited partnership, including a limited liability~~
5311 ~~limited partnership.~~

5312 (4) The department shall maintain an accurate record of the
5313 registered agents and registered offices for service of process
5314 and promptly furnish any information disclosed thereby upon
5315 request and payment of the required fee.

5316 (5) A foreign corporation may not prosecute or maintain any
5317 action in a court in this state until the foreign corporation
5318 complies with this section, pays to the department the amounts
5319 required by this chapter, and, to the extent ordered by a court
5320 of competent jurisdiction, pays to the department a penalty of
5321 \$5 for each day it has failed to so comply, or \$500, whichever
5322 is less.

5323 (6) A court may stay a proceeding commenced by a foreign
5324 corporation until the corporation complies with this section.

5325 Section 91. Section 617.1508, Florida Statutes, is amended
5326 to read:

5327 617.1508 Change of registered office and registered agent
5328 of foreign corporation.—

5329 (1) A foreign corporation authorized to conduct its affairs
5330 in this state may change its registered office or registered
5331 agent by delivering to the department of ~~State~~ for filing a
5332 statement of change that sets forth:

5333 (a) Its name;

5334 (b) The street address of its current registered office;

5335 (c) If the current registered office is to be changed, the
5336 street address of its new registered office;

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5337 (d) The name of its current registered agent; and
 5338 (e) If the current registered agent is to be changed, the
 5339 name of its new registered agent and the new agent's written
 5340 consent described in s. 617.1507(3), ~~either on the statement or~~
 5341 ~~attached to it,~~ to the appointment;
 5342 ~~(f) That, after the change or changes are made, the street~~
 5343 ~~address of its registered office and the business office of its~~
 5344 ~~registered agent will be identical; and~~
 5345 ~~(g) That any such change was authorized by resolution duly~~
 5346 ~~adopted by its board of directors or by an officer of the~~
 5347 ~~corporation so authorized by the board of directors.~~
 5348 (2) A statement of change is effective when filed by the
 5349 department.
 5350 (3) If a registered agent changes the name or street
 5351 address of the registered agent's ~~his or her~~ business office,
 5352 they he or she may change the name or street address of the
 5353 registered office of any foreign corporation for which they are
 5354 ~~he or she is~~ the registered agent by notifying the corporation
 5355 in writing of the change and signing, ~~either manually or in~~
 5356 ~~facsimile,~~ and delivering to the department ~~of State~~ for filing
 5357 a statement of change that complies with the requirements of
 5358 paragraphs ~~(1)(a)-(e)~~ ~~(1)(a)-(f)~~ and recites that the
 5359 corporation has been notified of the change.
 5360 (4) The changes described in this section may also be made
 5361 on the foreign corporation's annual report or in an application
 5362 for reinstatement filed with the department under s. 617.1422.
 5363 Section 92. Section 617.1509, Florida Statutes, is amended
 5364 to read:
 5365 617.1509 Resignation of registered agent of foreign

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5366 corporation.-
 5367 (1) The registered agent of a foreign corporation may
 5368 resign as agent ~~his or her agency appointment~~ by signing and
 5369 delivering to the department ~~of State~~ for filing a statement of
 5370 resignation and mailing a copy of such statement to the
 5371 corporation at the corporation's principal office address shown
 5372 in its most recent annual report or, if none, shown in its
 5373 application for a certificate of authority or other most
 5374 recently filed document. After delivering the statement of
 5375 resignation to the department for filing, the registered agent
 5376 must promptly mail a copy to the foreign corporation at its
 5377 current mailing address ~~The statement of resignation must state~~
 5378 ~~that a copy of such statement has been mailed to the corporation~~
 5379 ~~at the address so stated.~~ The statement of resignation may
 5380 include a statement that the registered office is also
 5381 discontinued.
 5382 (2) A registered agent is terminated upon the earlier of:
 5383 (a) The 31st day after the department files the statement
 5384 of resignation; or
 5385 (b) When a statement of change or other record designating
 5386 a new registered agent is filed with the department ~~The agency~~
 5387 ~~appointment is terminated as of the 31st day after the date on~~
 5388 ~~which the statement was filed and, unless otherwise provided in~~
 5389 ~~the statement, termination of the agency acts as a termination~~
 5390 ~~of the registered office.~~
 5391 (3) When a statement of resignation takes effect, the
 5392 registered agent ceases to have responsibility for a matter
 5393 thereafter tendered to them as agent for the foreign
 5394 corporation. The resignation does not affect contractual rights

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5395 that the foreign corporation has against the agent or that the
5396 agent has against the foreign corporation.

5397 (4) A registered agent may resign from a foreign
5398 corporation regardless of whether the foreign corporation has
5399 active status.

5400 Section 93. Section 617.15091, Florida Statutes, is created
5401 to read:

5402 617.15091 Delivery of notice or other communication.—

5403 (1) Except as otherwise provided in this chapter,
5404 permissible means of delivery of a notice or other communication
5405 includes delivery by hand, the United States Postal Service, a
5406 commercial delivery service, and electronic transmission, all as
5407 more particularly described in s. 617.0141.

5408 (2) Except as provided in subsection (3), delivery to the
5409 department is effective only when a notice or other
5410 communication is received by the department.

5411 (3) If a check is mailed to the department for payment of
5412 an annual report fee, the check is deemed to have been received
5413 by the department as of the postmark date appearing on the
5414 envelope or package transmitting the check if the envelope or
5415 the package is received by the department.

5416 Section 94. Section 617.1520, Florida Statutes, is amended
5417 to read:

5418 (Substantial rewording of section.

5419 See s. 617.1520, F.S., for present text.)

5420 617.1520 Withdrawal and cancellation of certificate of
5421 authority for foreign corporation.—

5422 (1) To cancel its certificate of authority to conduct
5423 affairs in this state, a foreign corporation must deliver to the

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5424 department for filing a notice of withdrawal of certificate of
5425 authority. The certificate of authority is canceled when the
5426 notice of withdrawal becomes effective pursuant to s. 617.0123.
5427 The notice of withdrawal of certificate of authority must be
5428 signed by an officer or a director and state all of the
5429 following:

5430 (a) The name of the foreign corporation as it appears on
5431 the records with the department.

5432 (b) The name of the foreign corporation's jurisdiction of
5433 incorporation.

5434 (c) The date the foreign corporation was authorized to
5435 conduct affairs in this state.

5436 (d) That the foreign corporation is withdrawing its
5437 certificate of authority in this state.

5438 (e) That the foreign corporation revokes the authority of
5439 its registered agent to accept service on its behalf and
5440 appoints the Secretary of State as its agent for service of
5441 process based on a cause of action arising during the time it
5442 was authorized to conduct its affairs in this state.

5443 (f) A mailing address and an e-mail address to which a
5444 party seeking to effectuate service of process may send a copy
5445 of any process served on the Secretary of State under paragraph
5446 (e).

5447 (g) A commitment to notify the department in the future of
5448 any change in its mailing address or e-mail address.

5449 (2) After the withdrawal of the foreign corporation is
5450 effective, service of process is on the Secretary of State using
5451 the procedures in s. 48.161 for service on the foreign
5452 corporation.

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5453 Section 95. Section 617.1521, Florida Statutes, is created
5454 to read:

5455 617.1521 Withdrawal of certificate of authority deemed on
5456 conversion to domestic filing entity.—A foreign corporation
5457 authorized to conduct affairs in this state that converts to a
5458 domestic corporation or another domestic eligible entity that is
5459 organized, incorporated, registered, or otherwise formed through
5460 the delivery of a record to the department for filing is deemed
5461 to have withdrawn its certificate of authority on the effective
5462 date of the conversion.

5463 Section 96. Section 617.1522, Florida Statutes, is created
5464 to read:

5465 617.1522 Withdrawal on dissolution, merger, or conversion
5466 to certain non-filing entities.—

5467 (1) A foreign corporation that is authorized to conduct
5468 affairs in this state that has dissolved and completed winding
5469 up, has merged into a foreign eligible entity that is not
5470 authorized to conduct affairs in this state, or has converted to
5471 a domestic or foreign eligible entity that is not organized,
5472 incorporated, registered, or otherwise formed through the public
5473 filing of a record, must deliver a notice of withdrawal of
5474 certificate of authority to the department for filing in
5475 accordance with s. 617.1520.

5476 (2) After a withdrawal under this section of a foreign
5477 corporation that has converted to another type of entity is
5478 effective, service of process in any action or proceeding based
5479 on a cause of action arising during the time the foreign
5480 corporation was authorized to conduct affairs in this state may
5481 be made pursuant to s. 617.1510.

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5482 Section 97. Section 617.1523, Florida Statutes, is created
5483 to read:

5484 617.1523 Action against foreign corporation by Department
5485 of Legal Affairs.—The Department of Legal Affairs may maintain
5486 an action to enjoin a foreign corporation from conducting
5487 affairs in this state in violation of this chapter.

5488 Section 98. Section 617.1530, Florida Statutes, is amended
5489 to read:

5490 617.1530 Grounds ~~for~~ Revocation of certificate of authority
5491 to transact business.—

5492 (1) A ~~conduct~~ conduct affairs.—The Department of State may commence
5493 a proceeding under s. 617.1531 to revoke the certificate of
5494 authority of a foreign corporation to transact business
5495 authorized to conduct its affairs in this state may be revoked
5496 by the department if:

5497 (a) ~~(1)~~ The foreign corporation does not deliver ~~has failed~~
5498 to file its annual report to with the department of State by 5
5499 p.m. Eastern Time on the third Friday in September of each
5500 year;—

5501 (b) ~~(2)~~ The foreign corporation does not pay a fee or
5502 penalty due to, ~~within~~ the department under time required by
5503 this chapter; ~~act, any fees, taxes, or penalties imposed by this~~
5504 act or other law.

5505 (c) ~~(3)~~ The foreign corporation does not appoint and
5506 maintain ~~is without~~ a registered agent as required by s.
5507 617.1507; ~~or registered office in this state for 30 days or~~
5508 more.

5509 ~~(4)~~ The foreign corporation does not notify the Department
5510 of State under s. 617.1508 or s. 617.1509 that its registered

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5511 ~~agent has resigned or that its registered office has been~~
 5512 ~~discontinued within 30 days after the date of such resignation~~
 5513 ~~or discontinuance.~~

5514 ~~(d)(5)~~ The foreign corporation does not deliver for filing
 5515 a statement of a change under s. 617.1508 within 30 days after
 5516 the change in the name or address of the agent has occurred,
 5517 unless, within 30 days after the change occurred, either:

5518 1. The registered agent files a statement of change under
 5519 s. 617.1508; or

5520 2. The change was made in accordance with s. 617.1508(4) or
 5521 s. 617.1504(1)(e);

5522 (e) The foreign corporation has failed to amend its
 5523 certificate of authority to reflect a change in its name on the
 5524 records of the department or its jurisdiction of incorporation;

5525 (f) The foreign corporation's period of duration stated in
 5526 its articles of incorporation has expired;

5527 (g) An incorporator, director, officer, or agent of the
 5528 foreign corporation signs ~~signed~~ a document that he or she knew
 5529 was false in a ~~any~~ material respect with the intent that the
 5530 document be delivered to the department ~~of State~~ for filing; ~~-~~

5531 (h)(6) The department receives a duly authenticated
 5532 certificate from the secretary of state or other official having
 5533 custody of corporate records in the jurisdiction under the law
 5534 of which the foreign corporation is incorporated stating that it
 5535 has been dissolved or is no longer active on the official's
 5536 record; or ~~disappeared as the result of a merger.~~

5537 (i)(7) The foreign corporation has failed to answer
 5538 truthfully and fully, within the time prescribed by this chapter
 5539 act, interrogatories propounded by the department ~~of State.~~

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5540 (2) Revocation of a foreign corporation's certificate of
 5541 authority for failure to file an annual report shall occur on
 5542 the fourth Friday in September of each year. The department
 5543 shall issue a notice in a record of the revocation to the
 5544 revoked foreign corporation. Issuance of the notice may be made
 5545 by electronic transmission to a foreign corporation that has
 5546 provided the department with an e-mail address.

5547 (3) If the department determines that one or more grounds
 5548 exist under paragraph (1)(b) for revoking a foreign
 5549 corporation's certificate of authority, the department shall
 5550 issue a notice in a record to the foreign corporation of the
 5551 department's intent to revoke the certificate of authority.
 5552 Issuance of the notice may be made by electronic transmission to
 5553 a foreign corporation that has provided the department with an
 5554 e-mail address.

5555 (4) If, within 60 days after the department sends the
 5556 notice of intent to revoke in accordance with subsection (3),
 5557 and the foreign corporation does not correct each ground for
 5558 revocation or demonstrate to the reasonable satisfaction of the
 5559 department that each ground determined by the department does
 5560 not exist, the department shall revoke the foreign corporation's
 5561 authority to transact business in this state and issue a notice
 5562 in a record of revocation which states the grounds for
 5563 revocation. Issuance of the notice may be made by electronic
 5564 transmission to a foreign corporation that has provided the
 5565 department with an e-mail address.

5566 (5) Revocation of a foreign corporation's certificate of
 5567 authority does not terminate the authority of the registered
 5568 agent of the corporation.

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5569 Section 99. Section 617.15315, Florida Statutes, is created
5570 to read:

5571 617.15315 Reinstatement following revocation.-

5572 (1) A foreign corporation whose certificate of authority
5573 has been revoked pursuant to s. 617.1530 or former s. 617.1531
5574 may apply to the department for reinstatement at any time after
5575 the effective date of revocation of authority. The foreign
5576 corporation applying for reinstatement must submit all fees and
5577 penalties then owed by the foreign corporation at rates provided
5578 by law at the time the foreign corporation applies for
5579 reinstatement, together with an application for reinstatement
5580 prescribed and furnished by the department, which is signed by
5581 both the registered agent and an officer or director of the
5582 foreign corporation and states:

5583 (a) The name under which the foreign corporation is
5584 authorized to conduct affairs in this state.

5585 (b) The street address of the foreign corporation's
5586 principal office and mailing address.

5587 (c) The jurisdiction of the foreign corporation's formation
5588 and the date on which it became qualified to conduct affairs in
5589 this state.

5590 (d) The foreign corporation's federal employer
5591 identification number or, if none, whether one has been applied
5592 for.

5593 (e) The name, title or capacity, and address of at least
5594 one officer or director of the foreign corporation.

5595 (f) Additional information that is necessary or appropriate
5596 to enable the department to carry out this chapter.

5597 (2) In lieu of the requirement to file an application for

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5598 reinstatement as described in subsection (1), a foreign
5599 corporation whose certificate of authority has been revoked may
5600 submit all fees and penalties owed by the corporation at the
5601 rates provided by law at the time the corporation applies for
5602 reinstatement, together with a current annual report, signed by
5603 both the registered agent and an officer or director of the
5604 corporation, which contains the information described in
5605 subsection (1).

5606 (3) If the department determines that an application for
5607 reinstatement contains the information required under subsection
5608 (1) or subsection (2) and that the information is correct, upon
5609 payment of all required fees and penalties, the department shall
5610 reinstate the foreign corporation's certificate of authority.

5611 (4) When a reinstatement becomes effective, it relates back
5612 to and takes effect as of the effective date of the revocation
5613 of authority, and the foreign corporation may operate in this
5614 state as if the revocation of authority had never occurred.

5615 (5) The name of the foreign corporation whose certificate
5616 of authority has been revoked is not available for assumption or
5617 use by another eligible entity until 1 year after the effective
5618 date of revocation of authority unless the corporation provides
5619 the department with a record signed as required by s. 617.01201,
5620 which authorizes the immediate assumption or use of the name by
5621 another eligible entity.

5622 (6) If the name of the foreign corporation applying for
5623 reinstatement has been lawfully assumed in this state by another
5624 eligible entity, the department must require the foreign
5625 corporation to comply with s. 617.1506 before accepting its
5626 application for reinstatement.

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5627 Section 100. Section 617.1532, Florida Statutes, is amended
5628 to read:

5629 (Substantial rewording of section.

5630 See s. 617.1532, F.S., for present text.)

5631 617.1532 Judicial review of denial of reinstatement.-

5632 (1) If the department denies a foreign corporation's
5633 application for reinstatement after revocation of its
5634 certificate of authority, the department shall serve the foreign
5635 corporation pursuant to s. 617.1510 with a written notice that
5636 explains the reasons for the denial.

5637 (2) Within 30 days after service of a notice of denial of
5638 reinstatement, a foreign corporation may appeal the department's
5639 denial by petitioning the Circuit Court of Leon County to set
5640 aside the revocation. The petition must be served on the
5641 department and contain a copy of the department's notice of
5642 revocation, the foreign corporation's application for
5643 reinstatement, and the department's notice of denial.

5644 (3) The circuit court may order the department to reinstate
5645 the certificate of authority of the foreign corporation or take
5646 other action the court considers appropriate.

5647 (4) The circuit court's final decision may be appealed as
5648 in other civil proceedings.

5649 Section 101. Section 617.1601, Florida Statutes, is amended
5650 to read:

5651 617.1601 Corporate records.-

5652 (1) A corporation shall maintain the following records:

5653 (a) Its articles of incorporation, as currently in effect.

5654 (b) Its bylaws, as currently in effect.

5655 (c) If the corporation has members, the minutes of all

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5656 members' meetings and records of all action taken by members
5657 without a meeting for the past 3 years.

5658 (d) The minutes of all meetings of its board of directors,
5659 a record of all actions taken by the board of directors without
5660 a meeting, and a record of all actions taken by a committee of
5661 the board of directors in place of the board of directors on
5662 behalf of the corporation.

5663 (e) If the corporation has members, all written
5664 communications within the past 3 years to members generally or
5665 to members of a class, including the financial statements
5666 furnished for the past 3 years under s. 617.1605.

5667 (f) A list of the names and business street addresses, or
5668 the home street addresses if there is no business street
5669 address, of its current directors and officers.

5670 (g) Its most recent annual report delivered to the
5671 department under s. 617.1622 ~~keep as records~~ minutes of all
5672 meetings of its members and board of directors, a record of all
5673 actions taken by the members or board of directors without a
5674 meeting, and a record of all actions taken by a committee of the
5675 board of directors in place of the board of directors on behalf
5676 of the corporation.

5677 (2) A corporation shall maintain ~~accurate~~ accounting
5678 records in a form that permits preparation of its financial
5679 statements as required by s. 617.1605.

5680 (3) If a corporation has members, a corporation or its
5681 agent ~~must shall~~ maintain a record of its members in a form that
5682 permits preparation of a list of the names and addresses, which
5683 may be an e-mail address or other electronic contact
5684 information, of all members in alphabetical order by class of

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5685 ~~voting~~ members. This subsection does not require the corporation
 5686 to include the e-mail address or other electronic contact
 5687 information of a member in such record.

5688 (4) A corporation shall maintain ~~the its~~ records specified
 5689 in this section in a manner that allows them to be made
 5690 available for inspection written form or in another form capable
 5691 of conversion into written form within a reasonable time.

5692 ~~(5) A corporation shall keep a copy of the following~~
 5693 ~~records:-~~

5694 ~~(a) Its articles of incorporation or restated articles of~~
 5695 ~~incorporation and all amendments to them currently in effect.~~

5696 ~~(b) Its bylaws or restated bylaws and all amendments to~~
 5697 ~~them currently in effect.~~

5698 ~~(c) The minutes of all members' meetings and records of all~~
 5699 ~~action taken by members without a meeting for the past 3 years.~~

5700 ~~(d) Written communications to all members generally or all~~
 5701 ~~members of a class within the past 3 years, including the~~
 5702 ~~financial statements furnished for the past 3 years under s.~~
 5703 ~~617.1605.~~

5704 ~~(e) A list of the names and business street, or home if~~
 5705 ~~there is no business street, addresses of its current directors~~
 5706 ~~and officers.~~

5707 ~~(f) Its most recent annual report delivered to the~~
 5708 ~~Department of State under s. 617.1622.~~

5709 Section 102. Section 617.1602, Florida Statutes, is amended
 5710 to read:

5711 617.1602 Inspection of records by members.—

5712 (1) A member of a corporation is entitled to inspect and
 5713 copy, during regular business hours at the corporation's

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5714 principal office or at a reasonable location specified by the
 5715 corporation, any of the records of the corporation described in
 5716 s. 617.1601(1) ~~s. 617.1601(5)~~, excluding minutes of meetings of,
 5717 and records of actions taken without a meeting by, the
 5718 corporation's board of directors and any committee of the
 5719 corporation, if the member ~~delivers to~~ gives the corporation
 5720 written notice of the member's ~~his or her~~ demand at least 5 10
 5721 business days before the date on which the member ~~he or she~~
 5722 wishes to inspect and copy.

5723 (2) A member of a corporation is entitled to inspect and
 5724 copy, during regular business hours at a reasonable location
 5725 specified by the corporation, any of the following records of
 5726 the corporation if the member meets the requirements of
 5727 subsection (3) and gives the corporation written notice of the
 5728 member's ~~his or her~~ demand at least 5 10 business days before
 5729 the date on which the member ~~he or she~~ wishes to inspect and
 5730 copy:

5731 (a) Excerpts from minutes of any meeting of, or records of
 5732 any actions taken without a meeting by, the corporation's board
 5733 of directors and board committees of the corporation maintained
 5734 in accordance with s. 617.1601(1)(d); ~~records of any action of~~
 5735 ~~a committee of the board of directors while acting in place of~~
 5736 ~~the board of directors on behalf of the corporation, minutes of~~
 5737 ~~any meeting of the members, and records of action taken by the~~
 5738 ~~members or board of directors without a meeting, to the extent~~
 5739 ~~not subject to inspection under subsection (1).~~

5740 (b) Accounting records of the corporation;—

5741 (c) The record of members maintained in accordance with s.
 5742 617.1601(3); and—

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5743 (d) Any other books and records.

5744 (3) A member may inspect and copy the records described in

5745 subsection (2) only if:

5746 (a) The member's demand is made in good faith and for a

5747 proper purpose;

5748 (b) The ~~member's demand member~~ describes with reasonable

5749 particularity the member's his or her purpose and the records

5750 the member he or she desires to inspect; and

5751 (c) The records are directly connected with the member's

5752 purpose.

5753 (4) The corporation may impose reasonable restrictions on

5754 the disclosure, use, or distribution of, and reasonable

5755 obligations to maintain the confidentiality of, records

5756 described in subsection (2).

5757 (5) For any meeting of members for which the record date

5758 for determining members entitled to vote at the meeting is

5759 different than the record date for notice of the meeting, any

5760 person who becomes a member after the record date for notice of

5761 the meeting and is entitled to vote at the meeting is entitled

5762 to obtain from the corporation upon request the notice and any

5763 other information provided by the corporation to members in

5764 connection with the meeting, unless the corporation has made

5765 such information generally available to members by posting it on

5766 its website or by other generally recognized means. Failure of a

5767 corporation to provide such information does not affect the

5768 validity of action taken at the meeting.

5769 (6) The right of inspection granted by this section may not

5770 be abolished or limited by a corporation's articles of

5771 incorporation or bylaws.

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5772 ~~(7)(4)~~ This section does not affect:

5773 (a) The right of a member in litigation with the

5774 corporation to inspect and copy records to the same extent as

5775 any other litigant; ~~or-~~

5776 (b) The power of a court, independently of this chapter, to

5777 compel the production of corporate records for examination and

5778 to impose reasonable restrictions as provided in s. 617.1604(3),

5779 provided that, in the case of production of records described in

5780 subsection (2) at the request of the member, the member has met

5781 the requirements of subsection (3).

5782 ~~(8)(5)~~ A corporation may deny any demand for inspection

5783 made pursuant to subsection (2) if the demand was made for an

5784 improper purpose, or if the demanding member has within 2 years

5785 preceding the member's his or her demand sold or offered for

5786 sale any list of members of the corporation or any other

5787 corporation, has aided or abetted any person in procuring any

5788 list of members for any such purpose, or has improperly used any

5789 information secured through any prior examination of the records

5790 of the corporation or any other corporation.

5791 (9) A member may not sell or otherwise distribute any

5792 information or records inspected under this section, except to

5793 the extent that such use is for a proper purpose.

5794 (10) Without consent of the board of directors, a

5795 membership list or any part thereof may not be obtained or used

5796 by any person for any purpose unrelated to a member's interest

5797 as a member. Without limiting the foregoing, without the consent

5798 of the board, a membership list or any part thereof may not be:

5799 (a) Used to solicit money or property unless the money or

5800 property will be used solely to solicit the votes of the

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5801 members;5802 (b) Used for any commercial purpose; or5803 (c) Sold to or purchased by any person.

5804 ~~(11)(6)~~ For purposes of this section, the term "member"
 5805 includes a beneficial owner whose beneficial interest is shares
 5806 ~~are~~ held in a voting trust or by a nominee on the individual's
 5807 ~~his or her~~ behalf.

5808 ~~(12)(7)~~ For purposes of this section, a "proper purpose"
 5809 means a purpose reasonably related to such person's interest as
 5810 a member.

5811 (13) The rights of a member to obtain records under
 5812 subsections (1) and (2) apply to the records of subsidiaries of
 5813 the corporation.

5814 Section 103. Section 617.1603, Florida Statutes, is amended
 5815 to read:

5816 617.1603 Scope of inspection right.—

5817 (1) A member's agent or attorney has the same inspection
 5818 and copying rights as the member ~~he or she~~ represents.

5819 (2) The corporation may, if deemed reasonable, satisfy the
 5820 right of a member to copy records under s. 617.1602 by
 5821 furnishing to the member copies by such means as are chosen by
 5822 the corporation, including furnishing copies through electronic
 5823 delivery ~~The right to copy records under s. 617.1602 includes,~~
 5824 ~~if reasonable, the right to receive copies made by photographic,~~
 5825 ~~xerographic, or other means.~~

5826 (3) The corporation may impose a reasonable charge,
 5827 covering the costs of labor and material, for copies of any
 5828 documents provided to the member. The charge may not exceed the
 5829 estimated cost of production or reproduction of the records. If

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5830 the records are kept in other than written form, the corporation
 5831 ~~must shall~~ convert such records into written form upon the
 5832 request of any person entitled to inspect the same. The
 5833 corporation shall bear the reasonable costs of converting any
 5834 records described in s. 617.1601(1) ~~s. 617.1601(5)~~. The
 5835 requesting member shall bear the costs, including the cost of
 5836 compiling the information requested, incurred to convert any
 5837 records described in s. 617.1602(2).

5838 (4) If requested by a member, the corporation shall comply
 5839 with a member's demand to inspect the records of members under
 5840 s. 617.1602(2)(c) by providing the member ~~him or her~~ with a list
 5841 of its members of the nature described in s. 617.1601(3). Such a
 5842 list must shall be compiled as of the last record date for which
 5843 it has been compiled or as of a subsequent date if specified by
 5844 the member.

5845 Section 104. Section 617.1604, Florida Statutes, is amended
 5846 to read:

5847 617.1604 Court-ordered inspection.—

5848 (1) If a corporation does not, within a reasonable time,
 5849 allow a member who complies with s. 617.1602 to inspect and copy
 5850 any record, and the member complies with any prerequisites to
 5851 inspection and copying imposed by this section, the member may
 5852 apply to the circuit court in the county where the corporation's
 5853 principal office, or, if none in this state, its registered
 5854 office, is located for an order to permit inspection and copying
 5855 of the records demanded. The court shall dispose of an
 5856 application under this subsection on an expedited ~~summary~~ basis.

5857 (2) If the court orders inspection or copying of the
 5858 records demanded, it shall also order the corporation and the

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5859 custodian of the particular records demanded to pay the member's
5860 costs, including reasonable ~~attorney~~ attorney's fees, reasonably
5861 incurred to obtain the order and enforce its rights under this
5862 section unless the corporation establishes that the corporation,
5863 ~~or the officer, director, or agent, as the case may be, provides~~
5864 ~~that it or he or she~~ refused inspection in good faith because it
5865 ~~or he or she~~ had:

5866 (a) A reasonable basis for doubt about the right of the
5867 member to inspect or copy the records demanded; or

5868 (b) Required reasonable restrictions on the disclosure,
5869 use, or distribution of, and reasonable obligations to maintain
5870 the confidentiality of, such records demanded to which the
5871 demanding member had been unwilling to agree.

5872 (3) If the court orders inspection or copying of the
5873 records demanded, it may impose reasonable restrictions on their
5874 confidentiality and the use or distribution of the records by
5875 the demanding member.

5876 Section 105. Section 617.1605, Florida Statutes, is amended
5877 to read:

5878 617.1605 Financial reports for members.—

5879 (1) A corporation, upon a member's written demand, shall
5880 furnish that member its latest annual financial statements,
5881 which may be consolidated or combined statements of the
5882 corporation and one or more of its subsidiaries or affiliates,
5883 as appropriate, and which include a balance sheet as of the end
5884 of the fiscal year and a statement of operations for that year.
5885 If financial statements are prepared for the corporation on the
5886 basis of generally accepted accounting principles, the annual
5887 financial statements must also be prepared on such basis.

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5888 (2) A corporation must deliver or make available the latest
5889 annual financial statements to such member within 5 business
5890 days after the request if the annual financial statements have
5891 already been prepared and are available. If the annual financial
5892 statements have not been prepared for the fiscal year requested,
5893 the corporation must notify the member within 5 business days
5894 that the annual financial statements have not yet been prepared
5895 and must deliver or make available such annual financial
5896 statements to the member within 60 days after the corporation
5897 receives the request, or within such additional time thereafter
5898 as is reasonably necessary to enable the corporation to prepare
5899 its annual financial statements if, for reasons beyond the
5900 corporation's control, it is unable to prepare its annual
5901 financial statements within the prescribed period.

5902 (3) A corporation may fulfill its responsibilities under
5903 this section by delivering the specified annual financial
5904 statements by posting the specified annual financial statements
5905 on its website or by any other generally recognized means.

5906 (4) Notwithstanding subsections (1), (2), and (3):

5907 (a) As a condition to delivering or making available annual
5908 financial statements to any requesting member, the corporation
5909 may require the requesting member to agree to reasonable
5910 restrictions on the confidentiality, use, and distribution of
5911 such annual financial statements; and

5912 (b) The corporation may, if it reasonably determines that
5913 the member's request is not made in good faith or for a proper
5914 purpose, decline to deliver or make available such annual
5915 financial statements to that member.

5916 (5) If a corporation does not respond to a member's request

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5917 for annual financial statements pursuant to this section within
 5918 the applicable period specified in subsection (2), all of the
 5919 following apply:

5920 (a) The requesting member may apply to the circuit court in
 5921 the applicable county for an order requiring delivery of or
 5922 access to the requested annual financial statements. The court
 5923 shall dispose of an application under this subsection on an
 5924 expedited basis.

5925 (b) If the court orders delivery or access to the requested
 5926 annual financial statements, it may impose reasonable
 5927 restrictions on their confidentiality, use, or distribution.

5928 (c) In such proceeding, if the corporation has declined to
 5929 deliver or make available such annual financial statements
 5930 because the member had been unwilling to agree to restrictions
 5931 proposed by the corporation on the confidentiality, use, and
 5932 distribution of such financial statements, the corporation has
 5933 the burden of demonstrating that the restrictions proposed by
 5934 the corporation were reasonable.

5935 (d) In such a proceeding, if the corporation has declined
 5936 to deliver or make available such annual financial statements
 5937 pursuant to this section, the corporation has the burden of
 5938 demonstrating that it reasonably determined that the member's
 5939 request was not made in good faith or for a proper purpose.

5940 (6) If the court orders delivery or access to the requested
 5941 annual financial statements, it shall order the corporation to
 5942 pay the member's expenses, including reasonable attorney fees,
 5943 incurred to obtain such order unless the corporation establishes
 5944 that it had refused delivery or access to the requested annual
 5945 financial statements because the member had refused to agree to

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5946 reasonable restrictions on the confidentiality, use, or
 5947 distribution of the annual financial statements or that the
 5948 corporation had reasonably determined that the member's request
 5949 was not made in good faith or for a proper purpose.

5950 Section 106. Section 617.16051, Florida Statutes, is
 5951 created to read:

5952 617.16051 Inspection rights of directors.-

5953 (1) A director of a corporation is entitled to inspect and
 5954 copy the books, records, and documents of the corporation at any
 5955 reasonable time to the extent reasonably related to the
 5956 performance of the director's duties as a director, including
 5957 duties as a member of a board committee, but not for any other
 5958 purpose or in any manner that would violate any duty to the
 5959 corporation or attorney-client privilege or work-product
 5960 privilege of the corporation.

5961 (2) The circuit court of the applicable county may order
 5962 inspection and copying of the books, records, and documents at
 5963 the corporation's expense, upon application of a director who
 5964 has been refused such inspection rights, unless the corporation
 5965 establishes that the director is not entitled to such inspection
 5966 rights. The court shall dispose of an application under this
 5967 subsection on an expedited basis.

5968 (3) If an order is issued, the court may include provisions
 5969 protecting the corporation from undue burden or expense and
 5970 prohibiting the director from using information obtained upon
 5971 exercise of the inspection rights in a manner that would violate
 5972 a duty to the corporation, and may also order the corporation to
 5973 reimburse the director for the director's costs, including
 5974 reasonable attorney fees, incurred in connection with the

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5975 application.

5976 Section 107. Section 617.1622, Florida Statutes, is amended
5977 to read:

5978 617.1622 Annual report for department ~~of State.~~

5979 (1) Each domestic corporation and each foreign corporation
5980 authorized to transact business ~~conduct its affairs~~ in this
5981 state shall deliver to the department ~~of State~~ for filing an a
5982 ~~sworn~~ annual report, ~~on such form as the Department of State~~
5983 ~~prescribes,~~ that states the following sets forth:

5984 (a) The name of the corporation or, if a foreign
5985 corporation, the name under which the foreign corporation is
5986 authorized to transact business in this state and the state or
5987 country under the law of which it is incorporated;

5988 (b) The date of its incorporation and ~~or~~, if a foreign
5989 corporation, the jurisdiction of its incorporation and the date
5990 on which it became qualified to transact business ~~was admitted~~
5991 ~~to conduct its affairs~~ in this state;

5992 (c) The street address of its ~~the~~ principal office and the
5993 mailing address of the corporation;

5994 (d) The corporation's or foreign corporation's federal
5995 employer identification number, if any, or, if none, whether one
5996 has been applied for;

5997 (e) The names and business street addresses of its
5998 directors and principal officers; and

5999 (f) ~~The street address of its registered office in this~~
6000 ~~state and the name of its registered agent at that office; and~~

6001 ~~(g)~~ Any such additional information that the department has
6002 identified as may be necessary or appropriate to enable the
6003 ~~department of State~~ to carry out the provisions of this chapter

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6004 ~~aet.~~

6005 (2) If an annual report contains the name and address of a
6006 registered agent which differs from the information shown in the
6007 records of the department immediately before the annual report
6008 becomes effective, the differing information in the annual
6009 report is considered a statement of change under s. 617.0502 or
6010 s. 617.1508, as the case may be ~~The deposit of such report, on~~
6011 ~~or before May 1, in the United States mail in a sealed envelope,~~
6012 ~~properly addressed with postage prepaid, constitutes compliance~~
6013 ~~with subsection (1).~~

6014 (3) If an annual report does not contain the information
6015 required by this section ~~subsection (1)~~, the department ~~of State~~
6016 shall promptly notify the reporting domestic corporation or
6017 foreign corporation in writing and return the report to it for
6018 ~~correction~~. If the report is corrected to contain the
6019 information required by subsection (1) and delivered to the
6020 department ~~of State~~ within 30 days after the effective date of
6021 notice, it will ~~is deemed to be considered timely delivered~~
6022 filed.

6023 (4) ~~Each annual report must be executed by the corporation~~
6024 ~~by an officer or director or, if the corporation is in the hands~~
6025 ~~of a receiver or trustee, must be executed on behalf of the~~
6026 ~~corporation by such receiver or trustee, and the signing of the~~
6027 ~~annual report shall have the same legal effect as if made under~~
6028 ~~oath, without the necessity of appending such oath thereto.~~
6029 ~~(5) The first annual report must be delivered to the department~~
6030 ~~of State~~ between January 1 and May 1 of the year following the
6031 calendar year in which a domestic corporation's articles of
6032 incorporation became effective or a foreign corporation obtained

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6033 ~~its certificate of authority to transact business in this state~~
 6034 ~~corporation was incorporated or a foreign corporation was~~
 6035 ~~authorized to conduct affairs.~~ Subsequent annual reports must be
 6036 delivered to the department ~~of State~~ between January 1 and May 1
 6037 of ~~each the subsequent~~ calendar year thereafter. If one or more
 6038 forms of annual report are submitted for a calendar year, the
 6039 department shall file each of them and make the information
 6040 contained in them part of the official record. The first form of
 6041 annual report filed in a calendar year shall be considered the
 6042 annual report for that calendar year, and each report filed
 6043 after that one in the same calendar year shall be treated as an
 6044 amended report for that calendar year years.

6045 ~~(5)(6)~~ Information in the annual report must be current as
 6046 of the date the annual report is delivered to the department for
 6047 filing executed on behalf of the corporation.

6048 ~~(7)~~ If an additional report is received, the department
 6049 shall file the document and make the information contained
 6050 therein ~~part of the official record.~~

6051 ~~(6)(8)~~ Any domestic corporation or foreign corporation that
 6052 fails to file an annual report that which complies with the
 6053 requirements of this section may not prosecute or maintain or
 6054 ~~defend~~ any action in any court of this state until the such
 6055 report is filed and all fees and penalties taxes due under this
 6056 ~~chapter act~~ are paid, and ~~such corporation~~ is subject to
 6057 dissolution or cancellation of its certificate of authority to
 6058 transact business conduct its affairs as provided in this
 6059 chapter act.

6060 ~~(7)(9)~~ The department shall prescribe the forms, which may
 6061 be in an electronic format, on which to make the annual report

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6062 called for in this section and may substitute the uniform
 6063 business report, pursuant to s. 606.06, as a means of satisfying
 6064 the requirement of this chapter section.

6065 (8) As a condition of a merger under s. 617.1101, each
 6066 party to a merger which exists under the laws of this state, and
 6067 each party to a merger which exists under the laws of another
 6068 jurisdiction and has a certificate of authority to transact
 6069 business or conduct its affairs in this state, must be active
 6070 and current in filing its annual reports in the records of the
 6071 department through December 31 of the calendar year in which the
 6072 articles of merger are submitted to the department for filing.

6073 (9) As a condition of a conversion of an entity to a
 6074 corporation under s. 617.1804, the entity, if it exists under
 6075 the laws of this state or if it exists under the laws of another
 6076 jurisdiction and has a certificate of authority to transact
 6077 business or conduct its affairs in this state, must be active
 6078 and current in filing its annual reports in the records of the
 6079 department through December 31 of the calendar year in which the
 6080 articles of conversion are submitted to the department for
 6081 filing.

6082 (10) As a condition of a conversion of a domestic
 6083 corporation to another type of entity under s. 617.1804, the
 6084 domestic corporation converting to the other type of entity must
 6085 be active and current in filing its annual reports in the
 6086 records of the department through December 31 of the calendar
 6087 year in which the articles of conversion are submitted to the
 6088 department for filing.

6089 (11) As a condition of domestication of a domestic
 6090 corporation into a foreign jurisdiction under s. 617.180301, the

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6091 domestic corporation domesticating into a foreign jurisdiction
 6092 must be active and current in filing its annual reports in the
 6093 records of the department through December 31 of the calendar
 6094 year in which the articles of domestication are submitted to the
 6095 department for filing.

6096 Section 108. Section 617.180301, Florida Statutes, is
 6097 created to read:

6098 617.180301 Domestication.—

6099 (1) By complying with this section and ss. 617.18031-
 6100 617.18034, as applicable, a foreign corporation may become a
 6101 domestic corporation if the domestication is permitted by the
 6102 organic law of the foreign corporation.

6103 (2) By complying with this section and ss. 617.18031-
 6104 617.18034, as applicable, a domestic corporation may become a
 6105 foreign corporation pursuant to a plan of domestication if the
 6106 domestication is permitted by the organic law of the foreign
 6107 corporation.

6108 (3) In a domestication under subsection (2), the
 6109 domesticating corporation must enter into a plan of
 6110 domestication. The plan of domestication must include:

6111 (a) The name of the domesticating corporation;

6112 (b) The name and governing jurisdiction of the domesticated
 6113 corporation;

6114 (c) The manner and basis of cancelling or converting the
 6115 eligible interests or other rights of the domesticating
 6116 corporation into other eligible interests, obligations, rights
 6117 to acquire eligible interests, cash, other property, or any
 6118 combination of the foregoing of the domesticated corporation;

6119 (d) The proposed organic rules of the domesticated

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6120 corporation, which must be in writing; and

6121 (e) The other terms and conditions of the domestication.

6122 (4) In addition to the requirements of subsection (3), a
 6123 plan of domestication may contain any other provision not
 6124 prohibited by law.

6125 (5) The terms of a plan of domestication may be made
 6126 dependent upon facts objectively ascertainable outside the plan
 6127 in accordance with s. 617.01201(10).

6128 (6) If a protected agreement of a domesticating corporation
 6129 in effect immediately before the domestication becomes effective
 6130 contains a provision applying to a merger of the corporation and
 6131 the agreement does not refer to a domestication of the
 6132 corporation, the provision applies to a domestication of the
 6133 corporation as if the domestication were a merger until such
 6134 time as the provision is first amended after July 1, 2026.

6135 Section 109. Section 617.18031, Florida Statutes, is
 6136 created to read:

6137 617.18031 Action on a plan of domestication.—In the case of
 6138 a domestication of a domestic corporation into a foreign
 6139 jurisdiction, the plan of domestication must be adopted in the
 6140 following manner:

6141 (1) Except as otherwise provided in the articles of
 6142 incorporation or bylaws, the plan of domestication must first be
 6143 adopted by the board of directors of such domestic corporation.
 6144 If the domesticating corporation does not have any members
 6145 entitled to vote on the domestication, a plan of domestication
 6146 is adopted by the corporation when it has been adopted by the
 6147 board of directors pursuant to this section.

6148 (2) If the domesticating corporation has members entitled

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6149 to vote on the domestication, the plan of domestication must be
 6150 approved by such members. In submitting the plan of
 6151 domestication to the members for approval, the board of
 6152 directors shall recommend that the members approve the plan,
 6153 unless the board of directors makes a determination that because
 6154 of conflicts of interest or other special circumstances it
 6155 should not make such a recommendation, in which case the board
 6156 of directors must inform the members of the basis for its so
 6157 proceeding without such recommendation.

6158 (3) The board of directors may set conditions for approval
 6159 of the plan of domestication by the members or the effectiveness
 6160 of the plan of domestication.

6161 (4) If the plan of domestication is required to be approved
 6162 by the members, and if the approval of the members is to be
 6163 given at a meeting, the corporation must notify each member
 6164 entitled to vote on the domestication of the meeting of members
 6165 at which the plan of domestication is to be submitted for
 6166 approval. The notice must state that the purpose, or one of the
 6167 purposes, of the meeting is to consider the plan of
 6168 domestication and must contain or be accompanied by a copy of
 6169 the plan. The notice must include or be accompanied by a written
 6170 copy of the organic rules of the domesticated corporation as
 6171 they will be in effect immediately after the domestication.

6172 (5) Unless this chapter, the articles of incorporation, the
 6173 bylaws, or the board of directors acting pursuant to subsection
 6174 (3) require a greater vote or a greater quorum in the respective
 6175 case, approval of the plan of domestication requires:

6176 (a) The approval of the members entitled to vote on the
 6177 domestication at a meeting at which a quorum exists consisting

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6178 of a majority of the votes entitled to be cast on the plan; and
 6179 (b) If any class of members is entitled to vote as a
 6180 separate group on the plan of domestication, the approval of
 6181 each class of members voting as a separate voting group at a
 6182 meeting at which a quorum of the voting group exists consisting
 6183 of a majority of the votes entitled to be cast on the plan by
 6184 that voting group.

6185 (6) The articles of incorporation may expressly limit or
 6186 eliminate the separate voting rights provided in paragraph
 6187 (5) (b) as to any class of members, except when the public
 6188 organic rules of the foreign corporation resulting from the
 6189 domestication include what would be in effect an amendment that
 6190 would entitle the class to vote as a separate voting group if it
 6191 were a proposed amendment of the articles of incorporation of a
 6192 domestic domesticating corporation.

6193 (7) If, as a result of a domestication, one or more members
 6194 of a domestic domesticating corporation would become subject to
 6195 interest holder liability, approval of the plan of domestication
 6196 must require the signing in connection with the domestication,
 6197 by each such member, of a separate written consent to become
 6198 subject to such interest holder liability, unless in the case of
 6199 a member that already has interest holder liability with respect
 6200 to the domesticating corporation, the terms and conditions of
 6201 the interest holder liability with respect to the domesticated
 6202 corporation are substantially identical to those of the existing
 6203 interest holder liability, other than for changes that eliminate
 6204 or reduce such interest holder liability.

6205 (8) In addition to the adoption and approval of the plan of
 6206 domestication by the board of directors and any members entitled

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6207 to vote on the domestication as required by this section, the
 6208 plan of domestication must be approved in writing by any person
 6209 or group of persons whose approval is required under the
 6210 articles of incorporation or bylaws or whose approval is
 6211 required to amend the articles of incorporation or bylaws.
 6212 Section 110. Section 617.18032, Florida Statutes, is
 6213 created to read:
 6214 617.18032 Articles of incorporation; effectiveness.—
 6215 (1) Articles of domestication must be signed by the
 6216 domesticating corporation after:
 6217 (a) A plan of domestication of a domestic corporation has
 6218 been adopted and approved as required by this chapter; or
 6219 (b) A foreign corporation that is the domesticating
 6220 corporation has approved a domestication as required by this
 6221 chapter and under the foreign corporation's organic law.
 6222 (2) Articles of domestication must set forth:
 6223 (a) The name of the domesticating corporation and its
 6224 governing jurisdiction;
 6225 (b) The name and governing jurisdiction of the domesticated
 6226 corporation; and
 6227 (c) 1. If the domesticating corporation is a domestic
 6228 corporation, a statement that the plan of domestication was
 6229 approved in accordance with this chapter; or
 6230 2. If the domesticating corporation is a foreign
 6231 corporation, a statement that the domestication was approved in
 6232 accordance with its organic law.
 6233 (3) If the domesticated corporation is to be a domestic
 6234 corporation, articles of incorporation of the domesticated
 6235 corporation that satisfy the requirements of s. 617.0202 must be

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6236 attached to the articles of domestication. Provisions that would
 6237 not be required to be included in restated articles of
 6238 incorporation may be omitted from the articles of incorporation
 6239 attached to the articles of domestication.
 6240 (4) The articles of domestication shall be delivered to the
 6241 department for filing and shall take effect on the effective
 6242 date determined in accordance with s. 617.0123.
 6243 (5) (a) If the domesticated corporation is a domestic
 6244 corporation, the domestication becomes effective when the
 6245 articles of domestication are effective.
 6246 (b) If the domesticated corporation is a foreign
 6247 corporation, the domestication becomes effective on the later of
 6248 the date and time provided by the organic law of the
 6249 domesticated corporation or when the articles of domestication
 6250 are effective.
 6251 (6) If the domesticating corporation is a foreign
 6252 corporation that is qualified to transact business in this state
 6253 under ss. 617.1501-617.1532, its certificate of authority is
 6254 automatically canceled when the domestication becomes effective.
 6255 (7) A copy of the articles of domestication, certified by
 6256 the department, may be filed in the official records of any
 6257 county in this state in which the domesticating corporation
 6258 holds an interest in real property.
 6259 Section 111. Section 617.18033, Florida Statutes, is
 6260 created to read:
 6261 617.18033 Amendment of a plan of domestication;
 6262 abandonment.—
 6263 (1) Except as otherwise provided in the plan of
 6264 domestication and before the articles of domestication have

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6265 taken effect, a plan of domestication of a domestic corporation
 6266 adopted under s. 617.180301(3) may be amended:

6267 (a) In the same manner as the plan of domestication was
 6268 approved, if the plan does not provide for the manner in which
 6269 it may be amended; or

6270 (b) In the manner provided in the plan of domestication,
 6271 except that an interest holder who was entitled to vote on or
 6272 consent to approval of the plan is entitled to vote on or
 6273 consent to any amendment of the plan which will change:

6274 1. The amount or kind of eligible interests or other
 6275 rights, obligations, rights to acquire eligible interests, cash,
 6276 other property, or any combination of the foregoing, to be
 6277 received by any of the interest holders of the domesticating
 6278 corporation under the plan;

6279 2. The organic rules of the domesticated corporation that
 6280 are to be in writing and that will be in effect immediately
 6281 after the domestication becomes effective, except for changes
 6282 that do not require approval of the interest holder of the
 6283 domesticated corporation under its proposed organic rules as set
 6284 forth in the plan of domestication; or

6285 3. Any of the other terms or conditions of the plan, if the
 6286 change would adversely affect the interest holder in any
 6287 material respect.

6288 (2) After a plan of domestication has been adopted and
 6289 approved by a domestic corporation as required by this chapter,
 6290 and before the articles of domestication have become effective,
 6291 the plan may be abandoned by the corporation in the same manner
 6292 as the plan was approved by the corporation without action by
 6293 its interest holders in accordance with any procedures set forth

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6294 in the plan or, if no such procedures are set forth in the plan,
 6295 in the manner determined by the board of directors of the
 6296 domestic corporation.

6297 (3) If a domestication is abandoned after the articles of
 6298 domestication have been delivered to the department for filing
 6299 but before the articles of domestication become effective, a
 6300 statement of abandonment signed by the domesticating corporation
 6301 must be delivered to the department for filing before the
 6302 articles of domestication become effective. The statement shall
 6303 take effect upon filing, and the domestication shall be deemed
 6304 abandoned and may not become effective. The statement of
 6305 abandonment must contain:

6306 (a) The name of the domesticating corporation;
 6307 (b) The date on which the articles of domestication were
 6308 filed by the department; and

6309 (c) A statement that the domestication has been abandoned
 6310 in accordance with this section.

6311 Section 112. Section 617.18034, Florida Statutes, is
 6312 created to read:

6313 617.18034 Effect of domestication.—

6314 (1) When a domestication becomes effective:

6315 (a) All real property and other property owned by the
 6316 domesticating corporation, including any interests therein and
 6317 all title thereto, and every contract right and other right
 6318 possessed by the domesticating corporation, are the property,
 6319 contract rights, and other rights of the domesticated
 6320 corporation without transfer, reversion, or impairment;

6321 (b) All debts, obligations, and other liabilities of the
 6322 domesticating corporation are the debts, obligations, and other

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6323 liabilities of the domesticated corporation;

6324 (c) The name of the domesticated corporation may be, but
 6325 need not be, substituted for the name of the domesticating
 6326 corporation in any pending action or proceeding;

6327 (d) The organic rules of the domesticated corporation
 6328 become effective;

6329 (e) The eligible interests or other rights of the
 6330 domesticating corporation are cancelled or reclassified into
 6331 eligible interests or other rights, obligations, rights to
 6332 acquire eligible interests, cash, other property, or any
 6333 combination of the foregoing, in accordance with the terms of
 6334 the domestication, and the interest holders of the domesticating
 6335 corporation are entitled only to the rights provided to them by
 6336 those terms; and

6337 (f) The domesticated corporation is:

6338 1. Incorporated under and subject to the organic law of the
 6339 domesticated corporation;

6340 2. The same corporation, without interruption, as the
 6341 domesticating corporation; and

6342 3. Deemed to have been incorporated on the date the
 6343 domesticating corporation was originally incorporated.

6344 (2) Except as otherwise provided in the organic law or
 6345 organic rules of a domesticating foreign corporation, the
 6346 interest holder liability of an interest holder in a foreign
 6347 corporation that is domesticated into this state who had
 6348 interest holder liability with respect to such domesticating
 6349 corporation before the domestication becomes effective must be
 6350 as follows:

6351 (a) The domestication does not discharge that prior

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6352 interest holder liability with respect to any interest holder
 6353 liabilities that arose before the domestication becomes
 6354 effective.

6355 (b) The organic law of the domesticating corporation must
 6356 continue to apply to the collection or discharge of any interest
 6357 holder liabilities preserved by paragraph (a), as if the
 6358 domestication had not occurred.

6359 (c) The interest holder shall have such rights of
 6360 contribution from other persons as are provided by the organic
 6361 law of the domesticating corporation with respect to any
 6362 interest holder liabilities preserved by paragraph (a), as if
 6363 the domestication had not occurred.

6364 (d) The interest holder may not, by reason of such prior
 6365 interest holder liability, have interest holder liability with
 6366 respect to any interest holder liabilities that are incurred
 6367 after the domestication becomes effective.

6368 (3) An interest holder who becomes subject to interest
 6369 holder liability in respect of the domesticated corporation as a
 6370 result of the domestication has such interest holder liability
 6371 only with respect to interest holder liabilities that arise
 6372 after the domestication becomes effective.

6373 (4) A domestication does not constitute or cause the
 6374 dissolution of the domesticating corporation.

6375 (5) Property held in trust or otherwise dedicated to a
 6376 charitable purpose and held by a domestic or foreign corporation
 6377 immediately before a domestication becomes effective may not, as
 6378 a result of the domestication, be diverted from the purposes for
 6379 which it was donated, granted, devised, or otherwise transferred
 6380 except pursuant to the laws of this state addressing cy pres or

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6381 dealing with nondiversion of charitable assets.

6382 (6) A bequest, devise, gift, grant, or promise contained in
 6383 a will or other instrument of donation, subscription, or
 6384 conveyance which is made to the domesticating corporation, and
 6385 which takes effect or remains payable after the domestication
 6386 inures to the domesticated corporation.

6387 (7) A trust obligation that would govern property if
 6388 transferred to the domesticating corporation applies to property
 6389 that is to be transferred to the domesticated corporation after
 6390 the domestication takes effect.

6391 Section 113. Section 617.1804, Florida Statutes, is created
 6392 to read:

6393 617.1804 Conversion.—

6394 (1) By complying with this chapter, including being
 6395 eligible under s. 617.18041, adopting a plan of conversion in
 6396 accordance with s. 617.18042, and complying with s. 617.18043, a
 6397 domestic corporation may become:

6398 (a) A domestic eligible entity, other than a domestic
 6399 corporation; or

6400 (b) If the conversion is permitted by the organic law of
 6401 the foreign eligible entity, a foreign eligible entity.

6402 (2) By complying with this section and ss. 617.18042-
 6403 617.18046, as applicable, and applicable provisions of its
 6404 organic law, a domestic eligible entity other than a domestic
 6405 corporation may become a domestic corporation.

6406 (3) By complying with this section and ss. 617.18042-
 6407 617.18046, as applicable, and by complying with the applicable
 6408 provisions of its organic law, a foreign eligible entity may
 6409 become a domestic corporation, but only if the organic law of

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6410 the foreign eligible entity permits it to become a nonprofit
 6411 corporation in another jurisdiction.

6412 (4) If a protected agreement of a domestic converting
 6413 corporation in effect immediately before the conversion becomes
 6414 effective contains a provision applying to a merger of the
 6415 corporation that is a converting corporation and the agreement
 6416 does not refer to a conversion of the corporation, the provision
 6417 applies to a conversion of the corporation as if the conversion
 6418 were a merger, until such time as the provision is first amended
 6419 after July 1, 2026.

6420 Section 114. Section 617.18041, Florida Statutes, is
 6421 created to read:

6422 617.18041 Limitation on conversion.—A domestic corporation
 6423 that holds property for a charitable purpose is prohibited from
 6424 becoming a domestic eligible entity or a foreign eligible
 6425 entity, except by domestication to become a foreign corporation.

6426 Section 115. Section 617.18042, Florida Statutes, is
 6427 created to read:

6428 617.18042 Plan of conversion.—

6429 (1) A domestic corporation may convert to a domestic or
 6430 foreign eligible entity under this chapter by approving a plan
 6431 of conversion. The plan of conversion must include all of the
 6432 following:

6433 (a) The name of the domestic converting corporation.

6434 (b) The name, governing jurisdiction, and type of entity of
 6435 the converted eligible entity.

6436 (c) The manner and basis of canceling or converting the
 6437 eligible interests or other rights of the domestic corporation;
 6438 or the rights to acquire eligible interests, obligations, or any

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6439 combination of the foregoing of the domestic corporation, into:
 6440 1. Shares.
 6441 2. Other securities.
 6442 3. Eligible interests.
 6443 4. Obligations.
 6444 5. Rights to acquire shares, other securities, or eligible
 6445 interests.
 6446 6. Cash.
 6447 7. Other property.
 6448 8. Other rights.
 6449 (d) The other terms and conditions of the conversion.
 6450 (e) The full text, as it will be in effect immediately
 6451 after the conversion becomes effective, of the organic rules of
 6452 the converted eligible entity, which are to be in writing.
 6453 (2) In addition to the requirements of subsection (1), a
 6454 plan of conversion may contain any other provision not
 6455 prohibited by law.
 6456 (3) The terms of a plan of conversion may be made dependent
 6457 upon facts objectively ascertainable outside the plan in
 6458 accordance with s. 617.01201(10).
 6459 Section 116. Section 617.18043, Florida Statutes, is
 6460 created to read:
 6461 617.18043 Action on a plan of conversion.—In the case of a
 6462 conversion of a domestic corporation to a domestic or foreign
 6463 eligible entity other than a domestic corporation, the plan of
 6464 conversion must be adopted in the following manner:
 6465 (1) Except as provided in the articles of incorporation or
 6466 bylaws, the plan of conversion must first be adopted by the
 6467 board of directors of such domestic corporation. If the

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6468 converting corporation does not have any members entitled to
 6469 vote on the conversion, a plan of conversion is adopted by the
 6470 corporation when it has been adopted by the board of directors
 6471 pursuant to this section.
 6472 (2) (a) If the converting corporation has members entitled
 6473 to vote on the conversion, the plan of conversion must then be
 6474 approved by such members.
 6475 (b) In submitting the plan of conversion to the members for
 6476 approval, the board of directors must recommend that the members
 6477 approve the plan of conversion, unless the board of directors
 6478 makes a determination that because of conflicts of interest or
 6479 other special circumstances it should not make such a
 6480 recommendation, in which case the board of directors must inform
 6481 the members of the basis for proceeding without such
 6482 recommendation.
 6483 (3) The board of directors may set conditions for approval
 6484 of the plan of conversion by the members or the effectiveness of
 6485 the plan of conversion.
 6486 (4) If a plan of conversion is required to be approved by
 6487 the members, and if the approval of the members is to be given
 6488 at a meeting, the corporation must notify each member entitled
 6489 to vote on the conversion of the meeting of members at which the
 6490 plan of conversion is to be submitted for approval. The notice
 6491 must state that the purpose, or one of the purposes, of the
 6492 meeting is to consider the plan of conversion and must contain
 6493 or be accompanied by a copy of the plan. The notice must include
 6494 or be accompanied by a written copy of the organic rules of the
 6495 converted eligible entity as they will be in effect immediately
 6496 after the conversion.

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6497 (5) Unless this chapter, the articles of incorporation,
 6498 bylaws, or the board of directors acting pursuant to subsection
 6499 (3) require a greater vote or a greater quorum in the respective
 6500 case, approval of the plan of conversion requires:

6501 (a) The approval of the members entitled to vote on the
 6502 conversion at a meeting at which a quorum exists consisting of a
 6503 majority of the votes entitled to be cast on the plan; and

6504 (b) If any class of members is entitled to vote as a
 6505 separate group on the plan of conversion, the approval of each
 6506 class of members voting as a separate voting group at a meeting
 6507 at which a quorum of the voting group exists consisting of a
 6508 majority of the votes entitled to be cast on the plan by that
 6509 voting group.

6510 (6) If, as a result of the conversion, one or more members
 6511 of the converting domestic corporation would become subject to
 6512 interest holder liability, approval of the plan of conversion
 6513 must require the signing in connection with the conversion, by
 6514 each such member, of a separate written consent to become
 6515 subject to such interest holder liability, unless in the case of
 6516 a member that already has interest holder liability with respect
 6517 to the converting corporation, the terms and conditions of the
 6518 interest holder liability with respect to the converted entity
 6519 are substantially identical to those of the existing interest
 6520 holder liability, other than for changes that eliminate or
 6521 reduce such interest holder liability.

6522 (7) If the converted eligible entity is a partnership or
 6523 limited partnership, a member of the converting domestic
 6524 corporation may not, as a result of the conversion, become a
 6525 general partner of the partnership or limited partnership,

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6526 unless such member specifically consents in writing to becoming
 6527 a general partner of such partnership or limited partnership,
 6528 and, unless such written consent is obtained from each such
 6529 member, such conversion may not become effective under s.
 6530 617.18044. Any member providing such consent in writing is
 6531 deemed to have voted in favor of the plan of conversion pursuant
 6532 to which the member became a general partner.

6533 (8) In addition to the adoption and approval of the plan of
 6534 conversion by the board of directors and any members entitled to
 6535 vote on the conversion as required by this section, the plan of
 6536 conversion must also be approved in writing by any person or
 6537 group of persons whose approval is required under the articles
 6538 of incorporation or bylaws or whose approval is required to
 6539 amend the articles of incorporation or bylaws.

6540 Section 117. Section 617.18044, Florida Statutes, is
 6541 created to read:

6542 617.18044 Articles of conversion; effectiveness.—

6543 (1) After a plan of conversion of a domestic corporation
 6544 has been adopted and approved as required by this chapter, or a
 6545 domestic or foreign eligible entity, other than a domestic
 6546 corporation, that is the converting eligible entity has approved
 6547 a conversion as required by its organic law, articles of
 6548 conversion must be signed by the converting eligible entity as
 6549 required by s. 617.01201 and must:

6550 (a) State the name, governing jurisdiction, and type of
 6551 entity of the converting eligible entity;

6552 (b) State the name, governing jurisdiction, and type of
 6553 entity of the converted eligible entity;

6554 (c) If the converting eligible entity is:

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6555 1. A domestic corporation, state that the plan of
 6556 conversion was approved in accordance with this chapter; or
 6557 2. A domestic or foreign eligible entity other than a
 6558 domestic corporation, state that the conversion was approved by
 6559 the eligible entity in accordance with its organic law; and
 6560 (d) If the converted eligible entity is:
 6561 1. A domestic corporation or a domestic or foreign eligible
 6562 entity that is not a domestic corporation, attach the public
 6563 organic record of the converted eligible entity, except that
 6564 provisions that would not be required to be included in a
 6565 restated public organic record may be omitted; or
 6566 2. A domestic limited liability partnership, attach the
 6567 filing or filings required to become a domestic limited
 6568 liability partnership.
 6569 (2) If the converted eligible entity is a domestic
 6570 corporation, its articles of incorporation must satisfy the
 6571 requirements of s. 617.0202, except that provisions that would
 6572 not be required to be included in restated articles of
 6573 incorporation may be omitted from the articles of incorporation.
 6574 If the converted eligible entity is a domestic eligible entity
 6575 that is not a domestic corporation, its public organic record,
 6576 if any, must satisfy the applicable requirements of the organic
 6577 law of this state, except that the public organic record does
 6578 not need to be signed.
 6579 (3) The articles of conversion must be delivered to the
 6580 department for filing and shall take effect on the effective
 6581 date determined in accordance with s. 617.0123.
 6582 (4) (a) If the converted eligible entity is a domestic
 6583 eligible entity, the conversion becomes effective when the

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6584 articles of conversion are effective.
 6585 (b) If the converted eligible entity is a foreign eligible
 6586 entity, the conversion becomes effective at the later of:
 6587 1. The date and time provided by the organic law of that
 6588 eligible entity; or
 6589 2. When the articles of conversion take effect.
 6590 (5) Articles of conversion required to be filed under this
 6591 section may be combined with any filing required under the
 6592 organic law of a domestic eligible entity that is the converting
 6593 eligible entity or the converted eligible entity if the combined
 6594 filing satisfies the requirements of both this section and the
 6595 other organic law.
 6596 (6) If the converting eligible entity is a foreign eligible
 6597 entity that is authorized to transact business in this state
 6598 under a law similar to ss. 617.1501-617.1532, its foreign
 6599 qualification is canceled automatically on the effective date of
 6600 its conversion.
 6601 (7) A copy of the articles of conversion, certified by the
 6602 department, may be filed in the official records of any county
 6603 in this state in which the converting eligible entity holds an
 6604 interest in real property.
 6605 Section 118. Section 617.18045, Florida Statutes, is
 6606 created to read:
 6607 617.18045 Amendment to a plan of conversion; abandonment.-
 6608 (1) Except as otherwise provided in the plan of conversion
 6609 and before the articles of conversion have taken effect, a plan
 6610 of conversion of a converting eligible entity that is a domestic
 6611 corporation may be amended:
 6612 (a) In the same manner as the plan of conversion was

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6613 approved, if the plan does not provide for the manner in which
 6614 it may be amended; or

6615 (b) In the manner provided in the plan of conversion,
 6616 except that an interest holder that was entitled to vote on or
 6617 consent to approval of the plan is entitled to vote on or
 6618 consent to any amendment of the plan which will change:

6619 1. The amount or kind of interests; obligations; rights to
 6620 acquire other interests; cash; other property; or any
 6621 combination of the foregoing, to be received by any of the
 6622 interest holders of the converting corporation under the plan;

6623 2. The organic rules of the converted eligible entity which
 6624 will be in effect immediately after the conversion becomes
 6625 effective, except for changes that do not require approval of
 6626 the eligible interest holders of the converted eligible entity
 6627 under its organic law or organic rules; or

6628 3. Any other terms or conditions of the plan, if the change
 6629 would adversely affect such interest holders in any material
 6630 respect.

6631 (2) After a plan of conversion has been adopted and
 6632 approved by a converting eligible entity that is a domestic
 6633 corporation in the manner required by this chapter and before
 6634 the articles of conversion become effective, the plan may be
 6635 abandoned by the domestic corporation without action by its
 6636 interest holders in accordance with any procedures set forth in
 6637 the plan or, if no such procedures are set forth in the plan, in
 6638 the manner determined by the board of directors of the domestic
 6639 corporation.

6640 (3) If a conversion is abandoned after the articles of
 6641 conversion have been delivered to the department for filing but

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6642 before the articles of conversion have become effective, a
 6643 statement of abandonment signed by the converting eligible
 6644 entity must be delivered to the department for filing before the
 6645 articles of conversion become effective. The statement takes
 6646 effect upon filing, and the conversion is deemed abandoned and
 6647 may not become effective. The statement of abandonment must
 6648 contain:

6649 (a) The name of the converting eligible entity;

6650 (b) The date on which the articles of conversion were filed
 6651 by the department; and

6652 (c) A statement that the conversion has been abandoned in
 6653 accordance with this section.

6654 Section 119. Section 617.18046, Florida Statutes, is
 6655 created to read:

6656 617.18046 Effect of conversion.—

6657 (1) When a conversion becomes effective:

6658 (a) All real property and other property owned by the
 6659 converting eligible entity, including any interest therein and
 6660 all title thereto, and every contract right and other right
 6661 possessed by the converting eligible entity remain the property,
 6662 contract rights, and other rights of the converted eligible
 6663 entity without transfer, reversion, or impairment;

6664 (b) All debts, obligations, and other liabilities of the
 6665 converting eligible entity remain the debts, obligations, and
 6666 other liabilities of the converted eligible entity;

6667 (c) The name of the converted eligible entity may be
 6668 substituted for the name of the converting eligible entity in
 6669 any pending action or proceeding;

6670 (d) If the converted eligible entity is a filing entity, a

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6671 domestic corporation, or a domestic or foreign corporation, its
 6672 public organic record and its private organic rules become
 6673 effective;

6674 (e) If the converted eligible entity is a nonfiling entity,
 6675 its private organic rules become effective;

6676 (f) If the converted eligible entity is a limited liability
 6677 partnership, the filing required to become a limited liability
 6678 partnership and its private organic rules become effective;

6679 (g) The shares; obligations; eligible interests; other
 6680 securities; and rights to acquire shares, obligations, eligible
 6681 interests, or other securities of the converting eligible entity
 6682 are reclassified into shares; obligations; eligible interests;
 6683 other securities; and rights to acquire shares, obligations,
 6684 eligible interests; or other securities; or eligible interests,
 6685 cash; other property; or any combination of the foregoing, in
 6686 accordance with the terms of the conversion, and the members or
 6687 interest holders of the converting eligible entity are entitled
 6688 only to the rights provided to them by those terms or under the
 6689 organic law of the converting eligible entity; and

6690 (h) The converted eligible entity is:

6691 1. Deemed to be incorporated or organized under and subject
 6692 to the organic law of the converted eligible entity;

6693 2. Deemed to be the same entity without interruption as the
 6694 converting eligible entity; and

6695 3. Deemed to have been incorporated or otherwise organized
 6696 on the date that the converting eligible entity was originally
 6697 incorporated or organized.

6698 (2) Except as otherwise provided in the articles of
 6699 incorporation or bylaws of a domestic corporation or the organic

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6700 law or organic rules of a domestic or foreign eligible entity
 6701 other than a domestic corporation, a member or eligible interest
 6702 holder who becomes subject to interest holder liability in
 6703 respect of a domestic corporation or domestic or foreign
 6704 eligible entity other than a domestic corporation as a result of
 6705 the conversion shall have such interest holder liability only in
 6706 respect of interest holder liabilities that arise after the
 6707 conversion becomes effective.

6708 (3) Except as otherwise provided in the organic law or the
 6709 organic rules of the domestic or foreign eligible entity, the
 6710 interest holder liability of an interest holder in a converting
 6711 eligible entity that converts to a domestic corporation who had
 6712 interest holder liability in respect of such converting eligible
 6713 entity before the conversion becomes effective is as follows:

6714 (a) The conversion does not discharge that prior interest
 6715 holder liability with respect to any interest holder liabilities
 6716 that arose before the conversion became effective.

6717 (b) The organic law of the eligible entity continues to
 6718 apply to the collection or discharge of any interest holder
 6719 liabilities preserved by paragraph (a), as if the conversion had
 6720 not occurred.

6721 (c) The eligible interest holder has such rights of
 6722 contribution from other persons as are provided by the organic
 6723 law of the eligible entity with respect to any interest holder
 6724 liabilities preserved by paragraph (a), as if the conversion had
 6725 not occurred.

6726 (d) The eligible interest holder may not, by reason of such
 6727 prior interest holder liability, have interest holder liability
 6728 with respect to any interest holder liabilities that arise after

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6729 the conversion becomes effective.

6730 (4) A conversion does not require the converting eligible
 6731 entity to wind up its affairs and does not constitute or cause
 6732 the dissolution or termination of the entity.

6733 (5) Property held for charitable purposes under the laws of
 6734 this state by a domestic or foreign eligible entity immediately
 6735 before a conversion becomes effective may not, as a result of
 6736 the conversion, be diverted from the purposes for which it was
 6737 donated, granted, devised, or otherwise transferred except and
 6738 to the extent permitted by or pursuant to the laws of this state
 6739 addressing cy pres or dealing with nondiversion of charitable
 6740 assets.

6741 (6) Any bequest, devise, gift, grant, or promise contained
 6742 in a will or other instrument of donation, subscription, or
 6743 conveyance which is made to the converting eligible entity and
 6744 which takes effect or remains payable after the conversion
 6745 inures to the converted eligible entity.

6746 (7) A trust obligation that would govern property if
 6747 transferred to the converting eligible entity applies to
 6748 property that is to be transferred to the converted eligible
 6749 entity after the conversion becomes effective.

6750 Section 120. Section 617.2005, Florida Statutes, is amended
 6751 to read:

6752 617.2005 Extinct churches and religious societies;
 6753 dissolution.—Any church or religious society in this state which
 6754 has ceased or failed to maintain religious worship or service,
 6755 or to use its property for religious worship or services
 6756 according to the tenets, usages, and customs of a church of the
 6757 denomination of which it is a member in this state for the space

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6758 of 2 consecutive years, or whose membership has so diminished in
 6759 numbers or in financial strength as to render it impossible for
 6760 such church or society to maintain religious worship or
 6761 services, or to protect its property from exposure to waste and
 6762 dilapidation for a period of 2 years, shall be extinct. Upon an
 6763 action filed by a member of the church or religious society, the
 6764 facts being established to the satisfaction of the circuit court
 6765 in and for the county in which such church or society has been
 6766 situated, an order of such court may be made dissolving the
 6767 church or religious society and the property of such church or
 6768 society, or the property which may be held in trust for such
 6769 church or society, may by court order be transferred to and the
 6770 title and possession thereof vested in the denomination of which
 6771 such church or society was a member. A copy of the decree of
 6772 dissolution must ~~shall~~ be filed with the department ~~of State~~.

6773 Section 121. Section 617.2006, Florida Statutes, is amended
 6774 to read:

6775 617.2006 Incorporation of labor unions or bodies.—

6776 (1) Any group or combination of groups of workers or wage
 6777 earners, bearing the name labor, organized labor, federation of
 6778 labor, brotherhood of labor, union labor, union labor committee,
 6779 trade union, trades union, union labor council, building trades
 6780 council, building trades union, allied trades union, central
 6781 labor body, central labor union, federated trades council, local
 6782 union, state union, national union, international union,
 6783 district labor council, district labor union, American
 6784 Federation of Labor, Florida Federation of Labor, or any
 6785 component parts or significant words of such terms, whether the
 6786 same be used in juxtaposition or with interspace, may be

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6877 incorporated under this chapter act.

6878 ~~(2)(1)~~ In addition to the requirements of ss. 617.02011 and
6879 617.0202, the articles of incorporation for a labor union or
6880 body ~~must shall~~ set forth the necessity for the incorporation,
6881 ~~shall~~ be subscribed to by not less than five persons, and ~~shall~~
6882 be acknowledged by all of the subscribers, who shall also make
6883 and subscribe to an oath, to be endorsed on the articles of
6884 incorporation, that it is intended in good faith to carry out
6885 the purposes and objects set forth in the articles of
6886 incorporation. The articles of incorporation shall be filed in
6887 the office of the clerk of the circuit court of the county in
6888 which the labor union or body is organized, and the approval of
6889 the judge of the circuit court shall be obtained.

6890 ~~(2)~~ The subscribers of the articles of incorporation shall
6891 give notice of their intention to obtain approval thereof by the
6892 circuit judge. Such notice shall state the name of the judge,
6893 the date the articles of incorporation will be presented, and
6894 the general nature and necessity of the articles of
6895 incorporation. Notice shall be published in a newspaper of
6896 general circulation in the county in which the labor union or
6897 body is organized at least once, or posted at the courthouse
6898 door in counties having no newspapers, at least 10 days prior to
6899 the date the articles of incorporation will be presented to the
6900 judge.

6901 ~~(3)~~ When presented to the judge, the articles of
6902 incorporation shall be accompanied by a petition, signed and
6903 sworn to by the subscribers, stating fully the aims and purposes
6904 of such organization and the necessity therefor.

6905 ~~(4)~~ Upon the filing of the articles of incorporation and

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6816 the petition, and the giving of such notice, the circuit judge
6817 to whom such petition may be addressed shall, upon the date
6818 stated in such notice, take testimony and inquire into the
6819 admissions and purposes of such organization and the necessity
6820 therefor, and upon such hearing, if the circuit judge shall be
6821 satisfied that the allegations set forth in the petition and
6822 articles of incorporation have been substantiated, and shall
6823 find that such organization will not be harmful to the community
6824 in which it proposes to operate, or to the state, and that it is
6825 intended in good faith to carry out the purposes and objects set
6826 forth in the articles of incorporation, and that there is a
6827 necessity therefor, the judge shall approve the articles of
6828 incorporation and endorse his or her approval thereon. Upon the
6829 filing of the articles of incorporation with its endorsements
6830 thereupon with the Department of State and payment of the filing
6831 fees specified in s. 617.0122, the subscribers and their
6832 associates and successors shall be a corporation by the name
6833 given.

6834 ~~(5)~~ Any person may intervene by filing an answer to the
6835 petition stating his or her reasons, if any, and be heard
6836 thereon, why the circuit judge shall not approve the articles of
6837 incorporation.

6838 ~~(6)~~ The existence, amendment of the articles of
6839 incorporation, and dissolution of any such corporation shall be
6840 in accordance with this act.

6841 Section 122. Subsection (7) of section 39.8298, Florida
6842 Statutes, is amended to read:

6843 39.8298 Guardian ad Litem direct-support organization.-

6844 (7) LIMITS ON DIRECT-SUPPORT ORGANIZATION.-The direct-

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6845 support organization shall not exercise any power under s.
 6846 617.0302(11) or (15) ~~s. 617.0302(12) or (16)~~. No state employee
 6847 shall receive compensation from the direct-support organization
 6848 for service on the board of directors or for services rendered
 6849 to the direct-support organization.

6850 Section 123. Paragraph (a) of subsection (2) of section
 6851 381.00316, Florida Statutes, is amended to read:

6852 381.00316 Discrimination by governmental and business
 6853 entities based on health care choices; prohibition.—

6854 (2) As used in this section, the term:

6855 (a) "Business entity" has the same meaning as in s. 606.03.
 6856 The term also includes a charitable organization as defined in
 6857 s. 496.404, a nonprofit corporation ~~not for profit~~ as defined in
 6858 s. 617.01401, or any other business operating in this state.

6859 Section 124. Subsection (6) of section 605.1025, Florida
 6860 Statutes, is amended to read:

6861 605.1025 Articles of merger.—

6862 (6) A limited liability company is not required to deliver
 6863 articles of merger for filing pursuant to subsection (1) if the
 6864 limited liability company is named as a merging entity or
 6865 surviving entity in articles of merger or a certificate of
 6866 merger filed for the same merger in accordance with s. 607.1105,
 6867 ~~s. 617.1108~~, s. 620.2108(3), or s. 620.8918(3), and if such
 6868 articles of merger or certificate of merger substantially comply
 6869 with the requirements of this section. In such a case, the other
 6870 articles of merger or certificate of merger may also be used for
 6871 purposes of subsection (5).

6872 Section 125. Section 617.0102, Florida Statutes, is amended
 6873 to read:

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6874 617.0102 Reservation of power to amend or repeal.—The
 6875 Legislature has the power to amend or repeal all or part of this
 6876 chapter act at any time, and all domestic and foreign
 6877 corporations subject to this chapter act shall be governed by
 6878 the amendment or repeal.

6879 Section 126. Section 617.0121, Florida Statutes, is amended
 6880 to read:

6881 617.0121 Forms.—

6882 (1) The department ~~of State~~ may prescribe and furnish on
 6883 request forms for:

6884 (a) An application for certificate of status,

6885 (b) A foreign corporation's application for certificate of
 6886 authority to conduct its affairs in the state,

6887 (c) A foreign corporation's application for certificate of
 6888 withdrawal, and

6889 (d) The annual report, for which the department may
 6890 prescribe the use of the uniform business report, pursuant to s.
 6891 606.06.

6892

6893 If the department ~~of State~~ so requires, the use of these forms
 6894 are shall be mandatory.

6895 (2) The department ~~of State~~ may prescribe and furnish on
 6896 request forms for other documents required or permitted to be
 6897 filed by this chapter act, but their use may shall not be
 6898 mandatory.

6899 Section 127. Section 617.0122, Florida Statutes, is amended
 6900 to read:

6901 617.0122 Fees for filing documents and issuing
 6902 certificates.—The department ~~of State~~ shall collect the

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6903 following fees on documents delivered to the department for
 6904 filing:

6905 (1) Articles of incorporation: \$35.
 6906 (2) Application for registered name: \$87.50.
 6907 (3) Application for renewal of registered name: \$87.50.
 6908 (4) Corporation's statement of change of registered agent
 6909 or registered office or both if not included on the annual
 6910 report: \$35.
 6911 (5) Designation of and acceptance by registered agent: \$35.
 6912 (6) Agent's statement of resignation from a corporation
 6913 that has not been dissolved: \$87.50.
 6914 (7) Agent's statement of resignation from a dissolved
 6915 corporation or a composite statement of resignation from two or
 6916 more dissolved corporations pursuant to s. 617.05021(1)(b) ~~s.~~
 6917 ~~617.0502(2)(b)~~: \$35.
 6918 (8) Amendment of articles of incorporation: \$35.
 6919 (9) Restatement of articles of incorporation with amendment
 6920 of articles: \$35.
 6921 (10) Articles of merger for each party thereto: \$35.
 6922 (11) Articles of dissolution: \$35.
 6923 (12) Articles of revocation of dissolution: \$35.
 6924 (13) Application for reinstatement following administrative
 6925 dissolution: \$175.
 6926 (14) Application for certificate of authority to transact
 6927 business in this state by a foreign corporation: \$35.
 6928 (15) Application for amended certificate of authority: \$35.
 6929 (16) Application for certificate of withdrawal by a foreign
 6930 corporation: \$35.
 6931 (17) Annual report: \$61.25.

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6932 (18) Articles of correction: \$35.
 6933 (19) Application for certificate of status: \$8.75.
 6934 (20) Certified copy of document: \$52.50.
 6935 (21) Serving as agent for substitute service of process:
 6936 \$87.50.
 6937 (22) Certificate of conversion of a limited agricultural
 6938 association to a domestic corporation: \$35.
 6939 (23) Any other document required or permitted to be filed
 6940 by this chapter: \$35.
 6941
 6942 Any citizen support organization that is required by rule of the
 6943 Department of Environmental Protection to be formed as a
 6944 nonprofit organization and is under contract with the Department
 6945 of Environmental Protection ~~department~~ is exempt from any fees
 6946 required for incorporation as a nonprofit organization, and the
 6947 Secretary of State may not assess any such fees if the citizen
 6948 support organization is certified by the Department of
 6949 Environmental Protection to the Secretary of State as being
 6950 under contract with the Department of Environmental Protection.
 6951 Section 128. Section 617.0125, Florida Statutes, is amended
 6952 to read:
 6953 617.0125 Filing duties of the ~~the~~ department ~~of State.~~
 6954 (1) If a document delivered to the department for filing
 6955 satisfies the requirements of s. 617.01201, the department shall
 6956 file it.
 6957 (2) The department files a document by stamping or
 6958 otherwise endorsing "filed," together with the Secretary of
 6959 State's official title and the date and time of receipt. After
 6960 filing a document, the department shall send a notice of the

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6961 filing to the electronic mail address on file for the domestic
 6962 or foreign corporation or its representative or send a copy of
 6963 the document to the mailing address of such corporation or its
 6964 representative. If the record changes the electronic mail
 6965 address of the domestic or foreign corporation, the department
 6966 must send such notice to the new electronic mail address and to
 6967 the most recent prior electronic mail address. If the record
 6968 changes the mailing address of the domestic or foreign
 6969 corporation, the department must send such notice to the new
 6970 mailing address and to the most recent prior mailing address.

6971 (3) If the department refuses to file a document, it shall
 6972 return it to the domestic or foreign corporation or its
 6973 representative within 15 days after the document was received
 6974 for filing, together with a brief, written explanation of the
 6975 reason for refusal.

6976 (4) The department's duty to file documents under this
 6977 section is ministerial. The filing or refusing to file a
 6978 document does not:

6979 (a) Affect the validity or invalidity of the document in
 6980 whole or part;

6981 (b) Relate to the correctness or incorrectness of
 6982 information contained in the document; or

6983 (c) Create a presumption that the document is valid or
 6984 invalid or that information contained in the document is correct
 6985 or incorrect.

6986 (5) If not otherwise provided by law and ~~the provisions of~~
 6987 this chapter act, the department shall determine, by rule, the
 6988 appropriate format for, number of copies of, manner of execution
 6989 of, method of electronic transmission of, and amount of and

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6990 method of payment of fees for, any document placed under its
 6991 jurisdiction.

6992 Section 129. Section 617.02011, Florida Statutes, is
 6993 amended to read:

6994 617.02011 Incorporators.—One or more persons may act as the
 6995 incorporator or incorporators of a corporation by delivering
 6996 articles of incorporation to the department ~~of State~~ for filing.

6997 Section 130. Subsection (2) of section 617.0203, Florida
 6998 Statutes, is amended to read:

6999 617.0203 Incorporation.—

7000 (2) The department's ~~Department of State's~~ filing of the
 7001 articles of incorporation, and the original recorded charter or
 7002 certified copy of the charter of a corporation which has not
 7003 been reincorporated under s. 617.0901, is conclusive proof that
 7004 the incorporators satisfied all conditions precedent to
 7005 incorporation and that the corporation has been incorporated
 7006 under this chapter act, except in a proceeding by the state to
 7007 cancel or revoke the incorporation or involuntarily dissolve the
 7008 corporation.

7009 Section 131. Subsection (2) of section 617.0205, Florida
 7010 Statutes, is amended to read:

7011 617.0205 Organizational meeting of directors.—

7012 (2) Action required or permitted by this chapter act to be
 7013 taken by incorporators or directors at an organizational meeting
 7014 may be taken without a meeting if the action taken is evidenced
 7015 by one or more written consents describing the action taken and
 7016 signed by each incorporator or director.

7017 Section 132. Section 617.0301, Florida Statutes, is amended
 7018 to read:

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7019 617.0301 Purposes and application.—Corporations may be
 7020 organized under this chapter act for any lawful purpose or
 7021 purposes not for pecuniary profit and not specifically
 7022 prohibited to corporations under other laws of this state. Such
 7023 purposes include, without limitation, charitable, benevolent,
 7024 ~~elemosynary~~, educational, historical, civic, patriotic,
 7025 political, religious, social, fraternal, literary, cultural,
 7026 athletic, scientific, agricultural, horticultural, animal
 7027 husbandry, and professional, commercial, industrial, or trade
 7028 association purposes. If special provisions are made, by law,
 7029 for the organization of designated classes of nonprofit
 7030 corporations ~~not for profit~~, such corporations must ~~shall~~ be
 7031 formed under such provisions and not under this chapter act.

7032 Section 133. Subsection (2) of section 617.0504, Florida
 7033 Statutes, is amended to read:

7034 617.0504 Serving process, giving notice, or making a demand
 7035 on a corporation.—

7036 (2) Any notice to or demand on a corporation made pursuant
 7037 to this chapter act may be made to the chair of the board, the
 7038 president, any vice president, the secretary, the treasurer, the
 7039 registered agent of the corporation at the registered office of
 7040 the corporation in this state, or any address in this state that
 7041 is in fact the principal office of the corporation in this
 7042 state.

7043 Section 134. Section 617.0806, Florida Statutes, is amended
 7044 to read:

7045 617.0806 Staggered terms for directors.—The articles of
 7046 incorporation or bylaws may provide that directors be divided
 7047 into classes. Each director shall hold office for the term to

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7048 which such director ~~he or she~~ is elected or appointed and until
 7049 such director's ~~his or her~~ successor has been elected or
 7050 appointed and qualified or until such director's ~~his or her~~
 7051 earlier resignation, removal from office, or death.

7052 Section 135. Subsection (4) of section 617.0824, Florida
 7053 Statutes, is amended to read:

7054 617.0824 Quorum and voting.—

7055 (4) A director of a corporation who is present at a meeting
 7056 of the board of directors or a committee of the board of
 7057 directors when corporate action is taken is deemed to have
 7058 assented to the action taken unless:

7059 (a) The director objects, at the beginning of the meeting
 7060 or promptly upon such director's ~~his or her~~ arrival, to holding
 7061 the meeting or transacting specified affairs at the meeting; or

7062 (b) The director votes against or abstains from the action
 7063 taken.

7064 Section 136. Subsections (3), (4), and (7) of section
 7065 617.0825, Florida Statutes, are amended to read:

7066 617.0825 Board committees and advisory committees.—

7067 (3) To the extent provided by the board of directors in a
 7068 resolution or in the articles of incorporation or the bylaws of
 7069 the corporation, each such committee has ~~shall have~~ and may
 7070 exercise powers and authority of the board of directors, except
 7071 that ~~no~~ such committee does not ~~shall~~ have the power or
 7072 authority to:

7073 (a) Approve or recommend to members actions or proposals
 7074 required by this chapter act to be approved by members.

7075 (b) Fill vacancies on the board of directors or any
 7076 committee thereof.

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7077 (c) Adopt, amend, or repeal the bylaws.

7078 (4) Unless the articles of incorporation or the bylaws
7079 provide otherwise, ss. 617.0820, 617.0823, and 617.0824 ~~ss.~~
7080 ~~617.0820, 617.0822, 617.0823, and 617.0824~~, which govern
7081 meetings, ~~notice and~~ waiver of notice, and quorum and voting
7082 requirements of the board of directors, apply to committees and
7083 their members as well.

7084 (7) ~~Neither~~ The designation of any such committee, the
7085 delegation thereto of authority, or ~~per~~ action by such committee
7086 pursuant to such authority does not ~~shall~~ alone constitute
7087 compliance by any member of the board of directors not a member
7088 of the committee in question with such member's ~~his or her~~
7089 responsibility to act in good faith, in a manner such member ~~he~~
7090 ~~or she~~ reasonably believes to be in the best interests of the
7091 corporation, and with such care as an ordinarily prudent person
7092 in a like position would use under similar circumstances.

7093 Section 137. Section 617.0831, Florida Statutes, is amended
7094 to read:

7095 617.0831 Indemnification and liability of officers,
7096 directors, employees, and agents.- Sections ~~Except as provided~~
7097 ~~in s. 617.0834, s. 607.0831 and ss. 607.0850-607.0859~~ apply to a
7098 corporation organized under this chapter ~~act~~ and a rural
7099 electric cooperative organized under chapter 425. Any reference
7100 to "directors" in those sections includes the directors,
7101 managers, or trustees of a corporation organized under this
7102 chapter ~~act~~ or of a rural electric cooperative organized under
7103 chapter 425. However, the term "director" as used in s. 607.0831
7104 and ss. 607.0850-607.0859 does not include a director appointed
7105 by the developer to the board of directors of a condominium

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7106 association under chapter 718, a cooperative association under
7107 chapter 719, a homeowners' association defined in s. 720.301, or
7108 a timeshare managing entity under chapter 721. Any reference to
7109 "shareholders" in those sections includes members of a
7110 corporation organized under this chapter ~~act~~ and members of a
7111 rural electric cooperative organized under chapter 425.

7112 Section 138. Section 617.0901, Florida Statutes, is amended
7113 to read:

7114 617.0901 Reincorporation.-

7115 (1) Any corporation which has a charter approved by a
7116 circuit judge under former chapter 617, Florida Statutes (1989),
7117 or a charter granted by the Legislature of this state, on or
7118 prior to September 1, 1959, the effective date of chapter 59-
7119 427, Laws of Florida, may reincorporate under this chapter ~~act~~
7120 by filing with the department ~~of State~~ a copy of its charter and
7121 all amendments thereto, certified by the clerk of the circuit
7122 court of the county wherein recorded, as to charters and
7123 amendments granted by circuit judges, and by the department ~~of~~
7124 ~~State~~, as to legislative charters, together with a certificate
7125 containing the provisions required in original articles of
7126 incorporation by s. 617.0202, and accepting ~~the provisions of~~
7127 this chapter ~~act~~.

7128 (2) A certificate of reincorporation must be executed in
7129 accordance with s. 617.01201, and it must show that its issuance
7130 was duly authorized by a meeting of its members regularly
7131 called, or if there are no members entitled to vote on
7132 reincorporation, by a meeting of its board of directors. Upon
7133 the filing of a certificate of reincorporation in accordance
7134 with s. 617.01201, the corporation is ~~shall be~~ deemed to be

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7135 incorporated under this chapter act and the certificate
 7136 constitutes ~~shall constitute~~ its articles of incorporation.
 7137 (3) The corporation shall then be entitled to and be
 7138 possessed of all the privileges, franchises, and powers as if
 7139 originally incorporated under this chapter act, and all the
 7140 properties, rights, and privileges belonging to the corporation
 7141 before ~~prior to~~ reincorporation, which were acquired by gift,
 7142 grant, conveyance, assignment, or otherwise are hereby ratified,
 7143 approved, confirmed, and assured to the corporation with like
 7144 effect and to all intents and purposes as if they had been
 7145 originally acquired pursuant to incorporation under this chapter
 7146 act. However, any corporation reincorporating under this chapter
 7147 is act ~~shall be~~ subject to all the contracts, duties, and
 7148 obligations resting upon the corporation before ~~prior to~~
 7149 reincorporation or to which the corporation is ~~shall then be~~ in
 7150 any way liable.

7151 Section 139. Subsection (2) of section 617.1008, Florida
 7152 Statutes, is amended to read:
 7153 617.1008 Amendment pursuant to reorganization.—
 7154 (2) The individual or individuals designated by the court
 7155 shall deliver to the department ~~of State~~ for filing articles of
 7156 amendment setting forth:
 7157 (a) The name of the corporation;
 7158 (b) The text of each amendment approved by the court;
 7159 (c) The date of the court's order or decree approving the
 7160 articles of amendment;
 7161 (d) The title of the reorganization proceeding in which the
 7162 order or decree was entered; and
 7163 (e) A statement that the court had jurisdiction of the

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7164 proceeding under federal or state law.
 7165 Section 140. Section 617.1009, Florida Statutes, is amended
 7166 to read:
 7167 617.1009 Effect of amendment.—An amendment to articles of
 7168 incorporation does not affect a cause of action existing against
 7169 or in favor of the corporation, a proceeding to which the
 7170 corporation is a party, or the existing rights of persons other
 7171 than members of the corporation. An amendment changing a
 7172 corporation's name does not affect ~~abate~~ a proceeding brought by
 7173 or against the corporation in its former name.

7174 Section 141. Subsection (3) of section 617.1404, Florida
 7175 Statutes, is amended to read:
 7176 617.1404 Revocation of dissolution.—
 7177 (3) After the revocation of dissolution is authorized, the
 7178 corporation may revoke the dissolution by delivering to the
 7179 department ~~of State~~ for filing articles of revocation of
 7180 dissolution, together with a copy of its articles of
 7181 dissolution, that set forth:
 7182 (a) The name of the corporation;
 7183 (b) The effective date of the dissolution that was revoked;
 7184 (c) The date that the revocation of dissolution was
 7185 authorized;
 7186 (d) If the corporation's board of directors revoked a
 7187 dissolution authorized by the members, a statement that
 7188 revocation was permitted by action by the board of directors
 7189 alone pursuant to that authorization; and
 7190 (e) If member action was required to revoke the
 7191 dissolution, the information required by s. 617.1403(1)(b) or
 7192 (c), whichever is applicable.

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7193 Section 142. Subsection (1) of section 617.1422, Florida
7194 Statutes, is amended, and subsection (4) of that section is
7195 reenacted, to read:

7196 617.1422 Reinstatement following administrative
7197 dissolution.—

7198 (1) A corporation administratively dissolved under s.
7199 617.1421 may apply to the department for reinstatement at any
7200 time after the effective date of dissolution. The corporation
7201 must submit a reinstatement form prescribed and furnished by the
7202 department or a current uniform business annual report signed by
7203 a registered agent and an officer or director and submit all
7204 fees owed by the corporation and computed at the rate provided
7205 by law at the time the corporation applies for reinstatement.

7206 (4) The name of the dissolved corporation is not available
7207 for assumption or use by another corporation until 1 year after
7208 the effective date of dissolution unless the dissolved
7209 corporation provides the department with an affidavit executed
7210 pursuant to s. 617.01201 authorizing the immediate assumption or
7211 use of the name by another corporation.

7212 Section 143. Subsections (2) and (3) of section 617.1423,
7213 Florida Statutes, are amended to read:

7214 617.1423 Appeal from denial of reinstatement.—

7215 (2) After exhaustion of administrative remedies, the
7216 corporation may appeal the denial of reinstatement to the
7217 appropriate court as provided in s. 120.68 within 30 days after
7218 service of the notice of denial is perfected. The corporation
7219 appeals by petitioning the court to set aside the dissolution
7220 and attaching to the petition copies of the department's
7221 ~~department of State's~~ certificate of dissolution, the

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7222 corporation's application for reinstatement, and the
7223 department's notice of denial.

7224 (3) The court may summarily order the department ~~of State~~
7225 to reinstate the dissolved corporation or may take other action
7226 the court considers appropriate.

7227 Section 144. Subsection (1) of section 617.1501, Florida
7228 Statutes, is amended to read:

7229 617.1501 Authority of foreign corporation to conduct
7230 affairs required.—

7231 (1) A foreign corporation may not conduct its affairs in
7232 this state until it obtains a certificate of authority from the
7233 department ~~of State~~.

7234 Section 145. Subsection (2) of section 617.1510, Florida
7235 Statutes, is amended to read:

7236 617.1510 Serving process, giving notice, or making a demand
7237 on a foreign corporation.—

7238 (2) Any notice to or demand on a foreign corporation made
7239 pursuant to this chapter ~~act~~ may be made in accordance with the
7240 procedures for notice to or demand on domestic corporations
7241 under s. 617.0504.

7242 Section 146. Section 617.1606, Florida Statutes, is amended
7243 to read:

7244 617.1606 Access to records.—Sections 617.1601-617.16051
7245 ~~617.1601-617.1605~~ do not apply to a corporation that is an
7246 association, as defined in s. 720.301, or a corporation
7247 regulated under chapter 718 or chapter 719.

7248 Section 147. Paragraphs (a), (b), (d), and (e) of
7249 subsection (1) of section 617.1623, Florida Statutes, are
7250 amended, to read:

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7251 617.1623 Corporate information available to the public;
7252 application to corporations incorporated by circuit courts and
7253 by special act of the Legislature.—

7254 (1) (a) Each corporation incorporated in this state shall
7255 maintain a registered agent and registered office in accordance
7256 with s. 617.0501, and current information regarding the
7257 corporations incorporated in this state must ~~shall~~ be readily
7258 available to the public. At a minimum, such information must
7259 include the text of the charter or articles of incorporation and
7260 all amendments thereto, the name of the corporation, the date of
7261 incorporation, the street address of the principal office of the
7262 corporation, the corporation's federal employer identification
7263 number, the name and business street address of each officer,
7264 the name and business street address of each director, the name
7265 of its registered agent, and the street address of its
7266 registered office.

7267 (b) Any corporation which has a charter approved by a
7268 circuit judge under former chapter 617, Florida Statutes 1989,
7269 or a charter granted by the Legislature on or before September
7270 1, 1959, the effective date of chapter 59-427, Laws of Florida,
7271 must file with the department ~~of State~~, not later than July 1,
7272 1992, a copy of its charter and all amendments thereto,
7273 certified by the clerk of the circuit court of the county
7274 wherein recorded, together with a registration containing the
7275 provisions required in paragraph (a), as to charters and
7276 amendments granted by circuit judges, and by the department ~~of~~
7277 ~~State~~, as to legislative charters, and the corporation
7278 thereafter is ~~shall be~~ subject to the requirements of ss.
7279 617.0501 and 617.1622.

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7280 (d) Any corporation dissolved pursuant to paragraph (c)
7281 shall be reinstated upon application to the department ~~of State~~,
7282 signed by an officer or director thereof, accompanied by a copy
7283 of its charter and all amendments thereto, certified by the
7284 clerk of the circuit court of the county wherein recorded, as to
7285 charters and amendments granted by circuit judges, and by the
7286 department ~~of State~~, as to legislative charters, together with a
7287 registration containing the provisions required in paragraph
7288 (a), and the payment of all fees due from the time of
7289 dissolution computed at the rate provided by law at the time the
7290 corporation applies for reinstatement.

7291 (e) Whenever the application for reinstatement is approved
7292 and filed by the department ~~of State~~, the corporate existence is
7293 ~~shall be~~ deemed to have continued without interruption from the
7294 date of dissolution. The reinstatement terminates any personal
7295 liability of the directors, officers, or agents of the
7296 corporation incurred on account of actions taken during the
7297 period between dissolution and reinstatement. Upon
7298 reinstatement, the corporation is ~~shall be~~ subject to the
7299 requirements of ss. 617.0501 and 617.1622.

7300 Section 148. Section 617.1701, Florida Statutes, is amended
7301 to read:

7302 617.1701 Application to existing domestic corporation.—This
7303 chapter ~~act~~ applies to all domestic corporations in existence on
7304 July 1, 1991, that were incorporated under any general statute
7305 of this state providing for incorporation of nonprofit
7306 corporations ~~not for profit~~ if power to amend or repeal the
7307 statute under which the corporation was incorporated was
7308 reserved.

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7309 Section 149. Section 617.1702, Florida Statutes, is amended
7310 to read:

7311 617.1702 Application to qualified foreign corporations.—A
7312 foreign corporation authorized to conduct its affairs in this
7313 state on July 1, 1991, is subject to this chapter act but is not
7314 required to obtain a new certificate of authority to conduct its
7315 affairs under this chapter act.

7316 Section 150. Subsection (2) of section 617.1703, Florida
7317 Statutes, is amended to read:

7318 617.1703 Application of chapter.—

7319 (2) Sections ~~The provisions of ss.~~ 617.0605-617.0608 do not
7320 apply to corporations regulated by any of the foregoing chapters
7321 or to any other corporation where membership in the corporation
7322 is required pursuant to a document recorded in the county's
7323 official county property records.

7324 Section 151. Section 617.1711, Florida Statutes, is amended
7325 to read:

7326 617.1711 Application to foreign and interstate commerce.—
7327 ~~The provisions of This chapter applies act apply~~ to commerce
7328 with foreign nations and among the several states only insofar
7329 as such commerce may be permitted under the Constitution and
7330 laws of the United States.

7331 Section 152. Section 617.1808, Florida Statutes, is amended
7332 to read:

7333 617.1808 Application of chapter act to corporation
7334 converted to nonprofit corporation ~~corporation not for profit~~.—
7335 ~~All the provisions of This chapter act~~ relating to corporations
7336 ~~not for profit~~, except insofar as they are inconsistent with ss.
7337 617.1804-617.18046, apply ss. 617.1805, 617.1806, and 617.1807,

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7338 ~~shall be applicable~~ to any for profit corporation whose
7339 character has been changed under ss. 617.1804-617.18046 ~~ss.~~
7340 ~~617.1805, 617.1806, and 617.1807~~ and shall henceforth govern
7341 such corporation.

7342 Section 153. Section 617.1809, Florida Statutes, is amended
7343 to read:

7344 617.1809 Limited agricultural association; conversion to a
7345 domestic corporation ~~not for profit~~.—

7346 (1) As used in this section, the term "limited agricultural
7347 association" or "association" means a limited agricultural
7348 association formed under ss. 604.09-604.14.

7349 (2) A limited agricultural association may convert to a
7350 domestic corporation ~~not for profit~~ by filing the following
7351 documents with the department in accordance with s. 617.01201:

7352 (a) A certificate of conversion, which must be executed by
7353 a person authorized in s. 617.01201(6) and such other persons
7354 that may be required in the association's articles of
7355 association or bylaws.

7356 (b) Articles of incorporation, which must comply with s.
7357 617.0202 and be executed by a person authorized in s.
7358 617.01201(6).

7359 (3) The certificate of conversion must include:

7360 (a) The date upon which the association was initially
7361 formed under ss. 604.09-604.14.

7362 (b) The name of the association immediately before filing
7363 the certificate of conversion.

7364 (c) The name of the domestic corporation as set forth in
7365 its articles of incorporation.

7366 (d) The effective date of the conversion. If the conversion

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7367 does not take effect upon filing the certificate of conversion
 7368 and articles of incorporation, the delayed effective date for
 7369 the conversion, subject to the limitation in s. 617.0123(1) ~~s.~~
 7370 ~~617.0123(2)~~, must be a date certain and the same as the
 7371 effective date of the articles of incorporation.

7372 (4) When the certificate of conversion and articles of
 7373 incorporation are filed with the department, or upon the delayed
 7374 effective date, the association is converted to the domestic
 7375 corporation, and the corporation becomes subject to this
 7376 chapter. However, notwithstanding s. 617.0123, the existence of
 7377 the corporation is deemed to have commenced when the association
 7378 was initially formed under ss. 604.09-604.14.

7379 (5) Conversion of a limited agricultural association to a
 7380 domestic corporation does not affect any obligation or liability
 7381 of the association that was incurred before the conversion.

7382 (6) When a conversion takes effect under this section, all
 7383 rights, privileges, and powers of the converting association,
 7384 all property, real, personal, and mixed, and all debts due to
 7385 the association, as well as all other assets and causes of
 7386 action belonging to the association, are vested in the domestic
 7387 corporation to which the association is converted and are the
 7388 property of the corporation as they were of the association. The
 7389 title to any real property that is vested by deed or otherwise
 7390 in the converting association does not revert and is not
 7391 impaired by the operation of this chapter, but all rights of
 7392 creditors and all liens upon any property of the association are
 7393 preserved unimpaired, and all debts, liabilities, and duties of
 7394 the association attach to the domestic corporation and are
 7395 enforceable against it to the same extent as if the debts,

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7396 liabilities, and duties had been incurred or contracted by the
 7397 corporation.

7398 (7) The limited agricultural association is not required to
 7399 wind up its affairs or pay its liabilities and distribute its
 7400 assets. Conversion does not constitute a dissolution of the
 7401 association but is a continuation of the association's existence
 7402 in the form of the domestic corporation.

7403 (8) Before a limited agricultural association may file a
 7404 certificate of conversion with the department, unless otherwise
 7405 specified in the association's articles of association or
 7406 bylaws, the conversion must be approved by a majority vote of
 7407 the association's members, and the articles of incorporation
 7408 must be approved by the same authorization required for approval
 7409 of the conversion. As part of the approval, the converting
 7410 association may provide a plan or other record of conversion
 7411 which describes the manner and basis of converting the
 7412 membership interests in the association into membership
 7413 interests in the domestic corporation. The plan or other record
 7414 may also contain other provisions relating to the conversion,
 7415 including, but not limited to, the right of the converting
 7416 association to abandon the proposed conversion or an effective
 7417 date for the conversion that is consistent with paragraph
 7418 (3)(d).

7419 Section 154. Section 617.1904, Florida Statutes, is amended
 7420 to read:

7421 617.1904 Estoppel.—~~A~~ ~~No~~ body of persons acting as a
 7422 corporation may not ~~shall~~ be permitted to set up the lack of
 7423 legal organization as a defense to an action against them as a
 7424 corporation, nor may ~~shall~~ any person sued on a contract made

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7425 with the corporation or sued for an injury to its property or a
7426 wrong done to its interests be permitted to set up the lack of
7427 such legal organization in such person's ~~his or her~~ defense.

7428 Section 155. Subsection (2) of section 617.1907, Florida
7429 Statutes, is amended to read:

7430 617.1907 Effect of repeal or amendment of prior acts.—

7431 (2) If a penalty or punishment imposed for violation of a
7432 statute repealed or amended by this chapter is reduced by this
7433 chapter act, the penalty or punishment if not already imposed
7434 shall be imposed in accordance with this chapter.

7435 Section 156. Section 617.1908, Florida Statutes, is amended
7436 to read:

7437 617.1908 Applicability of Florida Business Corporation
7438 Act.—Except as made applicable by specific reference in any
7439 other section of this chapter, part I of chapter 607, the
7440 Florida Business Corporation Act, does not apply to any
7441 nonprofit corporations ~~not for profit~~.

7442 Section 157. Section 617.2001, Florida Statutes, is amended
7443 to read:

7444 617.2001 Corporations which may be incorporated hereunder;
7445 incorporation of certain medical services corporations.—

7446 (1) Corporations may be organized and incorporated under
7447 this chapter act for any one or more lawful purposes not for
7448 pecuniary profit. However, nonprofit corporations ~~not for profit~~
7449 which may be incorporated under any other law of this state
7450 governing particular types of corporations may not be
7451 incorporated under this chapter act.

7452 (2) A nonprofit corporation ~~not for profit~~ organized before
7453 ~~prior to~~ December 1, 1987, pursuant to ~~the provisions of~~ chapter

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7454 85-56, Laws of Florida, or to ~~the provisions of~~ s. 2, chapter
7455 87-296, Laws of Florida, may conduct the practice of medicine,
7456 conduct programs of medical education, and carry on major
7457 medical research efforts.

7458 Section 158. Section 617.2002, Florida Statutes, is amended
7459 to read:

7460 617.2002 Nonprofit corporation ~~not for profit~~ organized
7461 pursuant to s. 2, ch. 87-296; requirements.—A nonprofit
7462 corporation ~~not for profit~~ organized pursuant to ~~the provisions~~
7463 ~~of~~ s. 2, chapter 87-296, Laws of Florida, must meet the
7464 following requirements:

7465 (1) At least 25 percent of its physicians must have a full-
7466 time contract for the provision of medical services with the
7467 corporation, be currently certified as specialists by the
7468 appropriate American specialty boards accredited by the Council
7469 on Medical Education of the American Medical Association, and
7470 have clinical privileges at one or more hospitals in this state.

7471 (2) A hospital owned by a corporation organized pursuant to
7472 s. 2, chapter 87-296, Laws of Florida, must provide Medicaid and
7473 charity care.

7474 Section 159. Section 617.2003, Florida Statutes, is amended
7475 to read:

7476 617.2003 Proceedings to revoke articles of incorporation or
7477 charter or prevent its use.—If any member or citizen complains
7478 to the Department of Legal Affairs that any corporation
7479 organized under this chapter act was organized or is being used
7480 as a cover to evade any of the laws against crime, or for
7481 purposes inconsistent with those stated in its articles of
7482 incorporation or charter, or that an officer or director of a

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7483 corporation has participated in a sale or transaction that is
 7484 affected by a conflict of interest or from which the officer or
 7485 director ~~he or she~~ derived an improper personal benefit, either
 7486 directly or indirectly, and submits ~~shall submit~~ prima facie
 7487 evidence to sustain such charge, together with sufficient money
 7488 to cover court costs and expenses, the department shall
 7489 institute and in due course prosecute to final judgment such
 7490 legal or equitable proceedings as may be considered advisable
 7491 either to revoke the articles of incorporation or charter, to
 7492 prevent its improper use, or to recover on behalf of the
 7493 corporation or its unknown beneficiaries any profits improperly
 7494 received by the corporation or its officers or directors.

7495 Section 160. Section 617.2007, Florida Statutes, is amended
 7496 to read:

7497 617.2007 Sponge packing and marketing corporations.—Persons
 7498 engaged in the business of buying, selling, packing, and
 7499 marketing commercial sponges may incorporate under this chapter
 7500 ~~aet~~ to aid in facilitating the orderly cooperative buying,
 7501 selling, packing, and marketing of commercial sponges. Such
 7502 association is not a combination in restraint of trade or an
 7503 illegal monopoly or an attempt to lessen competition or fix
 7504 prices arbitrarily, and any marketing contract or agreement by
 7505 the corporation and its members, or the exercise of any power
 7506 granted by this chapter ~~aet~~ is not illegal or in restraint of
 7507 trade.

7508 Section 161. Section 617.2101, Florida Statutes, is amended
 7509 to read:

7510 617.2101 Corporation authorized to act as trustee.—Any
 7511 corporation, organized under this chapter ~~aet~~, may act as

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7512 trustee of property whenever the corporation has either a
 7513 beneficial, contingent, or remainder interest in such property.
 7514 Any corporation may accept and hold the legal title to property,
 7515 the beneficial interest of which is owned by any other
 7516 ~~eleemosynary institution or~~ nonprofit corporation or fraternal,
 7517 benevolent, charitable, or religious society or association.

7518 Section 162. Subsection (1) of section 617.221, Florida
 7519 Statutes, is amended to read:

7520 617.221 Membership associations.—

7521 (1) As used in this section, the term "membership
 7522 association" means a nonprofit ~~not-for-profit~~ corporation,
 7523 including a department or division of such corporation, the
 7524 majority of whose board members are constitutional officers who,
 7525 pursuant to s. 1001.32(2), operate, control, and supervise
 7526 public entities that receive annual state appropriations through
 7527 a statutorily defined formulaic allocation that is funded and
 7528 prescribed annually in the General Appropriations Act or the
 7529 substantive bill implementing the annual appropriations act. The
 7530 term does not include a labor organization as defined in s.
 7531 447.02 or an entity funded through the Justice Administrative
 7532 Commission.

7533 Section 163. Subsection (3) of section 620.2108, Florida
 7534 Statutes, is amended to read:

7535 620.2108 Filings required for merger; effective date.—

7536 (3) Each constituent limited partnership shall deliver the
 7537 certificate of merger for filing in the Department of State
 7538 unless the constituent limited partnership is named as a party
 7539 or constituent organization in articles of merger or a
 7540 certificate of merger filed for the same merger in accordance

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7541 with ~~s. 605.1025~~, s. 607.1105, s. 617.1108, or s. 620.8918(1)
 7542 and (2) and such articles of merger or certificate of merger
 7543 substantially complies with the requirements of this section. In
 7544 such a case, the other articles of merger or certificate of
 7545 merger may also be used for purposes of s. 620.2109(3).

7546 Section 164. Subsection (3) of section 620.8918, Florida
 7547 Statutes, is amended to read:

7548 620.8918 Filings required for merger; effective date.—

7549 (3) Each domestic constituent partnership shall deliver the
 7550 certificate of merger for filing with the Department of State,
 7551 unless the domestic constituent partnership is named as a party
 7552 or constituent organization in articles of merger or a
 7553 certificate of merger filed for the same merger in accordance
 7554 with s. 605.1025, s. 607.1105, ~~s. 617.1108~~, or s. 620.2108(3).
 7555 The articles of merger or certificate of merger must
 7556 substantially comply with the requirements of this section. In
 7557 such a case, the other articles of merger or certificate of
 7558 merger may also be used for purposes of s. 620.8919(3). Each
 7559 domestic constituent partnership in the merger shall also file a
 7560 registration statement in accordance with s. 620.8105(1) if it
 7561 does not have a currently effective registration statement filed
 7562 with the Department of State.

7563 Section 165. Paragraph (b) of subsection (1) and
 7564 subsections (5), (8), and (9) of section 628.910, Florida
 7565 Statutes, are amended to read:

7566 628.910 Incorporation options and requirements.—

7567 (1) A pure captive insurance company may be:

7568 (b) Incorporated as a public benefit, mutual benefit, or
 7569 religious nonprofit corporation with members in accordance with

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7570 the Florida Nonprofit ~~Not For Profit~~ Corporation Act.

7571 (5) The articles of incorporation, the certificate issued
 7572 pursuant to this section, and the organization fees required by
 7573 the Florida Business Corporation Act or the Florida Nonprofit
 7574 ~~Not For Profit~~ Corporation Act, as applicable, must be
 7575 transmitted to the Secretary of State, who must record the
 7576 articles of incorporation and the certificate.

7577 (8) A captive insurance company formed as a corporation or
 7578 a nonprofit corporation, pursuant to ~~the provisions of this~~
 7579 chapter, has the privileges and is subject to the ~~provisions of~~
 7580 ~~the general corporation law, including the Florida Nonprofit Not~~
 7581 ~~For Profit~~ Corporation Act for nonprofit corporations, as
 7582 applicable, as well as the applicable provisions contained in
 7583 this chapter. If a conflict occurs between ~~a provision of the~~
 7584 general corporation law, including the Florida Nonprofit ~~Not For~~
 7585 ~~Profit~~ Corporation Act for nonprofit corporations, as
 7586 applicable, and ~~a provision of this chapter~~, the latter
 7587 controls. The provisions of this title pertaining to mergers,
 7588 consolidations, conversions, mutualizations, and
 7589 redomestications apply in determining the procedures to be
 7590 followed by a captive insurance company in carrying out any of
 7591 the transactions described in such provisions, except that the
 7592 office may waive or modify the requirements for public notice
 7593 and hearing in accordance with rules the office may adopt
 7594 addressing categories of transactions. If a notice of public
 7595 hearing is required, but no one requests a hearing, the office
 7596 may cancel the hearing.

7597 (9) The articles of incorporation or bylaws of a captive
 7598 insurance company may authorize a quorum of a board of directors

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7599 to consist of no fewer than one-third of the fixed or prescribed
7600 number of directors as provided for by the Florida Business
7601 Corporation Act or the Florida Nonprofit ~~Not For Profit~~
7602 Corporation Act.

7603 Section 166. Paragraph (a) of subsection (2) of section
7604 768.38, Florida Statutes, is amended to read:

7605 768.38 Liability protections for COVID-19-related claims.—
7606 (2) As used in this section, the term:

7607 (a) "Business entity" has the same meaning as provided in
7608 s. 606.03. The term also includes a charitable organization as
7609 defined in s. 496.404 and a nonprofit corporation ~~not for profit~~
7610 as defined in s. 617.01401.

7611 Section 167. Paragraph (f) of subsection (15) of section
7612 893.055, Florida Statutes, is amended to read:

7613 893.055 Prescription drug monitoring program.—
7614 (15) The department may establish a direct-support
7615 organization to provide assistance, funding, and promotional
7616 support for the activities authorized for the prescription drug
7617 monitoring program.

7618 (f) The direct-support organization may not exercise any
7619 power under s. 617.0302(11) or (15) ~~s. 617.0302(12) or (16)~~.

7620 Section 168. Section 617.07401, Florida Statutes, is
7621 repealed.

7622 Section 169. Section 617.0822, Florida Statutes, is
7623 repealed.

7624 Section 170. Section 617.1108, Florida Statutes, is
7625 repealed.

7626 Section 171. Section 617.1301, Florida Statutes, is
7627 repealed.

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7628 Section 172. Section 617.1302, Florida Statutes, is
7629 repealed.

7630 Section 173. Section 617.1531, Florida Statutes, is
7631 repealed.

7632 Section 174. Section 617.1533, Florida Statutes, is
7633 repealed.

7634 Section 175. Section 617.1803, Florida Statutes, is
7635 repealed.

7636 Section 176. Section 617.1805, Florida Statutes, is
7637 repealed.

7638 Section 177. Section 617.1806, Florida Statutes, is
7639 repealed.

7640 Section 178. Section 617.1807, Florida Statutes, is
7641 repealed.

7642 Section 179. Section 617.2102, Florida Statutes, is
7643 repealed.

7644 Section 180. For the purpose of incorporating the amendment
7645 made by this act to sections 617.01201 and 617.1006, Florida
7646 Statutes, in references thereto, subsection (3) of section
7647 617.1007, Florida Statutes, is reenacted to read:

7648 617.1007 Restated articles of incorporation.—
7649 (3) A corporation restating its articles of incorporation
7650 shall deliver to the department for filing articles of
7651 restatement, executed in accordance with s. 617.01201, setting
7652 forth the name of the corporation and the text of the restated
7653 articles of incorporation together with a certificate setting
7654 forth:

7655 (a) Whether the restatement contains an amendment to the
7656 articles of incorporation requiring member approval and, if it

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7657 does not, that the board of directors adopted the restatement;
7658 or

7659 (b) If the restatement contains an amendment to the
7660 articles of incorporation requiring member approval, the
7661 information required by s. 617.1006.

7662 Section 181. For the purpose of incorporating the amendment
7663 made by this act to section 617.0302, Florida Statutes, in a
7664 reference thereto, paragraph (a) of subsection (5) of section
7665 295.21, Florida Statutes, is reenacted to read:

7666 295.21 Florida Is For Veterans, Inc.—

7667 (5) POWERS.—In addition to the powers and duties prescribed
7668 in chapter 617 and the articles and bylaws adopted thereunder,
7669 the board of directors may:

7670 (a) Make and enter into contracts and other instruments
7671 necessary or convenient for the exercise of its powers and
7672 functions. However, notwithstanding s. 617.0302, the corporation
7673 may not issue bonds.

7674

7675 The credit of the State of Florida may not be pledged on behalf
7676 of the corporation.

7677 Section 182. For the purpose of incorporating the amendment
7678 made by this act to section 617.0830, Florida Statutes, in a
7679 reference thereto, paragraph (b) of subsection (4) of section
7680 409.987, Florida Statutes, is reenacted to read:

7681 409.987 Lead agency procurement; boards; conflicts of
7682 interest.—

7683 (4) In order to serve as a lead agency, an entity must:

7684 (b) Be governed by a board of directors or a board

7685 committee composed of board members. Board members shall provide

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7686 oversight and ensure accountability and transparency for the
7687 system of care. The board of directors shall provide fiduciary
7688 oversight to prevent conflicts of interest, promote
7689 accountability and transparency, and protect state and federal
7690 funding from misuse. The board of directors shall act in
7691 accordance with s. 617.0830. The membership of the board of
7692 directors or board committee must be described in the bylaws or
7693 articles of incorporation of each lead agency, which must
7694 provide that at least 75 percent of the membership of the board
7695 of directors or board committee must be composed of persons
7696 residing in this state, and at least 51 percent of the state
7697 residents on the board of directors must reside within the
7698 service area of the lead agency. The lead agency shall ensure
7699 that board members participate in annual training related to
7700 their responsibilities. The department shall set forth minimum
7701 training criteria in the contracts with the lead agencies.
7702 However, for procurements of lead agency contracts initiated on
7703 or after July 1, 2014:

7704 1. At least 75 percent of the membership of the board of
7705 directors must be composed of persons residing in this state,
7706 and at least 51 percent of the membership of the board of
7707 directors must be composed of persons residing within the
7708 service area of the lead agency. If a board committee governs
7709 the lead agency, 100 percent of its membership must be composed
7710 of persons residing within the service area of the lead agency.

7711 2. The powers of the board of directors or board committee
7712 include, but are not limited to, approving the lead agency's
7713 budget and setting the lead agency's operational policy and
7714 procedures. A board of directors must additionally have the

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7715 power to hire the lead agency's executive director, unless a
 7716 board committee governs the lead agency, in which case the board
 7717 committee must have the power to confirm the selection of the
 7718 lead agency's executive director.

7719 Section 183. For the purpose of incorporating the amendment
 7720 made by this act to section 617.0830, Florida Statutes, in a
 7721 reference thereto, subsection (1) of section 718.1265, Florida
 7722 Statutes, is reenacted to read:

7723 718.1265 Association emergency powers.—

7724 (1) To the extent allowed by law, unless specifically
 7725 prohibited by the declaration of condominium, the articles, or
 7726 the bylaws of an association, and consistent with s. 617.0830,
 7727 the board of administration, in response to damage or injury
 7728 caused by or anticipated in connection with an emergency, as
 7729 defined in s. 252.34(4), for which a state of emergency is
 7730 declared pursuant to s. 252.36 in the locale in which the
 7731 condominium is located, may exercise the following powers:

7732 (a) Conduct board meetings, committee meetings, elections,
 7733 and membership meetings, in whole or in part, by telephone,
 7734 real-time videoconferencing, or similar real-time electronic or
 7735 video communication with notice given as is practicable. Such
 7736 notice may be given in any practicable manner, including
 7737 publication, radio, United States mail, the Internet, electronic
 7738 transmission, public service announcements, and conspicuous
 7739 posting on the condominium property or association property or
 7740 any other means the board deems reasonable under the
 7741 circumstances. Notice of decisions also may be communicated as
 7742 provided in this paragraph.

7743 (b) Cancel and reschedule any association meeting.

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7744 (c) Name as assistant officers persons who are not
 7745 directors, which assistant officers shall have the same
 7746 authority as the executive officers to whom they are assistants
 7747 during the state of emergency to accommodate the incapacity or
 7748 unavailability of any officer of the association.

7749 (d) Relocate the association's principal office or
 7750 designate alternative principal offices.

7751 (e) Enter into agreements with local counties and
 7752 municipalities to assist counties and municipalities with debris
 7753 removal.

7754 (f) Implement a disaster plan or an emergency plan before,
 7755 during, or following the event for which a state of emergency is
 7756 declared which may include, but is not limited to, shutting down
 7757 or off elevators; electricity; water, sewer, or security
 7758 systems; or air conditioners.

7759 (g) Based upon advice of emergency management officials or
 7760 public health officials, or upon the advice of licensed
 7761 professionals retained by or otherwise available to the board,
 7762 determine any portion of the condominium property or association
 7763 property unavailable for entry or occupancy by unit owners,
 7764 family members, tenants, guests, agents, or invitees to protect
 7765 the health, safety, or welfare of such persons.

7766 (h) Require the evacuation of the condominium property in
 7767 the event of an evacuation order in the locale in which the
 7768 condominium is located. If a unit owner or other occupant of a
 7769 condominium fails or refuses to evacuate the condominium
 7770 property or association property for which the board has
 7771 required evacuation, the association is immune from liability or
 7772 injury to persons or property arising from such failure or

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7773 refusal.

7774 (i) Based upon advice of emergency management officials or
7775 public health officials, or upon the advice of licensed
7776 professionals retained by or otherwise available to the board,
7777 determine whether the condominium property, association
7778 property, or any portion thereof can be safely inhabited,
7779 accessed, or occupied. However, such determination is not
7780 conclusive as to any determination of habitability pursuant to
7781 the declaration.

7782 (j) Mitigate further damage, injury, or contagion,
7783 including taking action to contract for the removal of debris
7784 and to prevent or mitigate the spread of fungus or contagion,
7785 including, but not limited to, mold or mildew, by removing and
7786 disposing of wet drywall, insulation, carpet, cabinetry, or
7787 other fixtures on or within the condominium property, even if
7788 the unit owner is obligated by the declaration or law to insure
7789 or replace those fixtures and to remove personal property from a
7790 unit.

7791 (k) Contract, on behalf of any unit owner or owners, for
7792 items or services for which the owners are otherwise
7793 individually responsible, but which are necessary to prevent
7794 further injury, contagion, or damage to the condominium property
7795 or association property. In such event, the unit owner or owners
7796 on whose behalf the board has contracted are responsible for
7797 reimbursing the association for the actual costs of the items or
7798 services, and the association may use its lien authority
7799 provided by s. 718.116 to enforce collection of the charges.
7800 Without limitation, such items or services may include the
7801 drying of units, the boarding of broken windows or doors, the

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7802 replacement of damaged air conditioners or air handlers to
7803 provide climate control in the units or other portions of the
7804 property, and the sanitizing of the condominium property or
7805 association property, as applicable.

7806 (l) Regardless of any provision to the contrary and even if
7807 such authority does not specifically appear in the declaration
7808 of condominium, articles, or bylaws of the association, levy
7809 special assessments without a vote of the owners.

7810 (m) Without unit owners' approval, borrow money and pledge
7811 association assets as collateral to fund emergency repairs and
7812 carry out the duties of the association when operating funds are
7813 insufficient. This paragraph does not limit the general
7814 authority of the association to borrow money, subject to such
7815 restrictions as are contained in the declaration of condominium,
7816 articles, or bylaws of the association.

7817 Section 184. For the purpose of incorporating the amendment
7818 made by this act to section 617.0830, Florida Statutes, in a
7819 reference thereto, subsection (1) of section 719.128, Florida
7820 Statutes, is reenacted to read:

7821 719.128 Association emergency powers.—

7822 (1) To the extent allowed by law, unless specifically
7823 prohibited by the cooperative documents, and consistent with s.
7824 617.0830, the board of administration, in response to damage or
7825 injury caused by or anticipated in connection with an emergency,
7826 as defined in s. 252.34(4), for which a state of emergency is
7827 declared pursuant to s. 252.36 in the area encompassed by the
7828 cooperative, may exercise the following powers:

7829 (a) Conduct board meetings, committee meetings, elections,
7830 or membership meetings, in whole or in part, by telephone, real-

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7831 time videoconferencing, or similar real-time electronic or video
 7832 communication after notice of the meetings and board decisions
 7833 is provided in as practicable a manner as possible, including
 7834 via publication, radio, United States mail, the Internet,
 7835 electronic transmission, public service announcements,
 7836 conspicuous posting on the cooperative property, or any other
 7837 means the board deems appropriate under the circumstances.
 7838 Notice of decisions may also be communicated as provided in this
 7839 paragraph.

7840 (b) Cancel and reschedule an association meeting.

7841 (c) Designate assistant officers who are not directors. If
 7842 the executive officer is incapacitated or unavailable, the
 7843 assistant officer has the same authority during the state of
 7844 emergency as the executive officer he or she assists.

7845 (d) Relocate the association's principal office or
 7846 designate an alternative principal office.

7847 (e) Enter into agreements with counties and municipalities
 7848 to assist counties and municipalities with debris removal.

7849 (f) Implement a disaster or an emergency plan before,
 7850 during, or following the event for which a state of emergency is
 7851 declared, which may include turning on or shutting off
 7852 elevators; electricity; water, sewer, or security systems; or
 7853 air conditioners for association buildings.

7854 (g) Based upon the advice of emergency management officials
 7855 or public health officials, or upon the advice of licensed
 7856 professionals retained by or otherwise available to the board of
 7857 administration, determine any portion of the cooperative
 7858 property unavailable for entry or occupancy by unit owners or
 7859 their family members, tenants, guests, agents, or invitees to

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7860 protect their health, safety, or welfare.

7861 (h) Based upon the advice of emergency management officials
 7862 or public health officials, or upon the advice of licensed
 7863 professionals retained by or otherwise available to the board of
 7864 administration, determine whether the cooperative property or
 7865 any portion thereof can be safely inhabited or occupied.
 7866 However, such determination is not conclusive as to any
 7867 determination of habitability pursuant to the cooperative
 7868 documents.

7869 (i) Require the evacuation of the cooperative property in
 7870 the event of an evacuation order in the area in which the
 7871 cooperative is located or prohibit or restrict access to the
 7872 cooperative property in the event of a public health threat. If
 7873 a unit owner or other occupant of a cooperative fails or refuses
 7874 to evacuate the cooperative property for which the board has
 7875 required evacuation, the association is immune from liability
 7876 for injury to persons or property arising from such failure or
 7877 refusal.

7878 (j) Mitigate further damage, injury, or contagion,
 7879 including taking action to contract for the removal of debris
 7880 and to prevent or mitigate the spread of fungus, including mold
 7881 or mildew, by removing and disposing of wet drywall, insulation,
 7882 carpet, cabinetry, or other fixtures on or within the
 7883 cooperative property, regardless of whether the unit owner is
 7884 obligated by the cooperative documents or law to insure or
 7885 replace those fixtures and to remove personal property from a
 7886 unit or to sanitize the cooperative property.

7887 (k) Contract, on behalf of a unit owner, for items or
 7888 services for which the owner is otherwise individually

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7889 responsible, but which are necessary to prevent further injury,
 7890 contagion, or damage to the cooperative property. In such event,
 7891 the unit owner on whose behalf the board has contracted is
 7892 responsible for reimbursing the association for the actual costs
 7893 of the items or services, and the association may use its lien
 7894 authority provided by s. 719.108 to enforce collection of the
 7895 charges. Such items or services may include the drying of the
 7896 unit, the boarding of broken windows or doors, the replacement
 7897 of a damaged air conditioner or air handler to provide climate
 7898 control in the unit or other portions of the property, and the
 7899 sanitizing of the cooperative property.

7900 (l) Notwithstanding a provision to the contrary, and
 7901 regardless of whether such authority does not specifically
 7902 appear in the cooperative documents, levy special assessments
 7903 without a vote of the owners.

7904 (m) Without unit owners' approval, borrow money and pledge
 7905 association assets as collateral to fund emergency repairs and
 7906 carry out the duties of the association if operating funds are
 7907 insufficient. This paragraph does not limit the general
 7908 authority of the association to borrow money, subject to such
 7909 restrictions contained in the cooperative documents.

7910 Section 185. For the purpose of incorporating the amendment
 7911 made by this act to section 617.0830, Florida Statutes, in a
 7912 reference thereto, subsection (1) of section 720.316, Florida
 7913 Statutes, is reenacted to read:

7914 720.316 Association emergency powers.—

7915 (1) To the extent allowed by law, unless specifically
 7916 prohibited by the declaration or other recorded governing
 7917 documents, and consistent with s. 617.0830, the board of

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7918 directors, in response to damage or injury caused by or
 7919 anticipated in connection with an emergency, as defined in s.
 7920 252.34(4), for which a state of emergency is declared pursuant
 7921 to s. 252.36 in the area encompassed by the association, may
 7922 exercise the following powers:

7923 (a) Conduct board meetings, committee meetings, elections,
 7924 or membership meetings, in whole or in part, by telephone, real-
 7925 time videoconferencing, or similar real-time electronic or video
 7926 communication after notice of the meetings and board decisions
 7927 is provided in as practicable a manner as possible, including
 7928 via publication, radio, United States mail, the Internet,
 7929 electronic transmission, public service announcements,
 7930 conspicuous posting on the common area, or any other means the
 7931 board deems appropriate under the circumstances. Notice of
 7932 decisions may also be communicated as provided in this
 7933 paragraph.

7934 (b) Cancel and reschedule an association meeting.

7935 (c) Designate assistant officers who are not directors. If
 7936 the executive officer is incapacitated or unavailable, the
 7937 assistant officer has the same authority during the state of
 7938 emergency as the executive officer he or she assists.

7939 (d) Relocate the association's principal office or
 7940 designate an alternative principal office.

7941 (e) Enter into agreements with counties and municipalities
 7942 to assist counties and municipalities with debris removal.

7943 (f) Implement a disaster or an emergency plan before,
 7944 during, or following the event for which a state of emergency is
 7945 declared, which may include, but is not limited to, turning on
 7946 or shutting off elevators; electricity; water, sewer, or

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7947 security systems; or air conditioners for association buildings.
 7948 (g) Based upon the advice of emergency management officials
 7949 or public health officials, or upon the advice of licensed
 7950 professionals retained by or otherwise available to the board,
 7951 determine any portion of the common areas or facilities
 7952 unavailable for entry or occupancy by owners or their family
 7953 members, tenants, guests, agents, or invitees to protect their
 7954 health, safety, or welfare.
 7955 (h) Based upon the advice of emergency management officials
 7956 or public health officials or upon the advice of licensed
 7957 professionals retained by or otherwise available to the board,
 7958 determine whether the common areas or facilities can be safely
 7959 inhabited, accessed, or occupied. However, such determination is
 7960 not conclusive as to any determination of habitability pursuant
 7961 to the declaration.
 7962 (i) Mitigate further damage, injury, or contagion,
 7963 including taking action to contract for the removal of debris
 7964 and to prevent or mitigate the spread of fungus, including mold
 7965 or mildew, by removing and disposing of wet drywall, insulation,
 7966 carpet, cabinetry, or other fixtures on or within the common
 7967 areas or facilities or sanitizing the common areas or
 7968 facilities.
 7969 (j) Notwithstanding a provision to the contrary, and
 7970 regardless of whether such authority does not specifically
 7971 appear in the declaration or other recorded governing documents,
 7972 levy special assessments without a vote of the owners.
 7973 (k) Without owners' approval, borrow money and pledge
 7974 association assets as collateral to fund emergency repairs and
 7975 carry out the duties of the association if operating funds are

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7976 insufficient. This paragraph does not limit the general
 7977 authority of the association to borrow money, subject to such
 7978 restrictions contained in the declaration or other recorded
 7979 governing documents.
 7980 Section 186. For the purpose of incorporating the amendment
 7981 made by this act to section 617.0832, Florida Statutes, in a
 7982 reference thereto, subsections (2) and (5) of section 718.3027,
 7983 Florida Statutes, are reenacted to read:
 7984 718.3027 Conflicts of interest.—
 7985 (2) If a director or an officer, or a relative of a
 7986 director or an officer, proposes to engage in an activity that
 7987 is a conflict of interest, as described in subsection (1), the
 7988 proposed activity must be listed on, and all contracts and
 7989 transactional documents related to the proposed activity must be
 7990 attached to, the meeting agenda. The association shall comply
 7991 with the requirements of s. 617.0832, and the disclosures
 7992 required by s. 617.0832 shall be entered into the written
 7993 minutes of the meeting. Approval of the contract or other
 7994 transaction requires an affirmative vote of two-thirds of all
 7995 other directors present. At the next regular or special meeting
 7996 of the members, the existence of the contract or other
 7997 transaction shall be disclosed to the members. Upon motion of
 7998 any member, the contract or transaction shall be brought up for
 7999 a vote and may be canceled by a majority vote of the members
 8000 present. If the contract is canceled, the association is only
 8001 liable for the reasonable value of the goods and services
 8002 provided up to the time of cancellation and is not liable for
 8003 any termination fee, liquidated damages, or other form of
 8004 penalty for such cancellation.

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8005 (5) A contract entered into between a director or an
 8006 officer, or a relative of a director or an officer, and the
 8007 association, which is not a timeshare condominium association,
 8008 that has not been properly disclosed as a conflict of interest
 8009 or potential conflict of interest as required by this section or
 8010 s. 617.0832 is voidable and terminates upon the filing of a
 8011 written notice terminating the contract with the board of
 8012 directors which contains the consent of at least 20 percent of
 8013 the voting interests of the association.

8014 Section 187. For the purpose of incorporating the amendment
 8015 made by this act to sections 617.0832 and 617.0834, Florida
 8016 Statutes, in references thereto, paragraphs (a) and (b) of
 8017 subsection (2) and subsection (3) of section 720.3033, Florida
 8018 Statutes, are reenacted to read:

8019 720.3033 Officers and directors.—

8020 (2) If the association enters into a contract or other
 8021 transaction with any of its directors or a corporation, firm,
 8022 association that is not an affiliated homeowners' association,
 8023 or other entity in which an association director is also a
 8024 director or officer or is financially interested, the board
 8025 must:

8026 (a) Comply with the requirements of s. 617.0832.

8027 (b) Enter the disclosures required by s. 617.0832 into the
 8028 written minutes of the meeting.

8029 (3) An officer, a director, or a manager may not solicit,
 8030 offer to accept, or accept a kickback. As used in this
 8031 subsection, the term "kickback" means any thing or service of
 8032 value for which consideration has not been provided for an
 8033 officer's, a director's, or a manager's benefit or for the

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8034 benefit of a member of his or her immediate family from any
 8035 person providing or proposing to provide goods or services to
 8036 the association. An officer, a director, or a manager who
 8037 knowingly solicits, offers to accept, or accepts a kickback
 8038 commits a felony of the third degree, punishable as provided in
 8039 s. 775.082, s. 775.083, or s. 775.084, and is subject to
 8040 monetary damages under s. 617.0834. If the board finds that an
 8041 officer or a director has violated this subsection, the board
 8042 must immediately remove the officer or director from office. The
 8043 vacancy shall be filled according to law until the end of the
 8044 officer's or director's term of office. However, an officer, a
 8045 director, or a manager may accept food to be consumed at a
 8046 business meeting with a value of less than \$25 per individual or
 8047 a service or good received in connection with trade fairs or
 8048 education programs.

8049 Section 188. For the purpose of incorporating the amendment
 8050 made by this act to section 617.0834, Florida Statutes, in a
 8051 reference thereto, paragraph (a) of subsection (13) of section
 8052 721.13, Florida Statutes, is reenacted to read:

8053 721.13 Management.—

8054 (13) (a) Notwithstanding any provisions of chapter 607,
 8055 chapter 617, or chapter 718, an officer, director, or agent of
 8056 an owners' association, including a timeshare management firm
 8057 and any individual licensed under part VIII of chapter 468
 8058 employed by the timeshare management firm, shall discharge its
 8059 duties in good faith, with the care an ordinarily prudent person
 8060 in a like position would exercise under similar circumstances,
 8061 and in a manner it reasonably believes to be in the interests of
 8062 the owners' association. An officer, director, or agent of an

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

24-00209-26

2026554

8063 owners' association, including a timeshare management firm and
 8064 any individual licensed under part VIII of chapter 468 employed
 8065 by the timeshare management firm, is exempt from liability for
 8066 monetary damages in the same manner as provided in s. 617.0834
 8067 unless such officer, director, agent, or firm breached or failed
 8068 to perform its duties and the breach of, or failure to perform,
 8069 its duties constitutes a violation of criminal law as provided
 8070 in s. 617.0834; constitutes a transaction from which the officer
 8071 or director derived an improper personal benefit, either
 8072 directly or indirectly; or constitutes recklessness or an act or
 8073 omission that was in bad faith, with malicious purpose, or in a
 8074 manner exhibiting wanton and willful disregard of human rights,
 8075 safety, or property.

8076 Section 189. For the purpose of incorporating the amendment
 8077 made by this act to sections 617.0830 and 617.0834, Florida
 8078 Statutes, in references thereto, paragraph (d) of subsection (1)
 8079 of section 718.111, Florida Statutes, is reenacted to read:

8080 718.111 The association.—

8081 (1) CORPORATE ENTITY.—

8082 (d) As required by s. 617.0830, an officer, director, or
 8083 agent shall discharge his or her duties in good faith, with the
 8084 care an ordinarily prudent person in a like position would
 8085 exercise under similar circumstances, and in a manner he or she
 8086 reasonably believes to be in the interests of the association.
 8087 An officer, director, or agent shall be liable for monetary
 8088 damages as provided in s. 617.0834 if such officer, director, or
 8089 agent breached or failed to perform his or her duties and the
 8090 breach of, or failure to perform, his or her duties constitutes
 8091 a violation of criminal law as provided in s. 617.0834;

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24-00209-26

2026554

8092 constitutes a transaction from which the officer or director
 8093 derived an improper personal benefit, either directly or
 8094 indirectly; or constitutes recklessness or an act or omission
 8095 that was in bad faith, with malicious purpose, or in a manner
 8096 exhibiting wanton and willful disregard of human rights, safety,
 8097 or property. Forgery of a ballot envelope or voting certificate
 8098 used in a condominium association election is punishable as
 8099 provided in s. 831.01, the theft or embezzlement of funds of a
 8100 condominium association is punishable as provided in s. 812.014,
 8101 and the destruction of or the refusal to allow inspection or
 8102 copying of an official record of a condominium association that
 8103 is accessible to unit owners within the time periods required by
 8104 general law in furtherance of any crime is punishable as
 8105 tampering with physical evidence as provided in s. 918.13 or as
 8106 obstruction of justice as provided in chapter 843. An officer or
 8107 director charged by information or indictment with a crime
 8108 referenced in this paragraph must be removed from office, and
 8109 the vacancy shall be filled as provided in s. 718.112(2)(d)2.
 8110 until the end of the officer's or director's period of
 8111 suspension or the end of his or her term of office, whichever
 8112 occurs first. If a criminal charge is pending against the
 8113 officer or director, he or she may not be appointed or elected
 8114 to a position as an officer or a director of any association and
 8115 may not have access to the official records of any association,
 8116 except pursuant to a court order. However, if the charges are
 8117 resolved without a finding of guilt, the officer or director
 8118 must be reinstated for the remainder of his or her term of
 8119 office, if any.

8120 Section 190. 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 22, 2026

I respectfully request that **Senate Bill #554**, an act relating to nonprofit corporations, be placed on the:

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

A handwritten signature in blue ink that reads "Mack Bernard".

Senator Mack Bernard
Florida Senate, District 24

2/10/26

Meeting Date

The Florida Senate APPEARANCE RECORD

554

Bill Number or Topic

Judiciary

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

Committee

Amendment Barcode (if applicable)

Name **Greg Black**

Phone **8505832400**

Address **215 S. Monroe Street Suite 130**

Email **Greg@BlackConsultingLLC.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Nonprofit Alliance

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/10/26

Meeting Date

554

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Doug Bell

Phone

850 205 9000

Address

119 S Monroe St

Email

doug.bell@mhdfirm.com

Street

TLH

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:

Business Law Section of the Florida Bar

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 644

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Attorney Fees, Suit Money, and Costs

DATE: February 11, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 644 changes provisions regarding attorney fees and costs that may be awarded to a party in a family law case or a paternity case and are payable by the other party, to provide that:

- A court may award attorney fees retroactively and prospectively as equity requires.
- A court may award attorney fees as a sanction for vexatious behavior.
- Attorney fees incurred to pursue appellate proceedings may be awarded.
- Attorney fees incurred in proving the amount claimed in the attorney fee dispute may also be charged to the responsible party.
- Where an attorney may directly pursue collection of his or her attorney fee award from the opposing party who is responsible for the award, payment of support owed to the obligee has priority over payment of the fee award.

The bill is effective upon becoming law and applies to any court proceeding pending or filed on or after the effective date.

II. Present Situation:

Introduction

The general rule in this country, the so-called “American Rule” is that each party must pay its own attorney’s fees. The parties to a contract may, and commonly do, agree that the prevailing party may also collect attorney fees. Where one is enforcing a constitutional or statutory right,

however, attorney fees are only reimbursed if the text creating that right specifically provides for attorney fees or one of the limited common law exceptions apply. The principal grounds under which the American common law would allow attorney's fees to be awarded are the "bad faith" and "common fund" theories. The "bad faith" theory allows an award where a party has willfully disobeyed a court order or has "acted in bad faith, vexatiously, wantonly, or for oppressive reasons." Under the "common fund" theory, a court may award attorney's fees to a party whose legal action creates or preserves a fund of money, or obtains a benefit, for others as well as itself.¹

Among the numerous state statutes that may support an award of attorney fees are statutes awarding attorney fees in family law actions (divorce, alimony, child support, timesharing) as provided in s. 61.16, F.S., and paternity actions as provided in s. 742.45, F.S.

Civil Litigation in the State Court System – In General

Trial Courts

Section 21 of the State Constitution's Declaration of Rights provides that "the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial, or delay." To that end, the State Constitution provides for a two-tier trial court system comprised of 67 county courts – that is, one county court for each of Florida's 67 counties – and 20 circuit courts, each of which serves at least one county.² The county courts, as courts of limited jurisdiction established by statute, hear matters including traffic offenses, landlord-tenant disputes, small claims cases up to \$8,000, misdemeanor criminal matters, local government ordinance violations, and monetary disputes up to \$50,000.³ The circuit courts, meanwhile, as courts of general jurisdiction, hear all matters not within the county courts' jurisdiction, including dissolution of marriage and other "family law" proceedings, felony criminal matters, juvenile delinquency and dependency proceedings, probate proceedings, guardianship matters, and monetary disputes over \$50,000.⁴

Florida law establishes various causes of action for which a person may sue, but it is the Florida Rules of Civil Procedure, promulgated by the Florida Supreme Court, which govern the procedural requirements for such lawsuits. Under these Rules, lawsuits in Florida's state court system begin with one party to a dispute (known as the "plaintiff" or the "petitioner") filing a complaint with the clerk of the court for the trial court with jurisdiction over the matter, after meeting any pre-suit requirements. Once served with the complaint, the person sued (known as the "defendant" or the "respondent") has the right to file a response to the complaint and must serve such response on the plaintiff. Once the pleadings are filed, the parties begin the "discovery" phase – that is, the phase during which both parties exchange information and evidence and depose witnesses⁵ – and either party may file pre-trial motions asking the court to

¹ U.S. Dept. of Justice, *220. Attorney's Fees*, Civil Resource Manual, <https://www.justice.gov/archives/jm/civil-resource-manual-220-attorneys-fees>.

² Article V, ss. 5 and 6, Fla. Const.

³ Office of the State Courts Administrator, *Trial Courts – County*, <https://www.flcourts.gov/Courts-System/Court-Structure/Trial-Courts-County> (last visited Jan. 22, 2026).

⁴ Office of the State Courts Administrator, *Trial Courts - Circuit*, <https://www.flcourts.gov/Courts-System/Court-Structure/Trial-Courts-Circuit> (last visited Jan. 22, 2026).

⁵ Legal Information Institute, *Discovery*, <https://www.law.cornell.edu/wex/discovery> (last visited Jan. 22, 2026).

make a ruling on some aspect of the case. Ultimately, if the parties do not reach a settlement,⁶ the lawsuit may then proceed to trial; such trials may be before a jury, in which case the jury determines questions of fact⁷ while the judge determines questions of law, or else such trials may be “bench trials” – that is, trials solely before a judge, in which case the judge determines both questions of fact and of law.⁸ In either case, at the trial’s conclusion, the judge issues a final judgment,⁹ and may also issue orders on any post-trial motions filed by the parties, which may include motions for attorney fees and costs.¹⁰

District Courts of Appeal

Article V, s. 4 of the State Constitution guarantees litigants the right to appeal final judgments and orders issued by the state’s trial courts to one of Florida’s District Courts of Appeal (“DCA”) when such judgments or orders are not directly appealable to the Florida Supreme Court or to a circuit court; given that the State Constitution and Florida law limit the appellate jurisdiction of the Florida Supreme Court and of the circuit courts, most appeals in state court go from the trial court to a DCA.¹¹ Currently, Florida has six DCAs – that is, one DCA serving each of Florida’s six appellate districts.¹²

An appeal, irrespective of which court takes it up, is not an opportunity for the parties to reargue the facts of a case; instead, the parties must rely on the factual record established by the trial court, and the party appealing the trial court’s decision (known as the “appellant”) may only argue that the trial court made a legal error, which error prejudiced the outcome of the case.¹³ Furthermore, the appellant generally must have “preserved” the trial court’s error, by making a specific, contemporaneous objection to the trial court;¹⁴ appellate courts generally do not address new legal issues raised for the first time on appeal, as, under Florida’s civil litigation scheme, the trial courts are the principal arbiter of disputes while the appellate courts are courts of review.¹⁵

⁶ A “settlement” is an agreement that ends a dispute and results in voluntary dismissal of the related lawsuit. Legal Information Institute, *Settlement*, <https://www.law.cornell.edu/wex/settlement> (last visited Jan. 22, 2026).

⁷ “Questions of fact” are those questions answered by the evidence presented. To determine questions of fact, the “factfinder,” whether a jury or a judge, must weigh the strength of the documentary evidence presented and the credibility of all witnesses giving testimony. Legal Information Institute, *Questions of Fact*, https://www.law.cornell.edu/wex/question_of_fact (last visited Jan. 22, 2026).

⁸ “Questions of law” are those questions relating to the identification, interpretation, and application of the relevant laws. Legal Information Institute, *Questions of Law*, https://www.law.cornell.edu/wex/question_of_law (last visited Jan. 22, 2026).

⁹ A “final judgment” is the last decision from a court, which decision resolves all issues in dispute and settles the parties’ rights with respect to those issues. Generally speaking, the only issues which may remain after the issuance of a final judgment include decisions on judgment enforcement, entitlement to attorney fees and costs, and whether to appeal the judgment. Legal Information Institute, *Final Judgment*, https://www.law.cornell.edu/wex/final_judgment (last visited Jan. 22, 2026).

¹⁰ *Stockman v. Downs*, 573 So. 2d 835, 838 (Fla. 1991).

¹¹ Death penalty sentences imposed by trial courts are directly appealable to the Florida Supreme Court. The circuit courts have limited appellate jurisdiction as provided for by general law; however, the Legislature largely eliminated the circuit court’s authority to hear appeals of county court matters as of January 1, 2021. Art. V, ss. 3 and 5, Fla. Const.; Ch. 2020-61, Laws of Fla.

¹² Art. V, s. 3, Fla. Const.; s. 35.01, F.S.

¹³ Appealable legal errors include procedural violations, the improper admission of or refusal to admit evidence, and the incorrect application of law to the facts of the case.

¹⁴ *Castor v. State*, 365 So. 2d 701 (Fla. 1978).

¹⁵ “Fundamental error” – that is, errors that “reach down into the validity of the trial itself” and could potentially erode the public’s trust in the justice system – may generally be challenged on appeal absent a contemporaneous objection. In civil cases, courts have found the award of judgments based on non-existent rights and lack of any foundation to be fundamental

Chapter 59, F.S., provides a general framework for appellate proceedings in state courts; however, state court appeals are more specifically governed by the Florida Rules of Appellate Procedure, promulgated by the Florida Supreme Court. Such rules address, among other things, the timeframes for commencing an appeal (typically 30 days from the rendition of the judgment or order to be reviewed) and for filing briefs,¹⁶ as well as procedures specific to the various types of appeals. Once an appeal commences, a three-judge panel considers the matter and renders a decision, for which a concurrence of two judges is necessary.¹⁷ If the panel believes that the trial court ruled correctly, or at least that the trial court did not make a prejudicial legal error, the DCA will affirm the trial court's ruling. Alternatively, if the panel believes that the trial court made a prejudicial legal error, the DCA may reverse the trial court's ruling and "remand" – that is, send – the case back to the trial court for further action.¹⁸

Florida Supreme Court

Article V, s. 3 of the State Constitution establishes the Florida Supreme Court's jurisdiction, which, in most instances, is "discretionary." In other words, the Court may generally decide whether or not to take up a particular matter on appeal.¹⁹ Because of this, most appeals do not reach the Florida Supreme Court and are instead resolved by a DCA. Matters falling into the Florida Supreme Court's discretionary jurisdiction include, among other matters, any DCA decision that expressly and directly conflicts with another DCA's decision on the same question of law – that is, when the DCAs are "split."²⁰ When a split occurs, a DCA may choose to "certify conflict" to the Florida Supreme Court by issuing a written opinion expressly attesting to the conflict. This certification then triggers the Florida Supreme Court's discretionary jurisdiction,

error, as well as improper, harmful, and totally incurable closing arguments that so damage a trial's fairness as to require a new trial (such as closing arguments that appeal to racial, ethnic, or religious prejudices). *Murphy v. International Robotics Systems, Inc.*, 766 So. 2d 1010 (Fla. 2000).

¹⁶ A "brief" is a written legal argument filed by a party to an appeal to explain his or her legal position. In a typical appeal, the appellant files an "initial brief" to explain to the appellate court why the trial court's decision was wrong and why the appellate court should, therefore, grant the appellant relief; the appellee thereafter files an "answer brief" to provide the appellate court with legal and factual support to uphold the trial court's decision. Legal Information Institute, *Brief*, <https://www.law.cornell.edu/wex/brief> (last visited Jan. 22, 2026).

¹⁷ In extraordinary circumstances, a DCA may, by majority vote of all active judges on the court, order that a proceeding be determined *en banc* – that is, the panel will consist not of three judges but of all judges in regular, active service on the court who are not disqualified from hearing the appeal; *en banc* hearings typically occur when the case is of exceptional importance or there is a need to maintain uniformity in the court's decisions, such as when two appellate panels reach conflicting decisions when presented with similar facts. A party to the appeal may also request a rehearing *en banc* after the initial panel issues a ruling but must state with specificity those points of law or fact that the party believes the panel overlooked or misapprehended. Art. V, s. 4, Fla. Const.; Fla. R. App. P. 35.

¹⁸ The appellate court may, depending on the posture of the case, remand the case back to the trial court for actions including correcting an order, holding a rehearing on a motion, or conducting an entirely new trial.

¹⁹ As previously mentioned, the Florida Supreme Court has mandatory jurisdiction over, and therefore must hear, all death penalty sentences imposed by trial courts. The Court also has mandatory jurisdiction over all DCA decisions declaring a state statute or state constitution provision invalid, over all trial court rulings upholding local government bonds, and over all state utility regulator decisions concerning rates or service. Furthermore, the Florida Supreme Court has no jurisdiction over, and therefore may not hear, decisions that were *per curiam affirmed* by the DCA, as there is no written opinion issued with such decisions which the Court could review. Art. V, s. 3, Fla. Const.; *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

²⁰ Other matters within the Florida Supreme Court's discretionary jurisdiction include a DCA decision that expressly: construes the State or Federal Constitution; declares a state statute valid; passes upon a question of great public importance; or affects a class of constitutional or state officers. Art. V, s. 3 Fla. Const.

giving the Court the option to review and resolve the conflict, and to thereby ensure uniformity in the interpretation and application of Florida law across the state.²¹

Attorney Fees and Costs in Family Law Disputes

The traditional “English rule” on attorney fees entitled a prevailing party in a lawsuit to recover his or her attorney fees and costs from the losing party as a matter of right. However, Florida and a majority of other United States jurisdictions have adopted the “American rule” on attorney fees, under which each party bears its own attorney fees and costs unless a contract or a “fee-shifting statute” provides a specific entitlement to such fees and costs.

In Florida, several fee-shifting statutes create a “one-way” attorney fee structure, typically entitling a specific type of prevailing plaintiff to recover his or her attorney fees and costs from a losing respondent.²² Certain other fee-shifting statutes create a “two-way” attorney fee structure, entitling the prevailing party in a lawsuit to recover his or her attorney fees and costs from the losing party.²³

Equity Standard for Fee Awards

Whether a fee-shifting statute is “one-way” or “two-way,” courts typically determine the entitlement to attorney fees at the relevant proceeding’s conclusion and award the amount owed for completed work; this makes sense when considering that, in most instances, a party or a plaintiff must “prevail” before a court may award attorney fees. However, in certain “family law”²⁴ matters, the standard for an attorney fee award is neither “prevailing plaintiff” nor “prevailing party,” but rather an equity standard, under which courts generally consider the parties’ relative financial resources when determining whether to award attorney fees – that is, the courts generally consider one party’s financial need and the other party’s ability to pay. Section 61.16, F.S. (governing dissolution of marriage, support, and time-sharing proceedings under ch. 61, F.S.) and s. 742.045, F.S. (governing determination of parentage proceedings under ch. 742, F.S.) establish such an equity standard.

Prospective and Retroactive Attorney Fee Awards

In proceedings under either chs. 61 or 742, F.S., courts may award attorney fees prospectively – that is, for future legal work – where one party demonstrates his or her need and the other party’s ability to pay.²⁵ This ensures that, even where there is a marked income disparity between the parties to a family law dispute, each party has access to legal representation for the proceeding’s

²¹ *State v. Vickery*, 961 So. 2d 309 (Fla. 2007).

²² *See, e.g.*, s. 400.023, F.S. (nursing home resident); s. 440.34, F.S. (claimant in a workers’ compensation case in certain situations); s. 501.2105, F.S. (plaintiff in specified FDUTPA actions); and s. 790.33, F.S. (plaintiff in a suit to enforce his or her firearm rights).

²³ *See, e.g.*, s. 713.29, F.S. (prevailing party in action to enforce a lien); s. 83.48, F.S. (prevailing party in action to enforce rental agreement or the Florida Residential Landlord and Tenant Act).

²⁴ “Family law” is a collective term for a wide range of legal matters revolving around familial or otherwise domestic relationships. Such legal matters include marriages, dissolutions of marriage (or “divorce”), time-sharing (once known as “child custody”), spousal and child support, adoption, determination of parentage (or “paternity actions”), and domestic violence. Legal Information Institute, *Family Law*, https://www.law.cornell.edu/wex/family_law (last visited Jan. 22, 2026).

²⁵ *Nisbeth v. Nisbeth*, 568 So. 2d 461 (Fla. 3d D.C.A. 1990); *Lochridge v. Lochridge*, 526 So. 2d 1010, 1012 (Fla. 2d D.C.A. 1988); *Blackburn v. Blackburn*, 513 So. 2d 1360 (Fla. 2d D.C.A. 1987); *see, e.g.*, s. 61.16, F.S.

duration.²⁶ Where equity so requires, courts have also awarded attorney fees in family law matters retroactively – that is, for legal expenses already incurred – either as a form of equitable reimbursement or as a sanction. However, in 2024, the First DCA split from the other DCAs, holding that s. 61.16, F.S., as currently written, only contemplates prospective attorney fee awards and, therefore, does not authorize retroactive attorney fee awards.²⁷ In support of its position, the court noted that s. 61.16, F.S., refers to a need for immediate financial assistance, and access to legal representation, which speak to future events.²⁸

Attorney Fee Award as Sanction

In 1997, the Florida Supreme Court decided *Rosen v. Rosen*, a case in which the court acknowledged that the financial resources of the parties – that is, need and ability to pay – is the primary factor for a court to consider in determining whether to award attorney fees in a dissolution of marriage, support, or time-sharing proceeding under ch. 61, F.S.²⁹ However, the *Rosen* Court went on to enumerate a list of other relevant factors which a court may consider in awarding such attorney fees, including:

- The litigation’s scope and history;
- The litigation’s duration;
- The merits of each party’s respective positions;
- Whether the litigation is brought or maintained primarily to harass (or whether a defense is raised primarily to frustrate or stall); and
- The existence and course of prior or pending litigation.³⁰

Subsequently, in 2002, the Florida Supreme Court decided *Moakley v. Smallwood*, a case in which the Court opined that a trial court has the inherent authority to impose attorney fees for bad faith conduct.³¹ Thus, in deciding *Rosen* and *Moakley*, the Florida Supreme Court acknowledged that attorney fees may be awardable in family law matters as a sanction for vexatious or bad faith litigation; however, neither chs. 61 nor 742, F.S., codify this holding.

Further, in 2012, the Fourth DCA held that, under *Rosen*, a court may properly consider a party’s refusal to accept a settlement offer in determining, and limiting, an attorney fee award under ch. 61, F.S.³² However, in 2016, the First DCA split from the Fourth DCA on this issue, holding that, “while there may be special circumstances to consider in addition to the parties’ financial positions when determining entitlement to attorney fees in a marital dissolution proceeding, no [statutory] authority exists for denying attorney fees [from the point of offer rejection] solely based on the failure to accept an offer of settlement.”³³

²⁶ *Id.*

²⁷ *Haslauer v. Haslauer*, 381 So. 3d 662 (Fla. 1st DCA 2024).

²⁸ *Id.* at 666.

²⁹ 696 So. 2d 697 (Fla. 1997).

³⁰ *Id.* at 700.

³¹ 826 So. 2d 221 (Fla. 2002).

³² *Hallac v. Hallac*, 88 So. 3d 253 (Fla. 4th DCA 2012) (noting that, under Florida law, a refusal to accept a settlement offer could not, by itself, form the basis for denying an attorney fee award altogether).

³³ *Palmer v. Palmer*, 206 So. 3d 74 (Fla. 2016).

Appellate Attorney Fees

Both ss. 61.16 and 742.045, F.S., provide a “two-way” attorney fee provision based on need and ability to pay. Specifically, s. 61.16, F.S., provides that “the court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney’s fees, suit money, and the cost to the other party of maintaining or defending any proceeding under this chapter, including enforcement and modification proceedings *and appeals*.”³⁴ Similarly, s. 742.045, F.S., provides that “the court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney’s fees, suit money, and the cost to the other party of maintaining or defending any proceeding under this chapter, including enforcement and modification proceedings.” However, unlike the parallel provision in s. 61.16, F.S., the provision in s. 742.045, F.S., does not include the phrase “and appeals.”³⁵

In recent years, Florida’s DCAs have split on the issue of whether s. 742.045, F.S., authorizes an award of appellate attorney fees – that is, attorney fees incurred in connection with an appeal of a matter originating in a trial court. The Fourth and Fifth DCAs have, broadly speaking, taken the position that, as s. 742.045, F.S., authorizes the award of such fees (where conditions pertaining to need and ability to pay are met) in “any proceeding under [ch. 742, F.S.],” and the term “proceeding” encompasses appeals, this section naturally authorizes the award of appellate attorney fees. Indeed, the Fourth DCA noted that “it is axiomatic that this [term] would include any appellate proceedings necessary to maintain or defend an action under [ch. 742, F.S.]”³⁶ However, the Sixth and Third DCAs have taken the opposite position, concluding that s. 742.045, F.S., does not authorize the award of appellate attorney fees and certifying conflict with the Fourth and Fifth DCAs.³⁷

Interestingly, the Sixth and Third DCAs arrived at their conclusions through different analyses. The Sixth DCA focused on what it considered to be narrowing language – that is, the phrase “under [ch. 742, F.S.]” – noting that nothing in ch. 742, F.S., identifies an appeal as a proceeding “under that chapter”; indeed, the Sixth DCA noted, ch. 742, F.S., repeatedly refers to proceedings under that chapter as “circuit court proceedings” – that is, proceedings at the trial court level.³⁸ However, the Third DCA looked to the language of a parallel statute – s. 61.16, F.S. – which expressly authorizes the recovery of appellate attorney fees in proceedings under ch. 61, F.S.; noted the Third DCA, “for whatever reason, the Legislature has chosen not to include similar language in [s. 742.045, F.S.]”³⁹ The Third DCA panel then concluded that, if the Legislature had intended to authorize the award of appellate attorney fees in s. 742.045, F.S., as it did in s. 61.16, F.S., it would have done so.⁴⁰

³⁴ Emphasis added.

³⁵ Compare s. 61.16(1), F.S., with s. 742.045, F.S.

³⁶ *Beckford v. Drogan*, 216 So. 3d 1 (Fla. 4th DCA 2017); *McNulty v. Bowser*, 233 So. 3d 1277 (Fla. 5th DCA 2018).

³⁷ *C.T. v. T.G.*, 397 So. 3d 219 (Fla. 6th DCA 2024); *Perez-Palm v. Rodriguez*, 2025 WL 1243790 (Fla. 3d DCA 2025).

³⁸ *C.T. v. T.G.*, 397 So. 3d at 221.

³⁹ *Perez-Palma v. Rodriguez*, 2025 WL 1243790 (Fla. 3d DCA 2025).

⁴⁰ *Id.*

Establishing Appropriate Attorney Fee Award

In 2010, the Fourth DCA held that, under the provisions of ch. 61, F.S., “the need and ability to pay requirement is tantamount to a finding of entitlement of one spouse to have the other spouse pay all or a portion of that spouse’s fees. To determine that need and ability, however, the amount of [the attorney fees] must also be considered. Therefore, the court in its discretion may assess fees for litigating both factors...”⁴¹ However, in 2025, the Third DCA split from the Fourth DCA on this issue, holding that a party may not collect attorney fees incurred in establishing an appropriate attorney fee award, as such fees are not statutorily authorized.⁴²

Attorney Fees in Title IV-D Cases

In “Title IV-D cases,” so named because the authority for such cases stems from Title IV-D of the federal Social Security Act, the state, through the Florida Department of Revenue, seeks to enforce child support orders where a parent ordered to pay such support becomes delinquent in his or her payments, necessitating the state to provide some form of public assistance to the child or the other parent.⁴³ Section 61.16, F.S., currently provides that, in Title IV-D cases, *attorney fees, suit money, and costs* shall be assessed only against the non-prevailing obligor after the court makes a determination of the non-prevailing obligor’s ability to pay such costs and fees. Section 742.045, F.S., meanwhile, contains a similar but more limited provision, specifying that, in Title IV-D cases, *costs* shall be assessed only against the non-prevailing obligor after the court makes a determination of the non-prevailing obligor’s ability to pay such costs; the statute is currently silent as to the assessment of attorney fees and suit money against the non-prevailing obligor in such cases.

Attorney Fees in Contempt Proceedings

Florida law defines “contempt,” sometimes referred to as “contempt of court,” to mean a refusal by any person to obey any legal order made or given by any judge relative to any of the court’s business, after due notice thereof.⁴⁴ Generally speaking, courts classify contempt as either “direct” or “indirect,” with the former term referring to contempt committed in the court’s presence and the latter term referring to contempt committed outside the court’s presence.⁴⁵ Courts also classify contempt as either “civil” or “criminal” in nature based on the court’s goal in the contempt proceeding. Generally, courts use civil contempt proceedings to compel the contemnor’s future compliance with the court’s order,⁴⁶ while criminal contempt proceedings punish a contemnor for failing to comply with the court’s order through sanctions that may include jail time.⁴⁷ Given that a criminal contempt charge implicates liberty interests, a person so charged has a right to the same protections afforded to criminal defendants under the Fourteenth

⁴¹ *Schneider v. Schneider*, 32 So. 3d 151 (Fla. 4th DCA 2010).

⁴² *Schultheis v. Schultheis*, No. 3D23-1250 (Fla. 3d DCA 2025).

⁴³ Such public assistance may include Temporary Assistance for Needy Families (“TANF”), temporary cash assistance, foster care, Medicaid, or food assistance benefits. Section 409.2563(2)(f), F.S.

⁴⁴ Section 38.23, F.S.

⁴⁵ *Demetree v. State*, 89 So. 2d 498, 501 (Fla. 1956); *Ex Parte Earman*, 95 So. 755, 760 (Fla. 1923); *Kress v. State*, 790 So. 2d 1207, 1208-1209 (Fla. 2d DCA 2001); *Forbes v. State*, 933 So. 2d 706, 711 (Fla. 4th DCA 2006).

⁴⁶ In other instances, a contemnor may avoid civil contempt sanctions where the court finds that such person does not presently have the ability to comply with the court’s order. *Akridge v. Crow*, 903 So. 2d 346, 350 (Fla. 2d DCA 2005).

⁴⁷ *Demetree*, 89 So. 2d at 501; *Gregory v. Rice*, 727 So. 2d 251 (Fla. 1999); *The Florida Bar v. Taylor*, 648 So. 2d 709 (Fla. 1995).

Amendment's Due Process Clause; however, a person charged with civil contempt has fewer protections – that is, a person so charged only has a right to a proceeding that meets the “fundamental fairness” requirements of the Due Process Clause, which requirements generally include notice and an opportunity to be heard.⁴⁸

Section 61.16(2), F.S., provides that, in a criminal contempt proceeding arising out of contempt in a dissolution of marriage, support, or timesharing proceeding brought under ch. 61, F.S., whether classified as “direct” or “indirect” contempt, the court may, in addition to appointing an attorney to prosecute said contempt:

- Assess attorney fees against the contemnor if the court determines that the contemnor has the ability to pay such fees; and
- Order that the fees awarded be paid directly to the attorney, who may enforce the order in his or her name.

However, s. 742.045, F.S., contains no similar provision; this statutory difference may cause the courts to reasonably assume that they lack the authority to assess attorney fees in a criminal contempt proceeding arising out of contempt in a determination of parentage proceeding brought under ch. 742, F.S. Further, neither s. 61.16, F.S., nor s. 742.045, F.S., give courts the authority to award attorney fees to a party who files and prevails on a motion for civil contempt in connection with a proceeding brought under either chs. 61 or 742, F.S.

Attorney Fees in Enforcement Actions

Where a party to a civil proceeding disregards a court order, the aggrieved party may bring an “enforcement action” to ask the court to direct the non-compliant party to obey the order; the action is not punitive in nature and differs from a contempt proceeding in that an enforcement action generally does not involve the imposition of legal penalties. Section 61.16, F.S., provides that, in those dissolution of marriage, support, or time-sharing cases in which an enforcement action is brought and the court finds that the non-compliant party lacks justification in his or her refusal to follow the court order at issue, the court must not award attorney fees to the noncompliant party; in other words, the court must disregard the equity standard based on need and ability to pay in such circumstances. However, s. 742.045, F.S., pertaining to determination of parentage proceedings, lacks a corresponding provision; thus, it is possible that a court may award attorney fees to a non-compliant party in those determination of parentage proceedings in which an enforcement action is brought, even if the court finds that the non-compliant party lacks justification in his or her refusal to follow the court order at issue.

Florida Vexatious Litigant Law

Troublesome, or “vexatious,” litigants create chaos in Florida’s court system by repeatedly abusing the judicial process, generating significant work for judges and court personnel and diverting judicial resources away from legitimate disputes. Further, parties that find themselves

⁴⁸ *Bresch v. Henderson*, 761 So. 2d 449 (Fla. 2d DCA 2000); *Akridge*, 903 So. 2d at 350; *Gregory*, 727 So. 2d at 253; *Dept. of Children & Families v. R.H.*, 819 So. 2d 858 (Fla. 5th DCA 2002).

litigating against a vexatious litigant will likely have to expend significant time and resources to resolve the case.⁴⁹ Vexatious litigation can take many forms, including:

- Filing multiple meritless lawsuits;
- Attempting to relitigate matters already decided by the court; and
- Submitting documents with harassing, scandalous, or sham materials to the court.⁵⁰

To address such conduct, the Legislature enacted the Florida Vexatious Litigant Law, codified in s. 68.093, F.S.

Vexatious Litigant Defined

Under s. 68.093(2), F.S., “vexatious litigant” means a person, as defined in s. 1.01(3), F.S.,⁵¹ proceeding *pro se* – a person without legal representation⁵² – who:

- In the immediately preceding 7-year period, has commenced, prosecuted, or maintained, *pro se*, five or more actions in any court that have been finally and adversely determined against such person;⁵³
- After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate an aspect of the case;
- Repeatedly files pleadings, requests for relief, or other documents on which the court has already ruled;
- Repeatedly files unmeritorious pleadings; conducts unnecessary discovery; or engages in other tactics that are frivolous or solely intended to cause unnecessary delay in any action; or
- Has been previously found to be a vexatious litigant in any state or federal court.

An action is not deemed to be “finally and adversely determined,” for the purposes of this definition, during a pending appeal.

Security Requirements Related to a Vexatious Litigant

Under s. 68.093(3), F.S., a litigant may file a motion asking the court to order the opposing party to furnish security⁵⁴ to the moving party on the grounds that such opposing party is a vexatious litigant and not likely to win his or her claims against the moving party. At the hearing on the motion, the court must consider any evidence that may be relevant to the motion, and if after hearing the evidence, the court determines that the opposing party is indeed a vexatious litigant and is not reasonably likely to win his or her claims against the moving party, the court must then order the vexatious litigant to furnish security to the moving party in an amount and within

⁴⁹ Workgroup on Vexatious Litigants, *Final Report and Recommendation*, (Sept. 6, 2024), <https://flcourts-media.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24%20Amended%20-%20Accessible.pdf> (last visited Jan. 22, 2026); *Smith v. Fisher*, 965 So. 2d 205, 209 (Fla. 4th DCA 2007) (providing that “in a frivolous lawsuit, justice delayed is justice denied to a defendant who expends time and money to bring the case to an end.”).

⁵⁰ Workgroup, *supra* note 49.

⁵¹ Under this section, the word “person” includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries corporations, and all other groups or combinations.

⁵² Legal Information Institute, *Pro Se*, https://www.law.cornell.edu/wex/pro_se (last visited Jan. 22, 2026).

⁵³ An action may not be included in the total count where the litigant commenced, prosecuted, or maintained the action in good faith.

⁵⁴ “Security” means an undertaking by a vexatious litigant to ensure payment to a party in an amount reasonably sufficient to cover the party’s anticipated, reasonable litigation expenses, including attorney fees and costs. Section 698.093(2), F.S.

such time as the court deems appropriate. If the vexatious litigant fails to post the required security and is:

- A plaintiff, the court must immediately dismiss the action with prejudice⁵⁵ as to the moving party for whose benefit the security was ordered; or
- A respondent, the court may immediately impose one or more of the following sanctions, as appropriate:
 - Denial of the vexatious litigant’s request for relief;
 - Striking of the vexatious litigant’s pleading or other document from the record; or
 - Rendition of a default judgment⁵⁶ against the vexatious litigant.

Prefiling Orders Related to a Vexatious Litigant

Section 68.093(4), F.S., authorizes the court in any judicial circuit to, on its own motion or on the motion of any party, enter a “prefiling order” prohibiting a vexatious litigant from commencing, *pro se*, any new action in the courts of that circuit without first obtaining leave of the court – that is, without first obtaining permission to file the action. The court may grant such leave only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment and may condition the filing of the proposed action upon the furnishing of security.

Section 68.093(6), F.S., requires the clerk of the court to provide copies of all prefiling orders to the Clerk of the Florida Supreme Court, who must maintain a vexatious litigant registry. Further, under s. 68.093(5), F.S., the clerk of the court may not file any new action by a *pro se* vexatious litigant against whom the court has entered a prefiling order unless the vexatious litigant has obtained an order from the court allowing such filing. If the clerk of the court mistakenly allows a *pro se* vexatious litigant to file any new action in contravention of a prefiling order, any party to that action may file with the clerk and serve on the vexatious litigant a notice stating that the vexatious litigant is subject to a prefiling order. The filing of the notice automatically stays the litigation against all parties to the action, and the court must automatically dismiss the action with prejudice within 10 days after the filing of the notice unless the vexatious litigant files a motion for leave to file the new action. If the court grants leave, the pleadings or other responses to the complaint are not due until 10 days after the date the vexatious litigant serves the party with a copy of the order granting leave.

Attorney Fees Related to a Vexatious Litigant

Section 68.093(8), F.S., specifies that any relief provided under Florida’s Vexatious Litigant Law is cumulative to any other relief or remedy available under Florida law or applicable court rules. The additional relief that may be available to a party dealing with a vexatious litigant includes attorney fees awardable as a sanction under s. 57.105, F.S., for frivolous litigation.

⁵⁵ When a court dismisses an action “with prejudice,” the plaintiff cannot refile the same action in that court. Legal Information Institute, *With Prejudice*, https://www.law.cornell.edu/wex/with_prejudice (last visited Jan. 22, 2026).

⁵⁶ A “default judgment” is a judgment automatically entered by a court in favor of one party and against the other party, typically due to one party’s failure to do something, such as respond to a pleading or appear in court. Legal Information Institute, *Default Judgment*, https://www.law.cornell.edu/wex/default_judgment (last visited Jan. 22, 2026).

Attorney Fee Sanctions Under s. 57.105, F.S.

To deter the filing of frivolous litigation, the Legislature enacted s. 57.105, F.S., which generally authorizes a court to award attorney fees as a sanction against a party who raises a claim that is unsupported by law or facts or takes some action primarily for the purpose of causing unreasonable delay in the proceedings. Any party to a civil action may seek such sanctions by serving the offending party with a copy of a motion for sanctions; however, the party seeking sanctions may only file said motion with the court if, after 21 days from the date of service, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. Thus, s. 57.105, F.S., provides a “safe harbor” under which an offending party may avoid the imposition of sanctions by taking corrective action. In certain instances, this may leave the aggrieved party without a remedy to recover his or her attorney fees incurred in defending against or otherwise necessarily responding to the frivolous litigation.

Retroactivity of Legislation

In determining whether a law may apply retroactively, courts first determine whether the law is procedural, remedial, or substantive in nature.⁵⁷ A purely procedural or remedial law may apply retroactively without offending the Constitution,⁵⁸ but a substantive law generally may not apply retroactively absent clear legislative intent to the contrary.⁵⁹ However, even where the Legislature has expressly stated that a law will have retroactive application, a court may reject that application if the law impairs a vested right, creates a new obligation or duty, or imposes a new penalty.⁶⁰ Further, if a law is designed to serve a remedial purpose, a court may decide not to apply the law retroactively if doing so “would attach new legal consequences to events completed before its enactment.”⁶¹

The Florida Supreme Court, noting that the American Rule adopted in Florida requires each party to a lawsuit to pay his or her own attorney fees unless a statute or contract provides otherwise, has found that a statutory requirement for one party to pay another party’s attorney fees is “a new obligation or duty,” and is therefore substantive in nature.⁶² Courts considering the application of statutory attorney fee provisions have generally held that those provisions only apply prospectively, as the applicable law when dealing with substantive rights is the law in effect at the time of the operative event.⁶³

⁵⁷ A procedural law merely establishes the means and methods for applying or enforcing existing duties or rights. A remedial law confers or changes a remedy, i.e., the means employed in enforcing an existing right or in redressing an injury. A substantive law creates, alters, or impairs existing substantive rights. *Windom v. State*, 656 So. 2d 432 (Fla. 1995); *St. John’s Village I, Ltd. v. Dept. of State*, 497 So. 2d 990 (Fla. 5th DCA 1986); *McMillen v. State Dept. of Revenue*, 74 So. 2d 1234 (Fla. 1st DCA 1999).

⁵⁸ Constitutional provisions which the retroactive application of law may offend include the Contracts and Due Process Clauses. *See Campus Communications, Inc. v. Earnhardt*, 821 So. 2d 388 (Fla. 5th DCA 2002); *see also Menendez v. Progressive Exp. Ins. Co., Inc.*, 35 So. 3d 873 (Fla. 2010); U.S. Const. art. I, §10 and amend. XIV; Art. I, ss. 9 and 10, Fla. Const.

⁵⁹ *State Farm Mutual Automobile Ins. Co. v. Laforet*, 658 So. 2d 55 (Fla. 1995).

⁶⁰ *Menendez*, 35 So. 3d at 877.

⁶¹ *L. Ross, Inc. v. R.W. Roberts Const. Co.*, 481 So. 2d 484 (Fla. 1986).

⁶² *Young v. Altenhaus*, 472 So. 2d 1152 (Fla. 1985).

⁶³ *See, e.g., Brodose v. School Bd. of Pinellas County*, 622 So. 2d 513 (Fla. 2d DCA 1993); *see also Parrish v. Mullis*, 458 So. 2d 401 (Fla. 1st DCA 1984).

III. Effect of Proposed Changes:

CS/SB 644 amends laws related to attorney fee awards in family law and paternity cases.

Attorney Fees and Costs in Family Law Disputes

Prospective and Retroactive Attorney Fee Awards

To address a First District Court of Appeal (“DCA”) split on the question of whether a court may award attorney fees in certain family law disputes retroactively as a form of equitable reimbursement or as a sanction, the bill amends s. 61.16, F.S. (pertaining to attorney fee awards in dissolutions of marriage, support, and time-sharing proceedings under ch. 61, F.S.) and s. 742.045, F.S. (pertaining to attorney fee awards in determination of parentage proceedings under ch. 742, F.S.), to expressly state that a court may award attorney fees “retroactively and prospectively [in proceedings under either chapter] as equity requires.”

Attorney Fee Award as Sanction

The bill amends ss. 61.16 and 742.045, F.S., to codify the factors enumerated by the *Rosen* and *Moakley* Courts, which factors generally allow a court to impose, limit, or deny an attorney fee award where one party engages in vexatious or bad faith litigation in certain family law matters. Specifically, the bill provides that, if a party “engages in vexatious or bad faith litigation” in a dissolution of marriage, support, time-sharing proceeding under ch. 61, F.S., or a determination of paternity proceeding under ch. 742, F.S., the court may:

- Award attorney fees, suit money, and costs as a sanction against the opposing party; or
- Deny or reduce an award of attorney fees, suit money, and costs to the offending party.

Under the bill, an order entered addressing vexatious or bad faith litigation in a covered dispute must include written findings identifying the specific conduct the offending party engaged in and the reasons the court granted, denied, or reduced fees, money, and costs.

Further, to address a DCA split on whether a court may consider the rejection of a good faith settlement offer in limiting attorney fee awards in certain family law disputes, the bill amends ss. 61.16 and 742.045, F.S., to expressly provide that, in determining entitlement to, and the amount of, an award of attorney fees under either section, whether incurred at the trial court or appellate court level, the court may consider whether either party to the relevant proceeding rejected a good-faith settlement offer.

Appellate Attorney Fees

To address a DCA split as to whether s. 742.045, F.S., authorizes appellate attorney fee awards in determination of parentage proceedings under ch. 742, F.S., the bill amends s. 742.045, F.S., to expressly authorize the award of appellate attorney fees in such proceedings. Further, the bill incorporates two provisions pertaining to appellate attorney fees in current s. 61.16, F.S., pertaining to dissolution of marriage, support, and time-sharing proceedings, into s. 742.045, F.S. Specifically, the bill amends s. 742.045, F.S., to specify that:

- The trial court has continuing jurisdiction to make temporary attorney fee awards reasonably necessary to prosecute or defend an appeal on the same basis and criteria as though the matter were pending before it at the trial level.

- In determining whether to make attorney fee awards at the appellate level, the court must primarily consider the parties' relative financial resources – that is, need and ability to pay – unless an appellate party's cause is deemed to be frivolous.

These changes, taken together, make the authority for courts to award appellate attorney fees consistent as between s. 742.045, F.S., and the parallel provision in s. 61.16, F.S.

Establishing Appropriate Attorney Fee Award

To address a DCA split on whether attorney fees incurred in establishing an appropriate attorney fee award in certain family law disputes may be included in the total attorney fee award, the bill amends s. 61.16, F.S., (pertaining to attorney fee awards in dissolution of marriage, support, and time-sharing proceedings under ch. 61, F.S.) and s. 742.045, F.S., (pertaining to attorney fee awards in determination of parentage proceedings under ch. 742, F.S.) to expressly provide that such fees may be included in the total attorney fee award under either section.

Priority of Support over Attorney Fees

Sections 61.16 and 742.045, F.S., currently allow an attorney for a party to directly collect an attorney fee award from the opposing party. The bill amends both provisions to require that payment of support owed to the obligee has priority over the fees, costs, and expenses awarded.

Retroactivity

The bill provides that the amendments made to ss. 61.16 and 742.045, F.S., by the bill apply to any action, including those initiated by a supplemental petition, filed on or after the bill's effective date.

Effective Date

The bill is effective upon becoming 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:

Determining the fiscal impact of this bill is highly speculative. The bill may decrease the cost of litigating family law and paternity matters by individuals who prevail in those actions and correspondingly increase the cost of litigating family law and paternity matters by individuals who do not prevail. The bill may lead to an overall increase in the cost to families if the bill has the effect of incentivizing litigation or may decrease costs by discouraging frivolous and weak claims. The bill may increase revenues for attorneys, law firms, and litigation service providers who practice in the areas of family law and paternity or may lower revenues if the increased risk of higher costs causes litigants to forgo weaker claims.

C. Government Sector Impact:

This bill has the potential to expand the utilization of the circuit courts, which would increase state costs, and has the potential to do the opposite.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 61.16 and 742.045.

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 11, 2026:

The amendment resulting in the committee substitute added that, if an attorney may directly pursue collection of an attorney fee award from the opposing party in a family law case, payment of support owed to an obligee has priority over the payment of fees, costs and expenses. The amendment also removed a provision allowing a court to award

attorney fees against a party who through the use of an attorney engaged in vexatious or bad faith litigation. Finally, the amendment removed a provision that would have made the bill apply to cases pending or filed on the effective date of the bill.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 61.16, Florida Statutes, is amended to
read:

61.16 Attorney ~~Attorney's~~ fees, suit money, and costs.—

(1) The court may from time to time, after considering the
financial resources of both parties, order a party to pay a
reasonable amount for attorney ~~attorney's~~ fees, suit money, and
the cost to the other party of maintaining or defending any



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12 proceeding seeking relief under this chapter, including
13 enforcement, ~~and~~ modification, and appellate proceedings ~~and~~
14 appeals.

15 (2) An award of attorney fees, suit money, and costs,
16 whether temporary or final, may be awarded retroactively and
17 prospectively as equity requires. Attorney fees, suit money, and
18 costs incurred in pursuing an award of such fees, money, and
19 costs may be included in any award under this section.

20 (3) In those cases in which an action is brought for
21 enforcement and the court finds that the noncompliant party is
22 without justification in the refusal to follow a court order,
23 the court may not award attorney ~~attorney's~~ fees, suit money,
24 and costs to the noncompliant party.

25 (4) An application for attorney ~~attorney's~~ fees, suit
26 money, or costs, whether temporary or final ~~otherwise~~, may shall
27 not require corroborating expert testimony in order to support
28 an award under this chapter.

29 (5) The trial court has ~~shall have~~ continuing jurisdiction
30 to make temporary attorney ~~attorney's~~ fees and costs awards
31 reasonably necessary to prosecute or defend an appeal on the
32 same basis and criteria as though the matter were pending before
33 it at the trial level.

34 (6) In determining entitlement to, and the amount of, an
35 award of attorney fees, suit money, and costs, the court may
36 consider whether a good faith offer of settlement was rejected.

37 (7) (a) If a party directly engages in vexatious or bad
38 faith litigation, the court may:

39 1. Award attorney fees, suit money, and costs as a sanction
40 against the opposing party; or



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41 2. Deny or reduce an award of attorney fees, suit money,
42 and costs to the offending party.

43 (b) An order entered under this subsection addressing
44 vexatious or bad faith litigation must include written findings
45 identifying the specific conduct the party engaged in and the
46 reasons the court granted, denied, or reduced such fees, money,
47 and costs ~~In all cases, the court may order that the amount be~~
48 ~~paid directly to the attorney, who may enforce the order in that~~
49 ~~attorney's name.~~

50 (8) In determining whether to make attorney ~~attorney's~~ fees
51 and costs awards at the appellate level, the court shall
52 primarily consider the relative financial resources of the
53 parties, unless an appellate party's cause is deemed to be
54 frivolous.

55 (9) In all cases, the court may order that the award of
56 attorney fees, suit money, and costs be paid directly to the
57 attorney, who may enforce such order in his or her name.
58 However, payment of support owed to the obligee has priority
59 over fees, costs, and expenses.

60 (10) In Title IV-D cases, attorney ~~attorney's~~ fees, suit
61 money, and costs, including filing fees, recording fees,
62 mediation costs, service of process fees, and other expenses
63 incurred by the clerk of the circuit court, shall be assessed
64 only against the nonprevailing obligor after the court makes a
65 determination of the nonprevailing obligor's ability to pay such
66 costs and fees. The Department of Revenue shall not be
67 considered a party for purposes of this section; however, fees
68 may be assessed against the department pursuant to s. 57.105(1).

69 (11)-(2) In an action brought pursuant to Rule 3.840,



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70 Florida Rules of Criminal Procedure, whether denominated direct
71 or indirect criminal contempt, the court may ~~shall have~~
72 ~~authority to:~~

73 (a) Appoint an attorney to prosecute said contempt.

74 (b) Assess attorney ~~attorney's~~ fees and costs against the
75 ~~contemnor contemtor~~ after the court makes a determination of
76 the contemnor's contemtor's ability to pay such costs and fees.

77 (c) Order that the amount be paid directly to the attorney,
78 who may enforce the order in his or her name.

79 Section 2. Section 742.045, Florida Statutes, is amended to
80 read:

81 742.045 Attorney ~~Attorney's~~ fees, suit money, and costs.—

82 (1) The court may from time to time, after considering the
83 financial resources of both parties, order a party to pay a
84 reasonable amount for attorney ~~attorney's~~ fees, suit money, and
85 the cost to the other party of maintaining or defending any
86 proceeding seeking relief under this chapter, including
87 enforcement, ~~and~~ modification, and appellate proceedings.

88 (2) An award of attorney fees, suit money, and costs,
89 whether temporary or final, may be awarded retroactively and
90 prospectively as equity requires. Attorney fees, suit money, and
91 costs incurred in pursuing an award of such fees, money, and
92 costs may be included in any award under this section.

93 (3) An application for attorney ~~attorney's~~ fees, suit
94 money, or costs, whether temporary or final ~~otherwise~~, may ~~shall~~
95 not require corroborating expert testimony in order to support
96 an award under this chapter.

97 (4) In determining entitlement to, and the amount of, an
98 award of attorney fees, suit money, and costs, the court may



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99 consider whether a good faith offer of settlement was rejected.

100 (5) (a) If a party directly engages in vexatious or bad
101 faith litigation, the court may:

102 1. Award attorney fees, suit money, and costs as a sanction
103 against the opposing party; or

104 2. Deny or reduce an award of attorney fees, suit money,
105 and costs to the offending party.

106 (b) An order entered under this subsection addressing
107 vexatious or bad faith litigation must include written findings
108 identifying the specific conduct the party engaged in and the
109 reasons the court granted, denied, or reduced such fees, money,
110 and costs.

111 (6) The court may order that the amount of the attorney
112 fees, suit money, and costs be paid directly to the attorney,
113 who may enforce the order in his or her name. However, payment
114 of support owed to the obligee has priority over fees, costs,
115 and expenses.

116 (7) In Title IV-D cases, any costs, including filing fees,
117 recording fees, mediation costs, service of process fees, and
118 other expenses incurred by the clerk of the circuit court, shall
119 be assessed only against the nonprevailing obligor after the
120 court makes a determination of the nonprevailing obligor's
121 ability to pay such costs and fees. The Department of Revenue
122 may ~~shall~~ not be considered a party for purposes of this
123 section; however, fees may be assessed against the department
124 pursuant to s. 57.105(1).

125 Section 3. This act shall take effect upon becoming a law.

126

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



721864

128 And the title is amended as follows:

129 Delete everything before the enacting clause
130 and insert:

131 A bill to be entitled

132 An act relating to attorney fees, suit money, and
133 costs; amending ss. 61.16 and 742.045, F.S.;
134 authorizing a court to order attorney fees, suit
135 money, and costs in appellate proceedings; providing
136 that an award of attorney fees, suit money, and costs
137 may be awarded retroactively and prospectively;
138 authorizing the inclusion of certain fees, money, and
139 costs in an award of attorney fees, suit money, and
140 costs; providing that payment of support owed to the
141 obligee has priority over fees, costs, and expenses;
142 authorizing the court to consider if a good faith
143 offer of settlement was rejected when awarding
144 attorney fees, suit money, and costs; authorizing the
145 court to award, deny, or reduce attorney fees, suit
146 money, and costs under certain circumstances;
147 requiring the court to make certain written findings;
148 providing an effective date.

By Senator Grall

29-00875-26

2026644__

1 A bill to be entitled
 2 An act relating to attorney fees, suit money, and
 3 costs; amending ss. 61.16 and 742.045, F.S.;
 4 authorizing a court to order attorney fees, suit
 5 money, and costs in appellate proceedings; providing
 6 that an award of attorney fees, suit money, and costs
 7 may be awarded retroactively and prospectively;
 8 authorizing the inclusion of certain fees, money, and
 9 costs in an award of attorney fees, suit money, and
 10 costs; authorizing the court to consider if a good
 11 faith offer of settlement was rejected when awarding
 12 attorney fees, suit money, and costs; authorizing the
 13 court to award, deny, or reduce attorney fees, suit
 14 money, and costs under certain circumstances;
 15 requiring the court to make certain written findings;
 16 providing applicability; providing an effective date.

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

20 Section 1. Section 61.16, Florida Statutes, is amended to
 21 read:

22 61.16 ~~Attorney~~ Attorney's fees, suit money, and costs.—
 23 (1) The court may from time to time, after considering the
 24 financial resources of both parties, order a party to pay a
 25 reasonable amount for attorney ~~attorney's~~ fees, suit money, and
 26 the cost to the other party of maintaining or defending any
 27 proceeding seeking relief under this chapter, including
 28 enforcement, ~~and~~ modification, ~~and~~ appellate proceedings ~~and~~
 29 appeals.

Page 1 of 5

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

29-00875-26

2026644__

30 (2) An award of attorney fees, suit money, and costs,
 31 whether temporary or final, may be awarded retroactively and
 32 prospectively as equity requires. Attorney fees, suit money, and
 33 costs incurred in pursuing an award of such fees, money, and
 34 costs may be included in any award under this section.

35 (3) In those cases in which an action is brought for
 36 enforcement and the court finds that the noncompliant party is
 37 without justification in the refusal to follow a court order,
 38 the court may not award attorney ~~attorney's~~ fees, suit money,
 39 and costs to the noncompliant party.

40 (4) An application for attorney ~~attorney's~~ fees, suit
 41 money, or costs, whether temporary or final ~~otherwise~~, may shall
 42 not require corroborating expert testimony in order to support
 43 an award under this chapter.

44 (5) The trial court ~~has~~ shall have continuing jurisdiction
 45 to make temporary attorney ~~attorney's~~ fees and costs awards
 46 reasonably necessary to prosecute or defend an appeal on the
 47 same basis and criteria as though the matter were pending before
 48 it at the trial level.

49 (6) In determining entitlement to, and the amount of, an
 50 award of attorney fees, suit money, and costs, the court may
 51 consider whether a good faith offer of settlement was rejected.

52 (7) (a) If a party, directly or through the party's
 53 attorney, engages in vexatious or bad faith litigation, the
 54 court may:

55 1. Award attorney fees, suit money, and costs as a sanction
 56 against the opposing party; or

57 2. Deny or reduce an award of attorney fees, suit money,
 58 and costs to the offending party.

Page 2 of 5

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

29-00875-26

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59 (b) An order entered under this subsection addressing
 60 vexatious or bad faith litigation must include written findings
 61 identifying the specific conduct the party engaged in and the
 62 reasons the court granted, denied, or reduced such fees, money,
 63 and costs ~~In all cases, the court may order that the amount be~~
 64 ~~paid directly to the attorney, who may enforce the order in that~~
 65 ~~attorney's name.~~

66 (8) In determining whether to make attorney attorney's fees
 67 and costs awards at the appellate level, the court shall
 68 primarily consider the relative financial resources of the
 69 parties, unless an appellate party's cause is deemed to be
 70 frivolous.

71 (9) In all cases, the court may order that the award of
 72 attorney fees, suit money, and costs be paid directly to the
 73 attorney, who may enforce such order in his or her name.

74 (10) In Title IV-D cases, attorney attorney's fees, suit
 75 money, and costs, including filing fees, recording fees,
 76 mediation costs, service of process fees, and other expenses
 77 incurred by the clerk of the circuit court, shall be assessed
 78 only against the nonprevailing obligor after the court makes a
 79 determination of the nonprevailing obligor's ability to pay such
 80 costs and fees. The Department of Revenue shall not be
 81 considered a party for purposes of this section; however, fees
 82 may be assessed against the department pursuant to s. 57.105(1).

83 (11)(2) In an action brought pursuant to Rule 3.840,
 84 Florida Rules of Criminal Procedure, whether denominated direct
 85 or indirect criminal contempt, the court may shall have
 86 authority to:

87 (a) Appoint an attorney to prosecute said contempt.

Page 3 of 5

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

29-00875-26

2026644

88 (b) Assess attorney attorney's fees and costs against the
 89 ~~contemnor~~ ~~contemptor~~ after the court makes a determination of
 90 the ~~contemnor's~~ ~~contemptor's~~ ability to pay such costs and fees.

91 (c) Order that the amount be paid directly to the attorney,
 92 who may enforce the order in his or her name.

93 Section 2. Section 742.045, Florida Statutes, is amended to
 94 read:

95 742.045 Attorney Attorney's fees, suit money, and costs.—

96 (1) The court may from time to time, after considering the
 97 financial resources of both parties, order a party to pay a
 98 reasonable amount for attorney attorney's fees, suit money, and
 99 the cost to the other party of maintaining or defending any
 100 proceeding seeking relief under this chapter, including
 101 enforcement, and modification, and appellate proceedings.

102 (2) An award of attorney fees, suit money, and costs,
 103 whether temporary or final, may be awarded retroactively and
 104 prospectively as equity requires. Attorney fees, suit money, and
 105 costs incurred in pursuing an award of such fees, money, and
 106 costs may be included in any award under this section.

107 (3) An application for attorney attorney's fees, suit
 108 money, or costs, whether temporary or final otherwise, may shall
 109 not require corroborating expert testimony in order to support
 110 an award under this chapter.

111 (4) In determining entitlement to, and the amount of, an
 112 award of attorney fees, suit money, and costs, the court may
 113 consider whether a good faith offer of settlement was rejected.

114 (5)(a) If a party, directly or through the party's
 115 attorney, engages in vexatious or bad faith litigation, the
 116 court may:

Page 4 of 5

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

29-00875-26

2026644__

117 1. Award attorney fees, suit money, and costs as a sanction
118 against the opposing party; or

119 2. Deny or reduce an award of attorney fees, suit money,
120 and costs to the offending party.

121 (b) An order entered under this subsection addressing
122 vexatious or bad faith litigation must include written findings
123 identifying the specific conduct the party engaged in and the
124 reasons the court granted, denied, or reduced such fees, money,
125 and costs.

126 (6) The court may order that the amount of the attorney
127 fees, suit money, and costs be paid directly to the attorney,
128 who may enforce the order in his or her name.

129 (7) In Title IV-D cases, any costs, including filing fees,
130 recording fees, mediation costs, service of process fees, and
131 other expenses incurred by the clerk of the circuit court, shall
132 be assessed only against the nonprevailing obligor after the
133 court makes a determination of the nonprevailing obligor's
134 ability to pay such costs and fees. The Department of Revenue
135 may ~~shall~~ not be considered a party for purposes of this
136 section; however, fees may be assessed against the department
137 pursuant to s. 57.105(1).

138 Section 3. The amendments made to ss. 61.16 and 742.045,
139 Florida Statutes, by this act apply to any court proceeding
140 pending or filed on or after the effective date of this act.

141 Section 4. 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 8, 2026

I respectfully request that **Senate Bill #644**, relating to Attorney Fees, Suit Money, and Costs, 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

2/10/26

Meeting Date

Judiciary

Committee

The Florida Senate APPEARANCE RECORD

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

SB 644

Bill Number or Topic

721864

Amendment Barcode (if applicable)

Name

WILLIAM NORVEL, ESQ

Phone

561. 689. 4378

Address

2041 Vista Pkwy, Ste. 202

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Street

West Palm Beach, FL 33411

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:

FAMILY LAW SECTION FLORIDA BAR

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/CS/SB 686

INTRODUCER: Judiciary Committee; Community Affairs Committee; and Senator McClain

SUBJECT: Agricultural Enclaves

DATE: February 11, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</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

I. Summary:

CS/CS/SB 686 amends s. 163.3162, F.S., which regulates agricultural lands and practices, to replace the existing public hearing process for development within agricultural enclaves with a new process outlined in the bill. Agricultural enclaves are pockets of agricultural land that are mostly surrounded by development.

Under the bill, the owner of an agricultural enclave may apply for a certification confirming that the land is an agricultural enclave, subject to a public hearing and approval process. Upon certification, property owners may submit development plans for single-family residential housing consistent with the land use requirements of adjacent parcels. Local governments may not enact or enforce a law or regulation for an agricultural enclave that is more burdensome than for other types of applications for comparable uses or densities.

The bill revises the definition of “agricultural enclave” to clarify that they may include one or more parcels. It also includes additional criteria for determining whether a property may qualify as an agricultural enclave under state law and limits agricultural enclaves to lands within counties having a population of 1.75 million or less.

The bill’s provisions relating to agricultural enclaves expire January 1, 2028, at which time the text of those provisions will revert to the text as it existed on June 30, 2026.

The bill takes effect July 1, 2026.

II. Present Situation:

Comprehensive Plans

The Community Planning Act directs counties and municipalities to plan for future development by adopting comprehensive plans.¹ Each local government must maintain a comprehensive plan to guide future development.²

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.³ A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

Comprehensive plans lay out the locations for future public facilities including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. They are made up of 10 required elements, each laying out regulations for different facets of development.⁴

The 10 required elements consider and address capital improvements; future land uses; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Other plans and programs may be added as optional elements to a comprehensive plan.⁵

The Future Land Use Element

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.⁶ Each future land use category must be defined in terms of uses included and must include standards to be followed in the control and distribution of population densities and building and structure intensities.⁷ The proposed distribution, location, and extent of the various categories of land use must be shown on a land use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.⁸

¹ Section 163.3167(1), F.S.

² Section 163.3167(2), F.S.

³ Section 163.3194(3), F.S.

⁴ Section 163.3177(3) and (6), F.S.

⁵ *Id.*

⁶ Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.

⁷ Section 163.3177(6)(a)1., F.S.

⁸ Section 163.3177(6)(a)2., F.S.

A comprehensive plan's future land use element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.⁹

Compatibility

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.¹⁰ Compatibility means "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."¹¹ In other words, the compatibility requirement permits local governments to consider whether a proposed use can peacefully coexist with existing uses.

Local governments, through the future land use plan, are responsible for ensuring the compatibility of uses on adjacent lands, and particularly those lands in proximity to military installations and airports.¹² To act on this requirement, land use regulations are required to contain specific and detailed provisions necessary to ensure the compatibility of adjacent land uses.¹³ In practice, these regulations take the form of zoning codes with compatibility standards for height, density, setbacks, parking, and other general regulations on the types of developments that can coexist.¹⁴

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations, or any other regulations controlling the development of land.¹⁵

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement its adopted comprehensive plan.¹⁶ Local governments are encouraged to use innovative land development regulations¹⁷ and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.¹⁸ Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.¹⁹

⁹ Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215*, 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993)).

¹⁰ Section 163.3194(3), F.S.

¹¹ Section 163.3164(9), F.S.

¹² Section 163.3177(6)(a)2., F.S.

¹³ Section 163.3202(2)(b), F.S.

¹⁴ *See, e.g.*, s. 5.10 (Residential Compatibility Standards), Land Development Code of Maitland, Florida.

¹⁵ Section 163.3164(26), F.S.

¹⁶ Section 163.3202(1), F.S.

¹⁷ Section 163.3202(3), F.S.

¹⁸ Sections 125.01055 and 166.04151, F.S.

¹⁹ *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities²⁰ and intensities²¹ over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.²²

Zoning maps and zoning districts are adopted by local governments for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.²³ Common regulations within the zoning map districts include density, building height and bulk, setback, and parking requirements. For example, regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.²⁴ Rezoning applications are initially reviewed by local government staff, then reviewed again by an appointed body that makes recommendations to the governing body of the local government. The governing body makes the final determination.²⁵ If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.²⁶ However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Agricultural Enclaves

An agricultural enclave is an unincorporated, undeveloped parcel that:

- Is owned by a single person or entity.
 - Has been in continuous use for bona fide agricultural purposes for 5 years prior to the date of any comprehensive plan amendment application.
- Is surrounded on at least 75 percent of its perimeter by:
 - Existing industrial, commercial, or residential development; or

²⁰ "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. Section 163.3164(12), F.S.

²¹ "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. Section 163.3164(22), F.S.

²² Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215*, 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993)).

²³ See Indian River County, *Planning and Development Services FAQ*, https://indianriver.gov/services/community_development/faq.php#collapse1250b0 (last visited Jan. 29, 2026).

²⁴ See, e.g., *City of Tallahassee, Application for Rezoning Review* (Aug. 21, 2023), available at <https://www.talgov.com/Uploads/Public/Documents/place/zoning/cityrezinfsh.pdf>.

²⁵ See *id.*; see also *Town of Redington Shores, Planning and Zoning Board*, <https://townofredingtonshores.com/boards-committees/> (last visited Jan. 29, 2026).

²⁶ See, e.g., *City of Tallahassee, Variance*, https://www.talgov.com/growth/gm_permits_lues/Variance_33 (last visited Jan. 29, 2026); *Seminole County, Variance Process & Requirements*, <https://www.seminolecountyfl.gov/departments-services/development-services/planning-development/boards/board-of-adjustment/variance-process-requirements> (last visited Jan. 29, 2026).

- Property designated in the local government’s comprehensive plan and land development regulations for future industrial, commercial, or residential development, and at least 75 percent of property is existing industrial, commercial, or residential development.
- Has public services including water, wastewater, transportation, schools, and recreation facilities available, or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure.
- Does not exceed 1,280 acres, or 4,480 acres if the property is surrounded by existing or authorized residential development with a density buildout of at least 1,000 residents per square mile.²⁷

The owner of an agricultural enclave may apply for an amendment to the local government comprehensive plan. The amendment is presumed to not be urban sprawl²⁸ if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel.²⁹

The local government and the applicant have 180 days following submittal to negotiate and agree upon the land uses and intensities of use that are consistent with those of the industrial, commercial, or residential areas surrounding the parcel. Within 30 days after the local government receives the application, the local government and the owner must agree in writing to a schedule for submitting information, holding public hearings, engaging in negotiations, and taking final action on the amendment. After the local government and the owner agree to the schedule, it may only be altered if they both agree in writing. Regardless of whether the local government and the owner reach consensus on the land uses and intensities of use that are consistent with those of the industrial, commercial, or residential areas surrounding the parcel, the amendment must be transmitted to the state land planning agency for review.³⁰

These agricultural enclave provisions do not preempt or replace any protection currently existing for property located within the boundaries of the Wekiva Study Area or the Everglades Protection Area.³¹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 163.3162(4), F.S., regulating agricultural lands and practices, to provide a new public hearing process for development within agricultural enclaves.

Under the bill, the owner of an agricultural enclave may apply for certification of the land as an agricultural enclave, subject to a public hearing and approval process. To apply for certification, one or more adjacent parcels or an adjacent development must permit the same density as, or higher density than, the proposed development.

²⁷ Section 163.3164(4), F.S.

²⁸ “Urban sprawl” means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. Section 163.3164(54), F.S.

²⁹ Section 163.3162(4), F.S.

³⁰ *Id.*

³¹ Section 163.3162(4)(d), F.S.

The certification process requires the local government to:

- Issue a written report on whether the parcel in the application qualifies as an agricultural enclave within 30 days after receipt of the application.
- Hold a public hearing to approve or deny certification of the parcel as an agricultural enclave within 30 days after the report is issued.

If the local government does not approve or deny certification of the parcel as an agricultural enclave within 90 days after receipt of the application, the parcel must be certified as an agricultural enclave by default. If the application is denied, the governing body of the local government must issue its decision in writing with detailed findings of fact and conclusions of law. The applicant may then seek review of the denial by filing a petition for writ of certiorari in the circuit court within 30 days after the decision is rendered.

Under the bill, if the parcel is certified as an agricultural enclave, property owners may submit development plans for single-family residential housing which are consistent with the land use requirements, or future land use designations, of one or more adjacent parcels or adjacent development. A development for which plans are submitted under the bill must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities. The local government must also treat an agricultural enclave that is adjacent to an urban service district as if it were within the urban service district.

The bill provides that within 30 business days after the local government's receipt of development plans, the local government and the owner of the parcel certified as an agricultural enclave must agree in writing to a process and schedule for submitting, analyzing, and approving the development plans. The approval may be administrative in nature. The local government may not require the owner to agree to a process that is longer than 180 days or includes further review of the plans in a quasi-judicial process or public hearing.

Notwithstanding other provisions in the bill, the owner of a certified agricultural enclave that is adjacent to an interstate highway may develop it for commercial, industrial, or single-family residential purposes if one or more adjacent parcels or an adjacent development permits the same density or intensity as the proposed development.

None of the bill's provisions relating to agricultural enclaves preempt or replace any protection currently existing for any property located within the boundaries of an area of critical state concern,³² the Florida wildlife corridor,³³ or a military installation or range.³⁴

³² As designated in ss. 380.055, 380.0551, 380.0552, 380.0553, or 380.0555, F.S.

³³ As defined in s. 259.1055(4), F.S.

³⁴ As identified in s. 163.3175(2), F.S.

Section 2 of the bill revises the definition of “agricultural enclave” in s. 163.3164(4), F.S., to clarify that agricultural enclaves may include one or more parcels. The bill also expands the definition of “agricultural enclave” to include the following additional options.

First, an agricultural enclave may include one or more undeveloped parcels that, as of January 1, 2025, are:

- Surrounded on at least 75 percent of their perimeter by a combination of an interstate highway and one or more parcels that are within an urban service district, area, or line; and
- Designated in the future land use map by the local government as land to be developed for industrial, commercial, or residential purposes.

Second, an agricultural enclave may be comprised of one or more parcels not exceeding 700 acres in size that, as of January 1, 2025, are:

- Surrounded on at least 50 percent of their perimeter by land that the local government has designated on its future land use map for industrial, commercial, or residential purposes; and
- Surrounded on at least 50 percent of their perimeter by one or more parcels within an urban service district, area, or line.

Third, an agricultural enclave may be comprised of one or more parcels that, as of January 1, 2025, are located within the boundary of an established rural study area adopted in the local government’s comprehensive plan which was intended to be developed with residential uses.

With respect to required public services within agricultural enclaves, the bill provides that an applicant seeking to develop within an agricultural enclave may, as an alternative to already possessing public services, enter into a binding agreement to pay for, construct, or contribute proportionate share to the required services for the enclave.

The bill limits agricultural enclaves to lands located within counties having a population of 1.75 million or less. It also provides that where a right-of-way, body of water, or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the adjacent parcel or parcels across the right-of-way, body of water, or canal.

Section 3 provides that the bill’s provisions relating to agricultural enclaves expire January 1, 2028, at which time the text of those provisions will revert to the text as it existed on June 30, 2026. However, any amendments to the text enacted by other bills are preserved and continue to operate so long as they do not depend upon any portions of the text that have expired under 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.

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 sections 163.3162 and 163.3164 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/CS by Judiciary on February 10, 2026:

The committee substitute revises the underlying bill to:

- Provide that the owner of a certified agricultural enclave that is adjacent to an interstate highway may develop it for commercial, industrial, or single-family residential purposes if one or more adjacent parcels or an adjacent development permits the same density or intensity as the proposed development.
- Provide that nothing in the subsection regulating the public hearing process for agricultural enclaves preempts or replaces existing protections for properties within an area of critical state concern or the Florida wildlife corridor.

CS by Community Affairs on January 20, 2026:

The committee substitute revises the reversion date from September to June to accurately reflect the statutory language in effect immediately prior to the bill's amendments.

B. Amendments:

None.



174210

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete lines 88 - 144
and insert:
quasi-judicial process or public hearing.

(h) Notwithstanding paragraph (e), a certified agricultural enclave as defined in s. 163.3164(4)(c)1.c. which is adjacent to an interstate highway may be developed for commercial, industrial, or single-family residential purposes if one or more adjacent parcels or an adjacent development permits the same density or intensity as the proposed development ~~AMENDMENT TO~~



174210

12 ~~LOCAL GOVERNMENT COMPREHENSIVE PLAN. The owner of a parcel of~~
13 ~~land defined as an agricultural enclave under s. 163.3164 may~~
14 ~~apply for an amendment to the local government comprehensive~~
15 ~~plan pursuant to s. 163.3184. Such amendment is presumed not to~~
16 ~~be urban sprawl as defined in s. 163.3164 if it includes land~~
17 ~~uses and intensities of use that are consistent with the uses~~
18 ~~and intensities of use of the industrial, commercial, or~~
19 ~~residential areas that surround the parcel. This presumption may~~
20 ~~be rebutted by clear and convincing evidence. Each application~~
21 ~~for a comprehensive plan amendment under this subsection for a~~
22 ~~parcel larger than 640 acres must include appropriate new~~
23 ~~urbanism concepts such as clustering, mixed-use development, the~~
24 ~~creation of rural village and city centers, and the transfer of~~
25 ~~development rights in order to discourage urban sprawl while~~
26 ~~protecting landowner rights.~~

27 ~~(a) The local government and the owner of a parcel of land~~
28 ~~that is the subject of an application for an amendment shall~~
29 ~~have 180 days following the date that the local government~~
30 ~~receives a complete application to negotiate in good faith to~~
31 ~~reach consensus on the land uses and intensities of use that are~~
32 ~~consistent with the uses and intensities of use of the~~
33 ~~industrial, commercial, or residential areas that surround the~~
34 ~~parcel. Within 30 days after the local government's receipt of~~
35 ~~such an application, the local government and owner must agree~~
36 ~~in writing to a schedule for information submittal, public~~
37 ~~hearings, negotiations, and final action on the amendment, which~~
38 ~~schedule may thereafter be altered only with the written consent~~
39 ~~of the local government and the owner. Compliance with the~~
40 ~~schedule in the written agreement constitutes good faith~~



174210

41 ~~negotiations for purposes of paragraph (c).~~

42 ~~(b) Upon conclusion of good faith negotiations under~~
43 ~~paragraph (a), regardless of whether the local government and~~
44 ~~owner reach consensus on the land uses and intensities of use~~
45 ~~that are consistent with the uses and intensities of use of the~~
46 ~~industrial, commercial, or residential areas that surround the~~
47 ~~parcel, the amendment must be transmitted to the state land~~
48 ~~planning agency for review pursuant to s. 163.3184. If the local~~
49 ~~government fails to transmit the amendment within 180 days after~~
50 ~~receipt of a complete application, the amendment must be~~
51 ~~immediately transferred to the state land planning agency for~~
52 ~~such review. A plan amendment transmitted to the state land~~
53 ~~planning agency submitted under this subsection is presumed not~~
54 ~~to be urban sprawl as defined in s. 163.3164. This presumption~~
55 ~~may be rebutted by clear and convincing evidence.~~

56 ~~(c) If the owner fails to negotiate in good faith, a plan~~
57 ~~amendment submitted under this subsection is not entitled to the~~
58 ~~rebuttable presumption under this subsection in the negotiation~~
59 ~~and amendment process.~~

60 ~~(i)~~(d) Nothing within this subsection relating to
61 agricultural enclaves shall preempt or replace any protection
62 currently existing for any property located within the
63 boundaries of any of the following areas:

- 64 1. The Wekiva Study Area, as described in s. 369.316.~~;~~
65 2. The Everglades Protection Area, as defined in s.
66 373.4592(2).

67 3. Any area of critical state concern, as designated in s.
68 s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s.
69 380.0555.



174210

70 4. The Florida wildlife corridor, as defined in s.
71 259.1055(4).

72 5. A military installation or range identified in s.
73

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

75 And the title is amended as follows:

76 Delete line 25

77 and insert:

78 to enter a certain written agreement; authorizing the
79 development of certain certified agricultural enclaves
80 for commercial, industrial, or single-family
81 residential purposes under certain circumstances;
82 deleting

By the Committee on Community Affairs; and Senator McClain

578-02034-26

2026686c1

1 A bill to be entitled
 2 An act relating to agricultural enclaves; amending s.
 3 163.3162, F.S.; authorizing owners of certain parcels
 4 to apply to the governing body of the local government
 5 for certification of such parcels as agricultural
 6 enclaves; requiring the local government to provide to
 7 the applicant a certain report within a specified
 8 timeframe; requiring the local government to hold a
 9 public hearing within a specified timeframe to approve
 10 or deny such certification; requiring the
 11 certification of a parcel as an agricultural enclave
 12 under certain circumstances; requiring the governing
 13 body to issue certain decisions in writing;
 14 authorizing an applicant to seek judicial review under
 15 certain circumstances; authorizing the owner of a
 16 parcel certified as an agricultural enclave to submit
 17 certain development plans; requiring that certain
 18 developments be treated as a conforming use;
 19 prohibiting a local government from enacting or
 20 enforcing certain laws or regulations; requiring a
 21 local government to treat certain agricultural
 22 enclaves as if they are within urban service
 23 districts; requiring the local government and the
 24 owner of a parcel certified as an agricultural enclave
 25 to enter a certain written agreement; deleting
 26 provisions relating to certain amendments to a local
 27 government's comprehensive plan; revising
 28 construction; amending s. 163.3164, F.S.; revising the
 29 definition of the term "agricultural enclave";

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

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30 providing for the future expiration and reversion of
 31 specified provisions; providing an effective date.
 32

33 Be It Enacted by the Legislature of the State of Florida:
 34

35 Section 1. Subsection (4) of section 163.3162, Florida
 36 Statutes, is amended to read:

37 163.3162 Agricultural lands and practices.—

38 (4) PUBLIC HEARING PROCESS.—

39 (a) Notwithstanding any other law or local ordinance,
 40 resolution, or regulation, the owner of a parcel of land may
 41 apply to the governing body of the local government for
 42 certification of the parcel as an agricultural enclave as
 43 defined in s. 163.3164 if one or more adjacent parcels or an
 44 adjacent development permits the same density as, or higher
 45 density than, the proposed development.

46 (b) Within 30 days after the local government's receipt of
 47 such an application, the local government shall provide to the
 48 applicant a written report detailing whether the application
 49 complies with the requirements of paragraph (a).

50 (c) Within 30 days after the local government provides the
 51 report required under paragraph (b), the local government shall
 52 hold a public hearing to approve or deny certification of the
 53 parcel as an agricultural enclave. If the local government does
 54 not approve or deny certification of the parcel as an
 55 agricultural enclave within 90 days after receipt of the
 56 application, the parcel must be certified as an agricultural
 57 enclave.

58 (d) If the application is denied, the governing body of the

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59 local government must issue its decision in writing with
 60 detailed findings of fact and conclusions of law. The applicant
 61 may seek review of the denial by filing a petition for writ of
 62 certiorari in the circuit court within 30 days after the date
 63 the local government renders its decision.

64 (e) If the application is approved, the owner of the parcel
 65 certified as an agricultural enclave may submit development
 66 plans for single-family residential housing which are consistent
 67 with the land use requirements, or future land use designations,
 68 including uses, density, and intensity, of one or more adjacent
 69 parcels or an adjacent development. A development for which
 70 plans are submitted under this paragraph must be treated as a
 71 conforming use, notwithstanding the local government's
 72 comprehensive plan, future land use designation, or zoning.

73 (f) A local government may not enact or enforce a law or
 74 regulation for an agricultural enclave which is more burdensome
 75 than for other types of applications for comparable uses or
 76 densities. A local government shall treat an agricultural
 77 enclave that is adjacent to an urban service district as if such
 78 enclave is within the urban service district.

79 (g) Within 30 business days after the local government's
 80 receipt of development plans under paragraph (e), the local
 81 government and the owner of the parcel certified as an
 82 agricultural enclave must agree in writing to a process and
 83 schedule for information submittal, analysis, and final
 84 approval, which may be administrative in nature, of the
 85 development plans. The local government may not require the
 86 owner to agree to a process that is longer than 180 days in
 87 duration or that includes further review of the plans in a

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88 ~~quasi-judicial process or public hearing~~ AMENDMENT TO LOCAL
 89 ~~GOVERNMENT COMPREHENSIVE PLAN.~~ The owner of a parcel of land
 90 defined as an agricultural enclave under s. 163.3164 may apply
 91 ~~for an amendment to the local government comprehensive plan~~
 92 ~~pursuant to s. 163.3184. Such amendment is presumed not to be~~
 93 ~~urban sprawl as defined in s. 163.3164 if it includes land uses~~
 94 ~~and intensities of use that are consistent with the uses and~~
 95 ~~intensities of use of the industrial, commercial, or residential~~
 96 ~~areas that surround the parcel. This presumption may be rebutted~~
 97 ~~by clear and convincing evidence. Each application for a~~
 98 ~~comprehensive plan amendment under this subsection for a parcel~~
 99 ~~larger than 640 acres must include appropriate new urbanism~~
 100 ~~concepts such as clustering, mixed-use development, the creation~~
 101 ~~of rural village and city centers, and the transfer of~~
 102 ~~development rights in order to discourage urban sprawl while~~
 103 ~~protecting landowner rights.~~

104 ~~(a) The local government and the owner of a parcel of land~~
 105 ~~that is the subject of an application for an amendment shall~~
 106 ~~have 180 days following the date that the local government~~
 107 ~~receives a complete application to negotiate in good faith to~~
 108 ~~reach consensus on the land uses and intensities of use that are~~
 109 ~~consistent with the uses and intensities of use of the~~
 110 ~~industrial, commercial, or residential areas that surround the~~
 111 ~~parcel. Within 30 days after the local government's receipt of~~
 112 ~~such an application, the local government and owner must agree~~
 113 ~~in writing to a schedule for information submittal, public~~
 114 ~~hearings, negotiations, and final action on the amendment, which~~
 115 ~~schedule may thereafter be altered only with the written consent~~
 116 ~~of the local government and the owner. Compliance with the~~

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117 ~~schedule in the written agreement constitutes good faith~~
 118 ~~negotiations for purposes of paragraph (c).~~

119 ~~(b) Upon conclusion of good faith negotiations under~~
 120 ~~paragraph (a), regardless of whether the local government and~~
 121 ~~owner reach consensus on the land uses and intensities of use~~
 122 ~~that are consistent with the uses and intensities of use of the~~
 123 ~~industrial, commercial, or residential areas that surround the~~
 124 ~~parcel, the amendment must be transmitted to the state land~~
 125 ~~planning agency for review pursuant to s. 163.3184. If the local~~
 126 ~~government fails to transmit the amendment within 180 days after~~
 127 ~~receipt of a complete application, the amendment must be~~
 128 ~~immediately transferred to the state land planning agency for~~
 129 ~~such review. A plan amendment transmitted to the state land~~
 130 ~~planning agency submitted under this subsection is presumed not~~
 131 ~~to be urban sprawl as defined in s. 163.3164. This presumption~~
 132 ~~may be rebutted by clear and convincing evidence.~~

133 ~~(c) If the owner fails to negotiate in good faith, a plan~~
 134 ~~amendment submitted under this subsection is not entitled to the~~
 135 ~~rebuttable presumption under this subsection in the negotiation~~
 136 ~~and amendment process.~~

137 ~~(h)(d)~~ Nothing within this subsection relating to
 138 agricultural enclaves shall preempt or replace any protection
 139 currently existing for any property located within the
 140 boundaries of any of the following areas:

- 141 1. The Wekiva Study Area, as described in s. 369.316, ~~or~~
- 142 2. The Everglades Protection Area, as defined in s.
- 143 373.4592(2).
- 144 3. A military installation or range identified in s.
- 145 163.3175(2).

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146 Section 2. Subsection (4) of section 163.3164, Florida
 147 Statutes, is amended to read:

148 163.3164 Community Planning Act; definitions.—As used in
 149 this act:

150 (4) "Agricultural enclave" means an unincorporated,
 151 undeveloped parcel or parcels that, as of January 1, 2025:

152 (a) Are ~~is~~ owned or controlled by a single person or
 153 entity;

154 (b) Have ~~Has~~ been in continuous use for bona fide
 155 agricultural purposes, as defined by s. 193.461, for a period of
 156 5 years before prior ~~to~~ the date of any comprehensive plan
 157 amendment or development application;

158 (c) 1. Are ~~is~~ surrounded on at least 75 percent of their ~~its~~
 159 perimeter by:

160 a.1. A parcel or parcels ~~Property~~ that have ~~has~~ existing
 161 industrial, commercial, or residential development; ~~or~~

162 b.2. A parcel or parcels ~~Property~~ that the local government
 163 has designated, in the local government's ~~comprehensive plan,~~
 164 zoning map, and future land use map, as land that is to be
 165 developed for industrial, commercial, or residential purposes,
 166 and at least 75 percent of such parcel or parcels ~~property~~ is
 167 existing industrial, commercial, or residential development; ~~or~~
 168 c. A combination of an interstate highway and a parcel or
 169 parcels that are within an urban service district, area, or line
 170 and that the local government has designated in the local
 171 government's future land use map as land that is to be developed
 172 for industrial, commercial, or residential purposes;

173 2. Do not exceed 700 acres and are surrounded on at least
 174 50 percent of their perimeter by a parcel or parcels that the

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175 local government has designated on the local government's future
 176 land use map as land that is to be developed for industrial,
 177 commercial, or residential purposes; and the parcel or parcels
 178 are surrounded on at least 50 percent of their perimeter by a
 179 parcel or parcels within an urban service district, area, or
 180 line; or

181 3. Are located within the boundary of an established rural
 182 study area adopted in the local government's comprehensive plan
 183 which was intended to be developed with residential uses;

184 (d) ~~Have~~ Has public services, including water, wastewater,
 185 transportation, schools, and recreation facilities, available or
 186 such public services are scheduled in the capital improvement
 187 element to be provided by the local government or can be
 188 provided by an alternative provider of local government
 189 infrastructure in order to ensure consistency with applicable
 190 concurrency provisions of s. 163.3180, or the applicant offers
 191 to enter into a binding agreement to pay for, construct, or
 192 contribute land for its proportionate share of such
 193 improvements; and

194 (e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel
 195 or parcels are ~~property is~~ surrounded by existing or authorized
 196 residential development that will result in a density at
 197 buildout of at least 1,000 residents per square mile, ~~then~~ the
 198 area must ~~shall~~ be determined to be urban and the parcel or
 199 parcels may not exceed 4,480 acres; and

200 (f) Are located within a county with a population of 1.75
 201 million or less. For purposes of this subsection, population is
 202 determined in accordance with the most recent official estimate
 203 pursuant to s. 186.901.

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204 Where a right-of-way, body of water, or canal exists along the
 205 perimeter of a parcel, the perimeter calculations of the
 206 agricultural enclave must be based on the adjacent parcel or
 207 parcels across the right-of-way, body of water, or canal.

208 Section 3. The amendments made by this act to ss.
 209 163.3162(4) and 163.3164(4), Florida Statutes, shall expire
 210 January 1, 2028, and the text of those subsections shall revert
 211 to that in existence on June 30, 2026, except that any amendment
 212 to such text enacted other than by this act shall be preserved
 213 and continue to operate to the extent that such amendment is not
 214 dependent upon the portions of text which expire pursuant to
 215 this section.

216 Section 4. This act shall take effect July 1, 2026.
 217



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 23, 2026

I respectfully request that **Senate Bill #686**, relating to Agricultural Enclaves, 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

The Florida Senate

APPEARANCE RECORD

SB 686

10 Feb

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

LEN Rocippi

Phone

908403 3140

Address

5288 SW 85th St

Email

LMRWVY@outlook.com

Street

OCALA FL 34476

City

State

Zip

Speaking:

For



Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Meeting Date Feb 10, 2026

Bill Number or Topic 686

Committee Judiciary

Amendment Barcode (if applicable)

Name Brendan Burke

Phone 727 512 2469

Address 1319 Thomaswood Dr
Street

Email bburke@fhba.com

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 Home Builders Association

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

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The Florida Senate

APPEARANCE RECORD

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2-10-26

Meeting Date

686

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHO.org

Tallahassee FL 32031
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:

Americans for Prosperity

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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02/10/24

Meeting Date

Judiciary

Committee

686

Bill Number or Topic

Amendment Barcode (if applicable)

Name Amina Spahic (AM-EEVA
SPA-HEECH)

Phone _____

Address _____

Email _____

Street

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida For All

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)

2/6/26

Meeting Date

The Florida Senate APPEARANCE RECORD

686

Bill Number or Topic

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

Judiciary

Committee

Amendment Barcode (if applicable)

Name **Adam Basford**

Phone **8502247173**

Address **516 N Adams St**

Email **abasford@aif.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Associated Industries 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 \(flsenate.gov\)](#)

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 692

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Leek

SUBJECT: Cybersecurity Standards and Liability

DATE: February 9, 2026 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Bond</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

I. Summary:

CS/SB 692 provides protections from liability for a cybersecurity incident to counties, municipalities, political subdivisions, private entities, and their third-party agents. To avail themselves of this protection, the local government or private entity must have implemented policies that substantially comply or align with specific cybersecurity standards or frameworks. A local government must also have adopted a disaster recovery plan for cybersecurity incidents and multi-factor authentication. A private entity and their third-party agent must additionally comply with applicable state and federal laws, such as the Florida Information Protection Act, which requires consumer notification of a breach, and applicable privacy laws.

A local government is afforded a total limitation on liability in connection with a cybersecurity incident if it meets the bill's cybersecurity requirements. A covered entity or a third-party agent is instead granted a presumption against liability in a class action that results from a cybersecurity incident. In either case, the initial burden of proof shifts to the defendant to establish substantial compliance with the bill's cybersecurity requirements.

The bill also provides that local governments may only impose the same or lower cybersecurity standard or process as it applies to itself to its information technology commodity or service vendors, unless otherwise required by state or federal law, or industry-specific requirements which apply to regulated sectors.

There is no impact expected on state revenues and expenditures. Local governments may experience an indeterminate impact on its expenditures related to decreased liability and costs for cyber liability insurance. See Section V.

The bill takes effect upon becoming a law but provides for applicability to any putative class action filed before, on, or after the effective date.

II. Present Situation:

Cybersecurity is the protection of networks, devices, and data from unauthorized access or criminal use and the practice of ensuring confidentiality, integrity, and availability of information.¹ Cyberattacks are usually aimed at accessing, changing, or destroying sensitive information; extorting money from users via ransomware; or interrupting normal business processes.² This bill addresses liability of local governments and private entities regarding liability for a cybersecurity incident.

Current Cybersecurity Standards

Local Government Cybersecurity Act

Section 282.3185, F.S., is known as the Local Government Cybersecurity Act (act). The act first requires counties and municipalities to adopt cybersecurity standards that safeguard the local government's data, information technology, and information technology resources to ensure availability, confidentiality, and integrity.³ The standards must be consistent with generally accepted best practices for cybersecurity, including the National Institute of Standards and Technology (NIST) Cybersecurity Framework.⁴ A local government must notify Florida Digital Service⁵ (FLDS) that it has adopted standards to conform as soon as possible after adoption; all counties and municipalities should have adopted at least their first version of standards by January 1, 2025.⁶

The act classifies cybersecurity or ransomware incidents into five categories based on the severity of the incident:

- Level 5 is an emergency-level incident within the specified jurisdiction that poses an imminent threat to the provision of wide-scale critical infrastructure services; national, state, or local government security; or the lives of the country, state, or local government's residents.

¹ U.S. Cybersecurity and Infrastructure Security Agency, *What is Cybersecurity?* (Feb. 1, 2021), <https://www.cisa.gov/news-events/news/what-cybersecurity> (last visited Jan. 21, 2026).

² Cisco.com, *What is Cybersecurity?* <https://www.cisco.com/c/en/us/products/security/what-is-cybersecurity.html#:~:text=Cybersecurity%20is%20the%20practice%20of,or%20interrupting%20normal%20business%20processes> (last visited Jan. 20, 2026).

³ Section 282.3185(4)(a), F.S.

⁴ *Id.*

⁵ The Florida Digital Service is an office within the Department of Management Services to propose innovative solutions that securely modernize state government, including technology and information services, to achieve value through digital transformation and interoperability, and to fully support the cloud-first policy. Section 282.0051(1), F.S.

⁶ Section 282.3185(4)(c)-(d), F.S.

- Level 4 is a severe-level incident that is likely to result in a significant impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; or civil liberties.
- Level 3 is a high-level incident that is likely to result in a demonstrable impact in the affected jurisdiction to public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 2 is a medium-level incident that may impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.
- Level 1 is a low-level incident that is unlikely to impact public health or safety; national, state, or local security; economic security; civil liberties; or public confidence.⁷

The act requires a county or municipality to provide notification of a level 3, 4, or 5 cybersecurity or ransomware incident to the Cybersecurity Operations Center, Cybercrime Office of the Department of Law Enforcement, and to the sheriff who has jurisdiction over the local government. The notification must include, at a minimum, the following information:

- A summary of the facts surrounding the cybersecurity incident or ransomware incident.
- The date on which the local government most recently backed up its data; the physical location of the backup, if the backup was affected; and if the backup was created using cloud computing.
- The types of data compromised by the cybersecurity incident or ransomware incident.
- The estimated fiscal impact of the cybersecurity incident or ransomware incident.
- In the case of a ransomware incident, the details of the ransom demanded.
- A statement requesting or declining assistance from the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement, or the sheriff who has jurisdiction over the local government.⁸

The report of a level 3, 4, or 5 ransomware incident or cybersecurity incident must be sent as soon as possible but no later than 48 hours after discovery of the cybersecurity incident and no later than 12 hours after discovery of the ransomware incident.⁹ Reporting a level 1 or 2 incident is optional and there is no deadline.¹⁰

A local government must submit to the Florida Digital Service, within 1 week after the remediation of a cybersecurity or ransomware incident, an after-action report that summarizes the incident, the incident's resolution, and any insights gained as a result of the incident.¹¹

Florida Information Protection Act (FIPA)¹²

The FIPA is a data security statute that requires governmental entities, specific business entities, and any third-party agent that holds or processes personal information on behalf of these entities,

⁷ Section 282.318(3)(c)9.a., F.S.

⁸ Section 282.3185(5)(a), F.S.

⁹ Section 282.3185(5)(b)1., F.S.

¹⁰ Section 282.3185(5)(c), F.S.

¹¹ Section 282.3185(6), F.S.

¹² Section 501.171, F.S.; Chapter 2014-189, Laws of Fla.

to take “reasonable measures to protect and secure” a consumer’s personal information.¹³ The FIPA defines “personal information” as:

- Online account information, such as security questions and answers, email addresses, and passwords; and
- An individual’s first name or first initial and last name, in combination with any one or more of the following information regarding the individual:
 - A social security number;
 - A driver license or similar identity verification number issued on a government document;
 - A financial account number or credit or debit card number, in combination with any required security code, access code, or password that is necessary to permit access to an individual’s financial account;
 - Medical history information or health insurance identification numbers; or
 - An individual’s health insurance identification numbers.¹⁴

Personal information does not include information:

- About an individual that a federal, state, or local governmental entity has made publicly available; or
- That is encrypted, secured, or modified to remove elements that personally identify an individual or that otherwise renders the information unusable.¹⁵

The FIPA requires covered entities, including governmental entities,¹⁶ that have suffered a data breach to notify affected individuals of the breach as expeditiously as possible, and no later than 30 days after discovering the breach.¹⁷ However, the notice to affected individuals may be delayed at the request of a law enforcement agency, and notice is not required if the breach has not and will not likely result in identity theft or any other financial harm to the individuals whose personal information has been accessed.¹⁸

If more than 500 individuals were affected by the breach, notice of the breach must also be given to the Department of Legal Affairs (DLA) as expeditiously as possible and no more than 30 days later.¹⁹ If more than 1,000 individuals were affected by the breach, notice must also be given to all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis.²⁰ The Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p), provides the timing, distribution, and content of the notices to consumers.

The FIPA does not provide a private cause of action but authorizes the DLA to file a civil action against covered entities under Florida’s Unfair and Deceptive Trade Practices Act (FDUTPA).²¹

¹³ Section 501.171(2), F.S.

¹⁴ Section 501.171(1)(g)1., F.S.

¹⁵ Section 501.171(1)(g)2., F.S.

¹⁶ A “covered entity” is a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity that acquires, maintains, stores, or uses personal information. Section 501.171(1)(b), F.S.

¹⁷ Section 501.171(4)(a), F.S.

¹⁸ Section 501.171(4)(c), F.S.

¹⁹ Section 501.171(3), F.S.

²⁰ Section 501.171(5), F.S.

²¹ Sections 501.171(9) and (10), F.S.

In addition to the remedies provided for under FDUTPA, a covered entity that fails to notify the DLA, or an individual whose personal information was accessed, of the data breach is liable for a civil penalty of \$1,000 per day for the first 30 days of any violation; \$50,000 for each subsequent 30-day period of violation; and up to \$500,000 for any violation that continues more than 180 days. These civil penalties apply per breach, not per individual affected by the breach.²²

Cybersecurity Standards

The National Institute of Standards and Technology (NIST) is a non-regulatory federal agency within the U.S. Department of Commerce.²³ The Cybersecurity Enhancement Act of 2014 expanded NIST’s role, directing it to support the development of cybersecurity risk frameworks. Under this mandate, NIST created a prioritized, flexible, and cost-effective framework to help critical infrastructure owners and operators identify, assess, and manage cyber risks. This framework formalized NIST’s earlier work under Executive Order 13636 (2013), “Improving Critical Infrastructure Cybersecurity,” and continues to guide future cybersecurity initiatives.²⁴ While originally designed for critical infrastructure, the framework has since evolved into a widely used cybersecurity resource across all sectors, including government, businesses, academia, and nonprofits. It is designed to be flexible, scalable, and adaptable, making it useful for organizations regardless of size, industry, or cybersecurity maturity level. Unlike prescriptive regulations, the framework provides broad, outcome-based guidance, allowing organizations to tailor their cybersecurity strategies to their unique risks, resources, and operational goals. It can be used as a standalone framework or integrated with existing cybersecurity programs. Organizations may adopt it to assess current cybersecurity postures, identify gaps, and establish a roadmap for continuous risk management. As such, there are a variety of ways to use the framework; the decision about how to apply it is left to the implementing organization.²⁵

Other guidelines and frameworks referenced in the bill are:

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
NIST Cybersecurity Framework 2.0	A publication that contains multiple approaches to cybersecurity by assembling standards, guidelines, and practices. While intended for use in critical infrastructure, many of the standards are useful to any organization to improve security and resilience.

²² Section 501.171(9)(b), F.S.

²³ NIST, *NIST History*, <https://www.nist.gov/history> (last visited Jan. 21, 2026).

²⁴ NIST, *Framework for Improving Critical Infrastructure Cybersecurity* at v-vi (Apr. 16, 2018), <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf> (last visited Jan. 21, 2026).

²⁵ NIST, *The National Institute of Standards and Technology (NIST) Cybersecurity Framework (CSF) 2.0*, <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.29.pdf> (last visited Jan. 20, 2026).

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
NIST special publication 800-171	A publication that provides recommended requirements for protecting the confidentiality of controlled unclassified information. If a manufacturer is part of a Department of Defense, General Services Administration, NASA, or other state or federal agency supply chain then they must comply with these security requirements. ²⁶
NIST special publications 800-53 and 800-53A	A category of security and privacy controls. Covers the steps in the Risk Management Framework that address security controls for federal information systems. ²⁷ These guidelines are primarily used by federal agencies and government contractors to comply with federal security mandates, but are also widely adopted by private sector organizations for cybersecurity risk management. ²⁸
The Federal Risk and Authorization Management Program (FedRAMP) security assessment framework	An organization established by the General Services Administration (a Federal Government Program) that provides government agencies and their vendors, as well as private cloud service providers a standardized set of best practices to assess, adopt, and monitor the use of cloud-based technology services under the Federal Information Security Management Act (FISMA). ²⁹
Center for Internet Security Critical Security Controls (CIS)	A prescriptive and simplified set of best practices for strengthening cybersecurity for different organizations. ³⁰

²⁶ NIST, *What is the NIST SP 800-171 and Who Needs to Follow It?*, <https://www.nist.gov/blogs/manufacturing-innovation-blog/what-nist-sp-800-171-and-who-needs-follow-it-0#:~:text=NIST%20SP%20800-171%20is%20a%20NIST%20Special%20Publication,protecting%20the%20confidentiality%20of%20controlled%20unclassified%20information%20%28CUI%29> (last visited Jan. 21, 2026).

²⁷ NIST, *Selecting Security and Privacy Controls: Choosing the Right Approach*, <https://www.nist.gov/blogs/cybersecurity-insights/selecting-security-and-privacy-controls-choosing-right-approach> (last visited Feb. 1, 2024).

²⁸ See NIST Special Publication 800-53 Revision 5, <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-53r5.pdf> and NIST Special Publication 800-53A Revision 5, <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-53Ar5.pdf> (last visited Jan. 21, 2026).

²⁹ See U.S. General Services Administration, *FedRAMP*, <https://www.gsa.gov/technology/government-it-initiatives/fedramp> and FedRAMP, *Overview*, <https://www.fedramp.gov/20x/> (last visited Jan. 21, 2026).

³⁰ CIS Security, *CIS Critical Security Controls*, <https://www.cisecurity.org/controls> (last visited Jan. 21, 2026); DOT Security, *Explaining the Critical Security Controls (CSC) by the Center for Internet Security* (Oct. 3, 2024), <https://dotsecurity.com/insights/blog-explaining-cis-critical-security-controls> (last visited Jan. 21, 2026).

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
The International Organization for Standardization/International Electrotechnical Commission 27000 – series family of standards	ISO/IEC 27001 (ISO) enables organizations of all sectors to manage security of financial information, intellectual property, employee data and information entrusted by third parties. ISO has auditors and is an international standard. There are 804 technical committees and subcommittees concerned with such standards of development. ³¹
HITRUST Common Security Framework (CSF)	A compliance framework primarily used in healthcare, but adaptable to other industries that consolidates multiple cybersecurity and privacy standards to help organizations streamline their security programs. ³²
Service Organization Control Type 2 Framework (SOC 2)	A framework developed by the American Institute of Certified Public Accountants, it ensures that third-party service providers securely store and process client data. Compliance is based on five trust service principles: security, privacy, availability, confidentiality, and processing integrity. ³³
Secure Controls Framework	A meta-framework incorporating various cybersecurity and data privacy controls to help organizations build secure and compliant programs. ³⁴
Health Insurance Portability and Accountability Act of 1996	Commonly referred to as HIPAA, a federal law that requires the creation of national standards to protect

³¹ IT Governance, *ISO 27001, The International Security Standard*, <https://www.itgovernanceusa.com/iso27001#:~:text=ISO%2027001%20is%20a%20globally%20recognized%20information%20security,trusted%20benchmark.%20Protect%20your%20data%2C%20wherever%20it%20lives> (last visited Jan. 21, 2026).

³² HITrust Alliance, *Introduction to the HITRUST CSF, Version 11.7.0* at 5 (Dec. 2025), <https://hitrustalliance.net/hubfs/CSF/CSF%20v11.7/Introduction%20to%20HITRUST%20CSF%20v11.7.0.pdf> (last visited Jan. 21, 2026); Richard Rieben, LINFORD & Co, *Understanding the HITRUST CSF: A Guide for Beginners* (Mar. 15, 2023), <https://linfordco.com/blog/hitrust-csf-framework/> (last visited Jan. 21, 2026).

³³ Secureframe, *What is SOC2?*, <https://secureframe.com/hub/soc-2/what-is-soc-2> (last visited Jan. 21, 2026).

³⁴ See Secure Controls Framework, *FAQ: What is the SCF?*, <https://securecontrolsframework.com/faq/faq> (last visited Jan. 21, 2026).

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
	sensitive patient health information from being disclosed without the patient’s consent or knowledge. ³⁵
Title V of the Gramm-Leach-Bliley Act of 1999 (GLBA)	A law that governs the treatment of nonpublic personal information about consumers, which information is held by financial institutions. ³⁶
Federal Information Security Modernization Act of 2014, Pub. L. No. 113-2 (FISMA 2014)	A law that codifies the Department of Homeland Security’s role in administering the implementation of information security policies for federal Executive Branch civilian agencies, overseeing agencies’ compliance with those policies, and assisting OMB in developing those policies. ³⁷
Health Information Technology for Economic and Clinical Health Act requirements	The American Recovery & Reinvestment Act of 2009 established the Health Information Technology for Economic Clinical Health Act, which requires that Centers for Medicare and Medicaid Services provide incentive payments under Medicare and Medicaid to “Meaningful Users” of Electronic Health Records. ³⁸

³⁵ Centers for Disease Control and Prevention, *Health Insurance Portability and Accountability Act of 1996 (HIPAA)*, https://www.cdc.gov/phlp/php/resources/health-insurance-portability-and-accountability-act-of-1996-hipaa.html?CDC_AAref_Val=https://www.cdc.gov/phlp/publications/topic/hipaa.html (last visited Jan. 21, 2026).

³⁶ Federal Deposit Insurance Corporation, *Gramm-Leach-Bliley Act* (Apr. 2021), <https://www.fdic.gov/resources/supervision-and-examinations/consumer-compliance-examination-manual/documents/8/viii-1-1.pdf> (last visited Jan. 21, 2026).

³⁷ Cybersecurity & Infrastructure Security Agency, *Federal Information Security Modernization Act*, <https://www.cisa.gov/topics/cyber-threats-and-advisories/federal-information-security-modernization-act#:~:text=Overview,OMB%20in%20developing%20those%20policies> (last visited Jan. 21, 2026). *See also*, U.S. Chief Information Officers Council, *Policy Overview*, <https://www.cio.gov/policies-and-priorities/FISMA/> (last visited Jan. 21, 2026).

³⁸ Centers for Medicare & Medicaid Services, *Health Information Technology for Economic Critical (HITECH) Audits*, <https://www.cms.gov/medicare/audits-compliance/part-a-cost-report/health-information-technology-economic-and-clinical-health-hitech-audits#:~:text=The%20American%20Recovery%20%26%20Reinvestment%20Act,Users%E2%80%9D%20of%20Electronic%20Health%20Records>, (last visited Jan. 21, 2026).

Cybersecurity Standards and Applicable Privacy Laws	
Standard	Description
Criminal Justice Information Services (CJIS) Security Policy	Minimum security requirements, guidelines, and agreements to protect the sources, transmission, and storage of criminal justice information (located on the FBI’s CJIS system) held by both criminal justice and non-criminal justice agencies. ³⁹

Tort Liability and Negligence—In General

A tort is a civil legal action to recover damages for a loss, injury, or death due to the negligence of another. According to the Florida Standard Jury Instructions, negligence means “doing something that a reasonably careful person would not do” in a similar situation or “failing to do something that a reasonably careful person would do” in a similar situation.⁴⁰ To establish liability, the plaintiff must prove four elements:

- Duty – That the defendant owed a duty, or obligation, of care to the plaintiff;
- Breach – That the defendant breached that duty by not conforming to the standard required;
- Causation – That the breach of the duty was the legal cause of the plaintiff’s injury; and
- Damages – That the plaintiff suffered actual harm or loss.

In Florida, negligence cases follow a modified comparative negligence rule, which means that a plaintiff can only recover damages if they are 50 percent or less at fault for their own harm.⁴¹ Plaintiffs found to be more than 50 percent responsible are barred from recovering any damages. When awarding damages, the jury assigns a percentage of fault to each party, and any compensation awarded is reduced accordingly.

While the Legislature has the power to create, define, and modify the laws governing tort actions, much of the tort law is defined by the common (court-made) law. As to data information and cybersecurity, torts in this area are relatively new and not well defined.⁴²

Burden of Proof and Legal Presumptions

The burden of proof refers to the obligation to establish a material fact in a legal dispute.⁴³ Generally, the party asserting a fact bears the burden.⁴⁴ In civil cases, the plaintiff must prove allegations in the complaint, while in criminal cases, the prosecution must prove the defendant’s guilt. Conversely, a defendant raising an affirmative defense—whether in a civil or criminal

³⁹ Federal Bureau of Investigation, *Criminal Justice Information Services Security Policy* (Jun. 1, 2020), https://www.fbi.gov/file-repository/cjis/cjis_security_policy_v5-9_20200601.pdf/view (last visited Jan. 21, 2026).

⁴⁰ Fla. Std. Jury Instr. Civil 401.3, *Negligence*.

⁴¹ Section 768.81(6), F.S. This comparative negligence rule does not apply to an action for damages for personal injury or wrongful death arising out of medical negligence pursuant to ch. 766, F.S. Additionally, the comparative negligence standard does not apply to any action brought to recover economic damages from pollution, an intentional tort, or where joint and several liability is specifically provided for, as in chs. 403, 517, 542, and 895, F.S.

⁴² Hooker & Pill, *You’ve Been Hacked, and Now You’re Being Sued: The Developing World of Cybersecurity Litigation*, Fla. B.J., 90-7, p. 30 (July/August 2016).

⁴³ Black’s Law Dictionary (12th ed. 2024), burden of proof.

⁴⁴ See *Berg v. Bridle Path Homeowners Ass’n, Inc.*, 809 So.2d 32 (Fla. 4th DCA 2002).

case—must prove the elements of that defense.⁴⁵ In some instances, statutory or common law presumptions shift the burden of proof to the opposing party unless sufficiently rebutted.⁴⁶

Sovereign Immunity

Sovereign immunity is a legal doctrine that prevents the government from being sued without its consent.⁴⁷ The State Constitution allows the Legislature to waive this immunity,⁴⁸ and the Florida Statutes permit tort claims against the state, its agencies, and subdivisions for damages caused by negligence of government employees acting within the scope of their employment.⁴⁹ However, liability exists only when a private individual would be held liable for the same conduct and applies specifically to injury or loss of property, personal injury, or death.⁵⁰ The law also limits tort recovery against a governmental entity to \$200,000 per person and \$300,000 per incident. Although a court may enter a judgement exceeding these caps, a claimant generally cannot collect more than the statutory limits unless the Legislature approves a claim bill granting additional compensation.⁵¹ Additionally, government employees, officers, and agents are generally immune from personal liability for actions taken within the scope of employment, unless they act in bad faith, with malicious purpose, or with wanton and willful disregard for human rights, safety, or property.⁵² A government entity is not liable for actions taken by an employee outside the scope of employment or for actions committed by an employee with bad faith, malicious intent, or reckless disregard for others' rights or safety.⁵³

Class Action Lawsuits

A class action lawsuit allows one or more plaintiffs to sue on behalf of a larger group, or “class,” that has suffered similar harm. This procedural device enables courts to efficiently manage lawsuits that would be otherwise unmanageable if each affected individual had to file separately. Class actions also help protect defendants from inconsistent judgments and allow plaintiffs to share litigation costs.⁵⁴

A class action lawsuit is filed when a plaintiff submits a complaint seeking to represent a class of similarly affected individuals. However, at this stage, the case is not yet a certified class action—it is considered a putative class action until the court determines whether to grant class certification. If the court denies certification, the lawsuit continues only for the named plaintiffs and does not proceed as a class action. If certified, the judgement or settlement in the case is

⁴⁵ An affirmative defense is a defendant's assertion of facts that, if true, defeat the plaintiff's or prosecution's claim, even if the allegations in the complaint are accurate. The defendant bears the burden of proving an affirmative defense, which may include duress in civil cases or insanity and self-defense in criminal cases. Black's Law Dictionary (12th ed. 2024), defense.
⁴⁶ See Black's Law Dictionary (12th ed. 2024), presumption; Cornell Law School, Presumption (last visited January 14, 2026).

⁴⁷ Miles McCann, NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, *State Sovereign Immunity* (Nov. 11, 20217), <https://www.naag.org/attorney-general-journal/state-sovereign-immunity/> (last visited Jan. 21, 2026).

⁴⁸ Art. X, s. 13, FLA. CONST.

⁴⁹ Section 768.28(5), F.S.

⁵⁰ *Id.*

⁵¹ Section 768.28, F.S.

⁵² Section 768.28(9), F.S.

⁵³ *Id.*

⁵⁴ Legal Information Institute, Cornell Law School, *Class Action*, https://www.law.cornell.edu/wex/class_action (last visited Jan. 21, 2026).

binding on all class members, who are generally prohibited from filing individual lawsuits raising the same claim.⁵⁵

III. Effect of Proposed Changes:

Section 1 amends s. 282.3185, F.S., to prohibit a local government, which includes counties and municipalities,⁵⁶ from imposing a higher cybersecurity standard or process than it has adopted for itself on its vendors that provide information technology commodities or services, except where a higher standard is otherwise required by state or federal law, or an industry-specific requirement that applies to a regulated sector.

This provision applies to contracts entered into or amended by the local government on or after July 1, 2026, with a “vendor,” which for purposes of this section, is defined as a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity.

Section 2 creates s. 768.401, F.S., to provide that a county, municipality, or other political subdivision⁵⁷ is not liable *in any action* for a cybersecurity incident if it has implemented (1) one or more policies that substantially comply with one of the cybersecurity standards or frameworks specified in the bill or a similar standard or framework; (2) a disaster recovery⁵⁸ plan for cybersecurity incidents; and (3) multi-factor authentication (MFA). A local government is generally covered by sovereign immunity under s. 768.28, F.S., which would limit the local government’s liability to \$200,000 per person, or up to \$300,000 per incident in a negligence action that resulted in injury or the loss of property. This provision would reduce the local government’s liability to \$0 per incident, if it meets the requirements provided by the bill.

The cybersecurity standards and frameworks specified in statute are:

- The National Institute of Standards and Technology (NIST) Cybersecurity Framework 2.0;
- NIST special publication 800-171;
- NIST special publications 800-53 and 800-53A;
- The Federal Risk and Authorization Management Program Security Assessment Framework;
- The Center for Internet Security (CIS) Critical Security Controls;
- The International Organization for Standardization/International Electrotechnical Commission 27000 series (ISO/IEC 27000) family of standards;
- HITRUST Common Security Framework (CSF);
- Service Organization Control Type 2 Framework (SOC 2);
- Secure Controls Framework; or
- Other similar industry frameworks or standards.

⁵⁵ Fla. R. Civ. P. 1.220. For discussion of the rule and its meaning, see Ervin A. Gonzalez and Raymond W. Valori, *Considerations in Class Actions*, 72 FLA. B. J. 78 (1998), <https://www.floridabar.org/the-florida-bar-journal/considerations-in-class-certification/> (last visited Jan. 21, 2026).

⁵⁶ See s. 282.3185(2), F.S., which defines a “local government” for purposes of the section as a county or municipality.

⁵⁷ A “political subdivision” includes counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in Florida. Section 1.01, F.S.

⁵⁸ For purposes of s. 768.401, F.S., created by this bill, “disaster recovery” means the process, policies, procedures, and infrastructure related to preparing for and implementing recovery or continuation of an agency’s vital technology infrastructure after a natural or human-induced disaster.

MFA is a security measure that requires users to verify their identity using at least two factors before accessing an account. According to industry experts, enabling MFA can prevent 99 percent of automated hacking attacks.⁵⁹

Additionally, the bill provides that a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity (“covered entity”), or their third-party agent that acquires, maintains, stores, processes, or uses personal information has a presumption against liability *in a class action* filed in connection with a cybersecurity incident if the entity substantially complies with the Florida Information Protection Act (FIPA), and has implemented a policy that substantially complies with the cybersecurity standards or frameworks listed above. However, if the covered entity is regulated by state or federal governments, their cybersecurity program may comply with the following laws, as appropriate, instead of the cybersecurity standards or frameworks:

- Health Insurance Portability and Accountability Act of 1996.
- Title V of the Gramm-Leach-Bliley Act of 1999 (GLBA).
- Federal Information Security Modernization Act of 2014, Pub. L. No. 113-2 (FISMA 2014).
- Health Information Technology for Economic and Clinical Health Act requirements.
- Criminal Justice Information Services Security Policy.
- Other similar requirements mandated by state or federal laws or regulations.

A covered entity or third-party agent that has substantially complied with the requirements of this bill and thereby attained the liability protections set forth in this bill must adopt revised conforming frameworks or standards within one year of their latest published update.

A covered entity or third-party agent may demonstrate their effective implementation of a cybersecurity program in compliance with the bill by providing documentation or other evidence of an assessment, conducted either by an internal auditor or a third-party.

The local government, covered entity, or third-party agent’s failure to implement a cybersecurity program that complies with s. 768.401, F.S., does not in and of itself constitute evidence of negligence or negligence *per se*, and according to the bill, may not be used as evidence of fault under any other theory of liability.

Whether a local government, a covered entity, or a third-party agent, in order to avail itself of the liability protections afforded by this bill, the defendant in a civil action relating to a cybersecurity incident has the burden of proof to show substantial compliance with the bill’s requirements, codified as s. 768.401, F.S. However, this affirmative defense does not apply to individual civil actions filed against a covered entity or third-party agent, whereas it does for local governments.

The bill specifies that it does not establish a private cause of action.

A putative class action is one in which the class has not yet been certified by a court. The bill specifies that it applies to a putative class action that was filed before, on, or after the effective

⁵⁹ See National Cybersecurity Alliance, *What is Multifactor Authentication and Why Should You Use It?* (Jan. 17, 2025), <https://www.staysafeonline.org/articles/multi-factor-authentication?fob=EbZrACZuzBt4U2Sw> (last visited Jan. 21, 2026).

date of the act. Although this has the effect of adding a defense for a party against whom a lawsuit has already been filed, it is likely a procedural impact rather than a substantive one. Because the affirmative defense created by the bill applies only to class action lawsuits, not to individual actions, the individual may still pursue his or her vested, substantive interest in courts without the defendant's ability to argue a newly-created affirmative defense.⁶⁰

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require municipalities or counties to spend funds, reduce the authority of municipalities or counties to raise revenue, or reduce the percentage of state tax shared with municipalities and counties.

B. Public Records/Open Meetings Issues:

None Identified.

C. Trust Funds Restrictions:

None identified.

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:

Private businesses may enjoy lower cyber liability insurance premiums as a result of their shield from liability created by the bill. Those same businesses, however, may face increased costs to comply with new standards required in the bill.

⁶⁰ See, *China Agritech v. Resh*, 584 US 732, 735 (2018) (A court's denial of a class certification leaves intact a putative class member's option to pursue an individual suit.) See also, *Am. Pipe & Const. Co. v. Utah's*, 414 U.S. 538, 94 S. Ct. 756, 38 L. Ed. 2d 713 (1974).

C. **Government Sector Impact:**

Local governments may enjoy lower cyber liability insurance premiums as a result of the protection from liability in this bill.

Courts may see a reduction in class action cases filed as a result of cybersecurity incidents. An individual may still pursue his or her claim on an individual basis, but the attorneys fees and costs associated with an individual claim may deter such claims.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None identified.

VIII. **Statutes Affected:**

This bill substantially amends section 282.3185 and creates s. 768.401 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 Governmental Oversight and Accountability on January 26, 2026:

Requires local governments to impose the same, or a lesser cybersecurity standard or process as it has adopted for itself on a vendor that provides IT commodities or services, unless otherwise required by state or federal law, or industry-specific requirements apply to regulated sectors. This provision applies to contract the local government enters into or amends on or after July 1, 2026.

B. **Amendments:**

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Leek

585-02205-26

2026692c1

1 A bill to be entitled
2 An act relating to cybersecurity standards and
3 liability; amending s. 282.3185, F.S.; prohibiting
4 local governments from imposing certain cybersecurity
5 standards or processes on vendors; defining the term
6 "vendor"; prohibiting local governments from adopting
7 or enforcing certain cybersecurity standards or
8 processes; creating s. 768.401, F.S.; defining terms;
9 providing that a local government, a covered entity,
10 or a third-party agent that complies with certain
11 requirements is not liable in connection with a
12 cybersecurity incident under certain circumstances;
13 requiring covered entities and third-party agents to
14 implement revised frameworks, standards, laws, or
15 regulations within a specified timeframe in order to
16 retain protection from liability; providing that a
17 private cause of action is not established; providing
18 that the fact that a specified defendant could have
19 obtained a liability shield or a presumption against
20 liability is not admissible as evidence of negligence,
21 does not constitute negligence per se, and may not be
22 used as evidence of fault; specifying that the
23 defendant in certain actions has a certain burden of
24 proof; providing applicability; providing a directive
25 to the Division of Law Revision; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

Page 1 of 6

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

585-02205-26

2026692c1

30 Section 1. Paragraph (a) of subsection (4) of section
31 282.3185, Florida Statutes, is amended to read:
32 282.3185 Local government cybersecurity.—
33 (4) CYBERSECURITY STANDARDS.—
34 (a)1. Each local government shall adopt cybersecurity
35 standards that safeguard its data, information technology, and
36 information technology resources to ensure availability,
37 confidentiality, and integrity. The cybersecurity standards must
38 be consistent with generally accepted best practices for
39 cybersecurity, including the National Institute of Standards and
40 Technology Cybersecurity Framework.
41 2. A local government may not impose cybersecurity
42 standards or processes on a vendor which exceed the standards or
43 processes established under this paragraph, except as necessary
44 to comply with state or federal laws, or with industry-specific
45 requirements applicable to regulated sectors. For purposes of
46 this paragraph, "vendor" means a sole proprietorship,
47 partnership, corporation, trust, estate, cooperative,
48 association, or other commercial entity that contracts with a
49 local government to provide information technology commodities
50 or services.
51 3. A local government may not adopt or enforce any
52 cybersecurity standards or processes that are inconsistent with
53 this paragraph for contracts entered into or amended on or after
54 July 1, 2026.
55 Section 2. Section 768.401, Florida Statutes, is created to
56 read:
57 768.401 Limitation on liability for cybersecurity
58 incidents.—

Page 2 of 6

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

585-02205-26

2026692c1

59 (1) As used in this section, the term:
 60 (a) "Covered entity" means a sole proprietorship,
 61 partnership, corporation, trust, estate, cooperative,
 62 association, or other commercial entity.
 63 (b) "Cybersecurity standards or frameworks" means one or
 64 more of the following:
 65 1. The National Institute of Standards and Technology
 66 (NIST) Cybersecurity Framework 2.0;
 67 2. NIST special publication 800-171;
 68 3. NIST special publications 800-53 and 800-53A;
 69 4. The Federal Risk and Authorization Management Program
 70 security assessment framework;
 71 5. The Center for Internet Security (CIS) Critical Security
 72 Controls;
 73 6. The International Organization for
 74 Standardization/International Electrotechnical Commission 27000
 75 series (ISO/IEC 27000) family of standards;
 76 7. HITRUST Common Security Framework (CSF);
 77 8. Service Organization Control Type 2 Framework (SOC 2);
 78 9. Secure Controls Framework; or
 79 10. Other similar industry frameworks or standards.
 80 (c) "Disaster recovery" has the same meaning as in s.
 81 282.0041.
 82 (d) "Local government" means a county, a municipality, or
 83 other political subdivision of this state.
 84 (e) "Personal information" has the same meaning as in s.
 85 501.171.
 86 (f) "Third-party agent" means an entity that has been
 87 contracted to maintain, store, or process personal information

Page 3 of 6

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585-02205-26

2026692c1

88 on behalf of a covered entity.
 89 (2) A local government is not liable in connection with a
 90 cybersecurity incident if the local government has implemented
 91 one or more policies that substantially comply with
 92 cybersecurity standards or align with cybersecurity frameworks,
 93 disaster recovery plans for cybersecurity incidents, and multi-
 94 factor authentication.
 95 (3) A covered entity or a third-party agent that acquires,
 96 maintains, stores, processes, or uses personal information has a
 97 presumption against liability in a class action resulting from a
 98 cybersecurity incident if the covered entity or the third-party
 99 agent has a cybersecurity program that does all of the
 100 following, as applicable:
 101 (a) Substantially complies with s. 501.171(3)-(6), as
 102 applicable.
 103 (b) Has implemented:
 104 1. One or more policies that substantially comply with
 105 cybersecurity standards or align with cybersecurity frameworks,
 106 a disaster recovery plan for cybersecurity incidents, and multi-
 107 factor authentication; or
 108 2. If regulated by the state or Federal Government, or
 109 both, or if otherwise subject to the requirements of any of the
 110 following laws and regulations, a cybersecurity program that
 111 substantially complies with the current version of such laws and
 112 regulations, as applicable:
 113 a. The Health Insurance Portability and Accountability Act
 114 of 1996 security requirements in 45 C.F.R. part 160 and part 164
 115 subparts A and C.
 116 b. Title V of the Gramm-Leach-Bliley Act of 1999, Pub. L.

Page 4 of 6

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117 No. 106-102, as amended, and its implementing regulations.
 118 c. The Federal Information Security Modernization Act of
 119 2014, Pub. L. No. 113-283.
 120 d. The Health Information Technology for Economic and
 121 Clinical Health Act requirements in 45 C.F.R. parts 160 and 164.
 122 e. The Criminal Justice Information Services (CJIS)
 123 Security Policy.
 124 f. Other similar requirements mandated by state or federal
 125 laws or regulations.
 126 (4) A covered entity's or a third-party agent's
 127 cybersecurity program's compliance with paragraph (3)(b) may be
 128 demonstrated by providing documentation or other evidence of an
 129 assessment, conducted internally or by a third-party, reflecting
 130 that the covered entity's or third-party agent's cybersecurity
 131 program has implemented the requirements of that paragraph.
 132 (5) A covered entity or a third-party agent must update its
 133 cybersecurity program to incorporate any revisions of relevant
 134 frameworks or standards or of applicable state or federal laws
 135 or regulations within 1 year after the latest publication date
 136 stated in any such revisions in order to retain protection from
 137 liability.
 138 (6) This section does not establish a private cause of
 139 action.
 140 (7) If a civil action is filed against a local government,
 141 a covered entity, or a third-party agent that failed to
 142 implement a cybersecurity program in compliance with this
 143 section, the fact that such defendant could have obtained a
 144 liability shield or presumption against liability upon
 145 compliance is not admissible as evidence of negligence, does not

Page 5 of 6

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585-02205-26 2026692c1

146 constitute negligence per se, and may not be used as evidence of
 147 fault under any other theory of liability.
 148 (8) In a civil action relating to a cybersecurity incident,
 149 if the defendant is a local government covered by subsection (2)
 150 or a covered entity or third-party agent covered by subsection
 151 (3), the defendant has the burden of proof to establish
 152 substantial compliance with this section.
 153 (9) This section applies to any putative class action filed
 154 before, on, or after the effective date of this act.
 155 Section 3. The Division of Law Revision is directed to
 156 replace the phrase "the effective date of this act" wherever it
 157 occurs in this act with the date this act becomes a law.
 158 Section 4. This act shall take effect upon becoming a law.

Page 6 of 6

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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 #692**, relating to Cybersecurity Standards and Liability, be placed on the:

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

Sincerely,

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

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate

APPEARANCE RECORD

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

2/10

Meeting Date

692

Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Vance Ahrens Phone _____

Address 6945 Crepe Myrtle Dr Email _____
Street

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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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10 Feb 26

The Florida Senate
APPEARANCE RECORD

SB 692

Meeting Date

Senate Judiciary

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Henry D. "Harry" Graben

Phone

850-510-9173

Address

203 North Gadsden St

Email

grabenh@hotmail.com

Street

Tallahassee Florida 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

on behalf of the
Florida Justice Association

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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692

Bill Number or Topic

2/10/26

Meeting Date

S Judiciary

Committee

Amendment Barcode (if applicable)

Name

Cameron Fink

Phone

850 933 4665

Address

516 N Adams St

Email

cfinke@it.com

Street

Tallahassee

State

FL

32301

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

Associated Industries of Florida

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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2/10/26

Meeting Date

Judiciary

Committee

692

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jakvin Gordon, Florida Chamber of Commerce Phone 786-288-1424

Address 136 South Bronough Street Email Jakvinll@gmail.com

Tallahassee FL 32301

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: Florida 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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The Florida Senate

APPEARANCE RECORD

2/10/2026

692

Meeting Date

Bill Number or Topic

Judiciary

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name **Sam Wagoner**

Phone **850-701-3603**

Address **300 S Bronough St**

Email **swagoner@flcities.com**

Street

TLH

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida League of Cities

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

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

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S-001 (08/10/2021)

02.10.26

Meeting Date

Judiciary

Committee

Name

William Large

Phone

8502220170

Address

215 South Monroe Street - Ste 140

Email

William@fljustice.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Justice Reform Institute

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

692

Bill Number or Topic

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Amendment Barcode (if applicable)

2/10/26

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 692

Bill Number or Topic

Judiciary

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Committee

Amendment Barcode (if applicable)

Name **George Feijoo**

Phone **(850) 681-0024**

Address **108 S Monroe St**

Email **grfeijoo@flapartners.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

U.S. Chamber of Commerce Institute for Legal Reform

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

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

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S-001 (08/10/2021)

2/10/26

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 692

Bill Number or Topic

Judiciary

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Committee

Amendment Barcode (if applicable)

Name **Gary Guzzo**

Phone **(850) 681-0024**

Address **108 S Monroe St**

Email **gguzzo@flapartners.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Insurance Council

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

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

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S-001 (08/10/2021)

2/10/2026

Meeting Date

The Florida Senate APPEARANCE RECORD

692

Bill Number or Topic

Judiciary

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Committee

Amendment Barcode (if applicable)

Name **Lorena Holley**

Phone **850-443-1173**

Address **227 South Adams**

Email **Lorena@FRF.org**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

 For Against Information

OR

Waive Speaking:

 In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Retail Federation

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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2/10/26

Meeting Date

SB 692

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

JEFF SCALA

Phone

(727) 637-4081

Address

100 S Monroe

Email

jscala@fl-counties.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Florida Association of Counties

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-10-26

692

Meeting Date

Bill Number or Topic

Judiciary

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Committee

Amendment Barcode (if applicable)

Name Michael Carlson

Phone 8505449576

Address 215 South Monroe St. Ste. 835

Email michael.carlson@piff.net

Street

Tallahassee

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Personal Insurance Federation

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

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

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 1054

INTRODUCER: Transportation Committee and Senator Martin

SUBJECT: Traffic Infractions Resulting in a Crash with Another Vehicle

DATE: February 9, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Fav/CS
2.	Davis	Cibula	JU	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1054 requires a mandatory hearing for a person who commits one of the following traffic infractions that results in a crash with another vehicle:

- A driver running a red light.
- A driver failing to obey a traffic control device or sign.
- A driver failing to yield under specified conditions.

For a first offense, there is a civil penalty of \$500, in addition to other penalties. For a second offense, there is a civil penalty of \$1,000, in addition to any other penalties, and the person's driver license must be suspended for 6 months. For a third or subsequent offense, there is a civil penalty of \$1,000, in addition to any other penalties, and the person's driver license must be suspended for 1 year.

The bill also requires persons found to have committed one of the traffic infractions identified above resulting in a crash with another vehicle to carry the same additional motor vehicle liability insurance as is required for convictions and certain pleas relating to driving under the influence for a period of 1 year.

The bill has a fiscal impact on both private and governmental sectors. *See* Section V., Fiscal Impact Statement for details.

This bill takes effect October 1, 2026.

II. Present Situation:

Requirements for Vehicles to Stop or Yield

Florida law requires the driver of any vehicle to obey the instructions of any applicable official traffic control device unless otherwise directed by a police officer.¹

A driver facing a steady red traffic control signal (red light) at an intersection must stop at the stop line; however, if the intersection does not have a stop line the driver must stop before entering the crosswalk. If there is no crosswalk, the vehicle must stop at the point nearest to the intersecting roadway where the driver has a view of approaching traffic.² A driver that is stopped at a red light may make a:

- Right turn, if such driver yields the right-of-way to pedestrians and other traffic.
- Left turn into a one-way street that has traffic moving to the left, if such driver yields the right-of-way to pedestrians and other traffic.³

Running a red light is a noncriminal traffic infraction, punishable as a moving violation.⁴ The statutory base fine is \$158, but with additional fees and surcharges, the total penalty may be up to \$256.⁵

Florida law also requires that the driver of a vehicle approaching an intersection with a stop sign to stop before entering the intersection.⁶ After stopping, the driver must yield the right-of-way to any vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard during the time when the driver is moving across the intersection.⁷ At a four-way stop intersection, the driver of the first vehicle to arrive at the intersection is required to be the first to proceed. If two or more vehicles reach the four-way stop intersection at the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.⁸

A violation for failing to stop or yield is a noncriminal traffic infraction, punishable as a moving violation. The statutory base fine is \$60, but with additional fees and surcharges, the total penalty may be up to \$158.⁹

Traffic Infractions Requiring a Mandatory Hearing

Any person cited for any traffic infraction listed below must appear before a designated official for a hearing:

¹ Section 316.074(1), F.S. There are also exceptions granted to drivers of authorized emergency vehicles.

² Section 316.075(1)(c), F.S.

³ *Id.*

⁴ Section 316.074(6), F.S.

⁵ Florida Association of Clerks of Court, *2025 Distribution Schedule*, p. 50.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025_Distribution_Schedule_-_pdf (last visited January 23, 2026).

⁶ Section 316.123(2)(a), F.S. There is an exception for when directed to proceed by a police officer or a traffic control signal.

⁷ *Id.*

⁸ Section 316.123(2)(b), F.S.

⁹ Florida Association of Clerks of Court, *2025 Distribution Schedule*, p. 48.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025_Distribution_Schedule_-_pdf

- Any infraction which results in a crash that causes the death of another;
- Any infraction which results in a crash that causes serious bodily injury¹⁰ of another;
- Any infraction of passing a school bus on the side of the bus where children enter or exit the bus while the bus is displaying a stop signal;¹¹
- Any infraction related to unsecured loads;¹² or
- Any speeding infraction involving exceeding the speed limit by 30 mph or more.^{13,14}

At the mandatory hearing, if the designated official determines that the person committed an infraction that caused serious bodily injury to another person, the designated official must impose a civil penalty of \$500, in addition to any other penalties, and the person's driver license must be suspended for three months. If the official determines that the person committed an infraction that caused the death of another person, the official must impose a civil penalty of \$1,000, in addition to any other penalties, and the person's driver license must be suspended for six months.¹⁵

Motor Vehicle Insurance Requirements – Driving Under the Influence

Section 324.023, F.S., provides that in addition to any other statutory insurance requirement, every owner or operator of a motor vehicle, and who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to driving under the influence¹⁶ must establish and maintain insurance or other ability to respond in damages for liability on account of motor vehicle accidents of:

- \$100,000 for bodily injury to, or death of, one person in any one crash;
- \$300,000 because of bodily injury to, or death of, two or more persons in any one crash; and
- \$50,000 in property damage in any one crash.

These higher insurance limits must be carried for a minimum of 3 years. If the person has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of his or her driving privileges for the driving under the influence offense, the owner or operator is no longer subject to these additional insurance requirements.¹⁷

¹⁰ Section 316.1933(1)(b), F.S., defines the term "serious bodily injury" to mean an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

¹¹ Section 316.172(1)(b), F.S.

¹² Sections 316.520(1) and (2), F.S.

¹³ Sections 316.183(2), s. 316.187, or s. 316.189, F.S.

¹⁴ Section 318.19, F.S.

¹⁵ Section 318.14(5), F.S.

¹⁶ Section 316.193, F.S. This provision applies to convictions and pleas after October 1, 2007.

¹⁷ Section 324.023, F.S.

Relevant Crash Data

The Department of Highway Safety and Motor Vehicles’ (DHSMV) crash report database identified the following type and number of crashes in 2025 related to running red lights or stop signs:¹⁸

First Driver Action	Crashes with Fatalities	Crashes with Incapacitating Injuries	Crashes with Non-Incapacitating Injuries	Crashes with Possible Injuries	Crashes with No Injuries	Total Crashes
Ran Red Light	82	622	3,815	7,253	24,710	36,482
Ran Stop Sign	45	374	1,961	3,719	19,288	25,387
Total	127	996	5,776	10,972	43,998	61,869

III. Effect of Proposed Changes:

The bill requires a mandatory hearing for a person who commits one of the following traffic infractions that results in a crash with another vehicle:

- A driver running a red light.
- A driver failing to obey a traffic control device or sign.
- A driver failing to yield under specified conditions.

The bill provides additional penalties for any person who is required to appear before a designated official and is found to have committed one or more of the above violations:

- For a first infraction, \$500 in addition to any other penalties.
- For a second infraction, \$1,000 in addition to any other penalties and the person’s driver license must be suspended for 6 months.
- For a third or subsequent offense, \$1,000 in addition to any other penalties and the person’s driver license must be suspended for 1 year.

The bill requires persons found to have committed such infractions to maintain the same additional motor vehicle liability insurance as is currently required for convictions and certain pleas for driving under the influence for a minimum of 1 year. These additional liability insurance limits are:

- \$100,000 for bodily injury to, or death of, one person in any one crash;
- \$300,000 because of bodily injury to, or death of, two or more persons in any one crash; and
- \$50,000 in property damage in any one crash.

This bill takes effect October 1, 2026.

¹⁸ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, RE: Updated Statistics for SB 1054 Analysis (January 23, 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:

Drivers who violate the provisions of the bill will experience a negative fiscal impact associated with increased civil penalties and additional insurance requirements. There may also be additional indeterminate economic costs associated with driver license suspensions.

Motor vehicle insurance providers may experience a positive fiscal impact associated with the fact that persons committing certain infractions specified in the bill will be required to carry higher motor vehicle liability insurance.

C. Government Sector Impact:

State and local governments will experience an indeterminate positive fiscal impact as a result of the additional revenues associated with the enhanced civil penalties provided for in the bill.

There may be an indeterminate negative fiscal impact on the court system due to the number of additional mandatory hearings that would be required by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 318.14, 318.19, and 324.023.

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

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

CS by Transportation on January 27, 2026:

The committee substitute clarifies that driving under the influence-related offenders would continue to be required to maintain the increased motor vehicle insurance levels for a period of 3 years.

B. Amendments:

None.

By the Committee on Transportation; and Senator Martin

596-02240-26

20261054c1

A bill to be entitled

An act relating to traffic infractions resulting in a crash with another vehicle; amending s. 318.14, F.S.; requiring the imposition of specified civil penalties and periods of driver license suspension on a person found at a mandatory hearing to have committed certain traffic infractions that resulted in a crash with another vehicle, in addition to any other penalties; amending s. 318.19, F.S.; requiring persons cited for specified infractions that result in a crash with another vehicle to appear at a certain mandatory hearing; amending s. 324.023, F.S.; requiring certain owners and operators of motor vehicles to establish and maintain the ability to respond in damages for liability on account of certain accidents; requiring certain owners and operators of motor vehicles to maintain the ability to respond in damages for certain liability in certain amounts for a specified minimum period; providing an effective date.

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

Section 1. Subsection (5) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(5) A ~~Any~~ person who elects ~~electing~~ to appear before the designated official or who is required to appear is ~~shall be~~ deemed to have waived his or her right to the civil penalty

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596-02240-26

20261054c1

provisions of s. 318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil penalty not to exceed \$500, except that in cases involving unlawful speed in a school zone or involving unlawful speed in a construction zone, the civil penalty may not exceed \$1,000; or require attendance at a driver improvement school, or both. If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction, the designated official must ~~shall~~ impose a civil penalty of \$1,000 in addition to any other penalties and the person's driver license must ~~shall~~ be suspended for 6 months. If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction against a vulnerable road user as defined in s. 316.027(1), the designated official must ~~shall~~ impose a civil penalty of not less than \$5,000 in addition to any other penalties, the person's driver license must ~~shall~~ be suspended for 1 year, and the person must ~~shall~~ be required to attend a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2). If the person is required to appear before the designated official pursuant to s. 318.19(2) and is found to have committed the infraction, the designated official must ~~shall~~ impose a civil penalty of \$500 in addition to any other penalties and the person's driver license must ~~shall~~ be suspended for 3 months. If the person is required to appear before the designated official pursuant to s. 318.19(2) and is found to have committed the

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59 infraction against a vulnerable road user as defined in s.
 60 316.027(1), the designated official ~~must shall~~ impose a civil
 61 penalty of not less than \$1,500 in addition to any other
 62 penalties, the person's driver license ~~must shall~~ be suspended
 63 for 3 months, and the person ~~must shall~~ be required to attend a
 64 department-approved driver improvement course relating to the
 65 rights of vulnerable road users relative to vehicles on the
 66 roadway as provided in s. 322.0261(2). If the person is required
 67 to appear before the designated official pursuant to s.
 68 318.19(7) and is found to have committed an infraction of s.
 69 316.074(1) or s. 316.123(2) which resulted in a crash with
 70 another vehicle as defined in s. 316.003, the designated
 71 official must impose a civil penalty of \$500 in addition to any
 72 other penalties. If the person is required to appear before the
 73 designated official pursuant to s. 318.19(7) for an infraction
 74 and is found to have committed a second infraction of s.
 75 316.074(1) or s. 316.123(2) which resulted in a crash with
 76 another vehicle as defined in s. 316.003, the designated
 77 official must impose a civil penalty of \$1,000 in addition to
 78 any other penalties and the person's driver license must be
 79 suspended for 6 months. If the person is required to appear
 80 before the designated official pursuant to s. 318.19(7) for an
 81 infraction and is found to have committed a third or subsequent
 82 infraction of s. 316.074(1) or s. 316.123(2) which resulted in a
 83 crash with another vehicle as defined in s. 316.003, the
 84 designated official must impose a civil penalty of \$1,000 in
 85 addition to any other penalties and the person's driver license
 86 must be suspended for 1 year. If the official determines that no
 87 infraction has been committed, no costs or penalties may shall

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88 be imposed and any costs or penalties that have been paid must
 89 ~~shall~~ be returned. Moneys received from the mandatory civil
 90 penalties imposed pursuant to this subsection upon persons
 91 required to appear before a designated official pursuant to s.
 92 318.19(1) or (2) shall be remitted to the Department of Revenue
 93 and deposited into the Department of Health Emergency Medical
 94 Services Trust Fund to provide financial support to certified
 95 trauma centers to assure the availability and accessibility of
 96 trauma services throughout the state. Funds deposited into the
 97 Emergency Medical Services Trust Fund under this section shall
 98 be allocated as follows:
 99 (a) Fifty percent shall be allocated equally among all
 100 Level I, Level II, and pediatric trauma centers in recognition
 101 of readiness costs for maintaining trauma services.
 102 (b) Fifty percent shall be allocated among Level I, Level
 103 II, and pediatric trauma centers based on each center's relative
 104 volume of trauma cases as calculated using the hospital
 105 discharge data collected pursuant to s. 408.061.
 106 Section 2. Section 318.19, Florida Statutes, is amended to
 107 read:
 108 318.19 Infractions requiring a mandatory hearing.—Any
 109 person cited for the infractions listed in this section does
 110 ~~shall~~ not have the provisions of s. 318.14(2), (4), and (9)
 111 available to him or her but must appear before the designated
 112 official at the time and location of the scheduled hearing:
 113 (1) Any infraction which results in a crash that causes the
 114 death of another;
 115 (2) Any infraction which results in a crash that causes
 116 "serious bodily injury" of another as defined in s. 316.1933(1);

596-02240-26

20261054c1

117 (3) Any infraction of s. 316.172(1)(b);
 118 (4) Any infraction of s. 316.520(1) or (2);
 119 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 120 316.189 of exceeding the speed limit by 30 mph or more; ~~or~~
 121 (6) Any infraction of s. 316.1926(2); or
 122 (7) Any infraction of s. 316.074(1) or s. 316.123(2) which
 123 results in a crash with another vehicle as defined in s.
 124 316.003.

125 Section 3. Section 324.023, Florida Statutes, is amended to
 126 read:

127 324.023 Financial responsibility for bodily injury or
 128 death.—

129 (1) In addition to any other financial responsibility
 130 required by law, every owner or operator of a motor vehicle that
 131 is required to be registered in this state, or that is located
 132 within this state, and who:—

133 (a) Regardless of adjudication of guilt, has been found
 134 guilty of or entered a plea of guilty or nolo contendere to a
 135 charge of driving under the influence under s. 316.193 after
 136 October 1, 2007; or

137 (b) Is found to have committed an infraction of s.
 138 316.075(1)(c) or s. 316.123(2) which resulted in a crash with
 139 another vehicle as defined in s. 316.003,

140
 141 shall, by one of the methods established in s. 324.031(1) or
 142 (2), establish and maintain the ability to respond in damages
 143 for liability on account of accidents arising out of the use of
 144 a motor vehicle in the amount of \$100,000 because of bodily
 145 injury to, or death of, one person in any one crash and, subject

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20261054c1

146 to such limits for one person, in the amount of \$300,000 because
 147 of bodily injury to, or death of, two or more persons in any one
 148 crash and in the amount of \$50,000 because of property damage in
 149 any one crash. If the owner or operator chooses to establish and
 150 maintain such ability by furnishing a certificate of deposit
 151 pursuant to s. 324.031(2), such certificate of deposit must be
 152 at least \$350,000. An owner or operator described in paragraph
 153 (a) must carry such higher limits ~~must be carried~~ for at least a
 154 minimum period of 3 years. An owner or operator described in
 155 paragraph (b) must carry such higher limits for at least 1 year.

156 (2) If an ~~the~~ owner or operator described in paragraph
 157 (1)(a) has not been convicted of driving under the influence or
 158 a felony traffic offense for at least a period of 3 years after
 159 ~~from~~ the date of reinstatement of driving privileges for a
 160 violation of s. 316.193, the owner or operator is ~~shall be~~
 161 exempt from this section.

162 Section 4. This act shall take effect October 1, 2026.

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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 28, 2026

Chair Clay Yarborough
Committee on Judiciary
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1054 Traffic Infractions Resulting in a Crash with Another Vehicle

Dear Chair Yarborough,

Please allow this letter to serve as my respectful request to place SB 1054 Traffic Infractions Resulting in a Crash with Another Vehicle.

SB 1054 Requiring the imposition of specified civil penalties and periods of driver license suspension on a person found at a mandatory hearing to have committed certain traffic infractions that resulted in a crash with another vehicle. In addition to any other penalties; requiring persons cited for specified infractions that result in a crash with another vehicle to appear at a certain mandatory hearing, requiring certain owners and operators of motor vehicles to establish and maintain the ability to respond in damages for liability on account of certain accidents.

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
- 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

February 10, 2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

1054

Bill Number or Topic

Judiciary

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

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/10/26

Meeting Date

1054

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Laura Donaldson

Phone 813-495-0575

Address 2901 West Busch Blvd, Ste 201

Email ldonaldson@flondaefglaw.com

Street

Tampa,

FL

33618

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:

Collier County Sheriff's Office

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

2/10/26 - 12 PM

Meeting Date

1054 - Traffic Infractions

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name **AARP - Karen Murillo**

Phone **850-567-0414**

Address **215 S. Monroe St., Ste. 603**

Email **kmurillo@aarp.org**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AARP 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

Sum of Counts	Column Labels				
Row Labels	Fatal (within 30 days)	Incapacitating	Non-incapacitating	Possible	None
2024	154	994	5942	11913	47073
Ran Red Light	94	661	3935	7854	26198
Ran Stop Sign	60	333	2007	4059	20875
2025	127	996	5776	10972	43998
Ran Red Light	82	622	3815	7253	24710
Ran Stop Sign	45	374	1961	3719	19288
Grand Total	281	1990	11718	22885	91071

Grand Total

66076

38742

27334

61869

36482

25387

127945

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: SJR 1104

INTRODUCER: Senator Massullo

SUBJECT: Religious Expression in Public Schools

DATE: February 9, 2026

REVISED: _____

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

I. Summary:

SJR 1104 proposes a constitutional amendment to protect students, parents, and school personnel against discrimination on the basis of their religious viewpoint or religious expression. The proposed amendment also requires public schools and participating high schools to allow specified religious expression and practices in school and school-related settings. The proposed amendment places provisions in the State Constitution which currently exist in the Florida Statutes.

The proposed amendment:

- Requires public schools to allow student religious expression in coursework, artwork, oral assignments, and attire and to allow student prayer and student-organized religious gatherings on the same terms as comparable secular expression and activities.
- Authorizes school personnel to participate in student-initiated religious activities on school grounds at reasonable times before or after the school day. The activities must be voluntary and not conflict with the school personnel’s responsibilities or assignments.
- Requires a daily moment of silence at the beginning of the school day and requires, upon request, an opportunity for brief opening remarks at high school championship contests or series, which may include student-led or school personnel-led prayer subject to specified limitations.

The proposed amendment, if approved, will become effective on the first Tuesday after the first Monday in January after the election.

II. Present Situation:

Constitutional Amendment Process

A joint resolution proposing a constitutional amendment must be approved by three-fifths of the membership of each house of the Legislature.¹ A proposed amendment must be submitted to the electors at the next general election held more than 90 days after the joint resolution is filed, unless a special election is called for that purpose.² An amendment generally becomes effective on the first Tuesday after the first Monday in January following the election, unless the amendment specifies otherwise.³ An amendment proposed by joint resolution must receive approval by at least 60 percent of the electors voting on the measure.⁴

Federal and State Protections of Religious Freedom and Speech

The First Amendment to the U.S. Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, ...”⁵ Similarly, the State Constitution provides “There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof” and “Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right.”⁶ These provisions simultaneously prevent a government from establishing a religion while also protecting citizens from a government’s impermissible intrusion into personal religious expressions.

Student and Employee Freedom of Speech and Religious Expression in Public Schools

A public school student retains First Amendment free speech protections at school, and school officials may restrict student speech at school only under recognized constitutional standards. For example, when students wore black armbands on their sleeves to express their disapproval of the war in Viet Nam, the local school district sought to prohibit the wearing of the armbands and suspend students who refused to remove them. The U.S. Supreme Court held that unless the school authorities could have reasonably believed that the wearing of armbands would have disrupted or materially interfered with school activities, the regulation was an unconstitutional denial of the students’ right to express their opinions.⁷

Students may engage in private religious expression during noninstructional time to the same extent the school permits comparable private secular expression, subject to content-neutral time, place, and manner limits.⁸

¹ FLA. CONST. art. XI, s. 1.

² FLA. CONST. art. XI, s. 5(a).

³ FLA. CONST. art. XI, s. 5(e).

⁴ FLA. CONST. art. XI, s. 5(e).

⁵ U.S. CONST. amend I.

⁶ FLA. CONST. art. 1, ss. 3 and 4.

⁷ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

⁸ U.S. Department of Education, *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (Jan. 14, 2025), <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/preschool-grade-12-policy-documents/guidance-on-constitutionally-protected-prayer-and-religious-expression-in-public-elementary-and-secondary-schools> (last visited Feb. 5, 2026).

Public schools remain subject to constitutional limits on school-sponsored religious activity. A public school may not organize, sponsor, or coerce participation in prayer in connection with school-sponsored events in a manner that violates the Establishment Clause.⁹ At the same time, public school employees may have protections for private religious exercise and expression, depending on context, coercion risk, and whether the employee is acting within official duties.¹⁰ In a 2022 U.S. Supreme Court decision, the Court determined that a school district burdened a football coach's Free Exercise rights when it suspended him for quietly praying at midfield after a football game ended. Saying that the coach's prayers were private speech, not government speech that could be attributable to the school district, the school district's suspension of the coach could not be justified as an act essential to avoid violating the Establishment Clause.¹¹

More recently, a Florida case made its way through the federal court system raising religious expression issues. A private Christian high school sued the Florida High School Athletic Association because the Association denied the school's request for permission to conduct a joint pregame prayer over the Association's public address system during a high school football championship game. The game was played at a neutral site, not on the field of either school. The school alleged that the Association violated the school's rights under the Free Speech and Free Exercise Clauses of both the U.S. and Florida Constitutions. The Eleventh Circuit Court of Appeals ultimately held in favor of the Association concluding that the Association, as a state actor, was restraining *its own expression of speech*, government speech, when it barred the school from using the public address system at the Association's playoff game. It, therefore, did not violate the Free Exercise Clause. The school appealed to the U.S. Supreme Court, but the Court declined to accept the case for review.¹²

In May, 2023, the Legislature adopted legislation that required the Association to adopt policies "or procedures that provide each school participating in a high school championship contest or series of contests under the direction and supervision of the association the opportunity to make brief opening remarks, if requested by the school, using the public address system at the event."¹³ The Association adopted a policy consistent with the statute that now permits schools participating in state championship games to make brief opening remarks on the public address system. As required by statute, the remarks may not exceed two minutes per school and may not be derogatory, rude or threatening. Before the remarks are made an announcement must be made stating that the remarks are not endorsed by the Association and do not reflect its views or opinions.¹⁴

Florida Statutory Provisions Addressing Religious Expression in Public Schools

In 2017, the Legislature adopted the "Florida Student and School Personnel Religious Liberties Act. (the Act)" The Act contains provisions addressing religious expression in public schools.

⁹ *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000).

¹⁰ *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022).

¹¹ *Id.*

¹² *Cambridge Christian School, Inc. v. Florida High School Athletic Association, Inc.*, 115 F. 4th 1266 (2024).

¹³ Ch. 2023-97, s. 6, Laws of Fla, now codified at s. 1006.185, F.S.

¹⁴ Florida High School Athletic Association, *2023-24 FHSAA Handbook*, 60, Administrative Policy 10.7 (2024), https://fhsaa.com/documents/2023/7/13//2324_handbook.pdf?id=4394.

The Act provides that a school district may not discriminate against a student, parent, or school personnel based on religious viewpoint or expression, and a student's voluntary expression of a religious viewpoint must be treated in the same manner that the school district treats a student's voluntary expression of a secular viewpoint.¹⁵ Florida law also recognizes student religious expression in coursework, artwork, and attire and recognizes student prayer and religious activities before, during, and after the school day on the same terms as secular activities.¹⁶

An additional statute requires a daily moment of silence in public schools. In relevant part, the first-period teacher must set aside at least one minute and not more than two minutes for silent reflection, and the teacher may not make suggestions as to the nature of the reflection.¹⁷

As discussed above, Florida law also addresses "opening remarks" at certain high school athletic contests and limitations on the role of the athletic association in controlling content.¹⁸

III. Effect of Proposed Changes:

SJR 1104 proposes a constitutional amendment that protects the religious viewpoint and expression of students, parents, and school personnel in public schools. The proposed amendment places protections in the State Constitution which currently exist in the Florida Statutes. A joint resolution must be approved by three-fifths vote of the membership of each House before it may be submitted to the electors at the next general election, or at an earlier special election authorized for that purpose. An amendment to the State Constitution must be approved by 60 percent of the electors voting on the measure to pass and be added to the Constitution.

The proposed amendment places into the State Constitution, the nondiscrimination and equal-treatment provisions currently found in s. 1002.206(2), F.S. As found in the statute, the amendment prohibits a school district from discriminating against a student, a parent, or school personnel based on religious viewpoint or religious expression. The amendment also requires a school district to treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner as the district treats a student's voluntary expression of a secular viewpoint.

The proposed amendment requires each public school to allow the following student and school personnel religious expression on the same terms as comparable secular expression:

- A student to express religious beliefs in coursework, artwork, and other written or oral assignments without discrimination, with evaluation based on expected academic standards tied to the course curriculum and requirements, and without penalty or reward based on religious content when the assignment requires the student to express a viewpoint.
- A student to wear clothing, accessories, and jewelry displaying religious messages or symbols in the same manner and to the same extent as secular clothing, accessories, and jewelry displaying messages or symbols.

¹⁵ Section 1002.206(2), F.S.

¹⁶ Section 1002.206(3) and (4), F.S.

¹⁷ Section 1003.45, F.S.

¹⁸ Section 1006.185, F.S.

- A student to pray or engage in religious activities or expression before, during, and after the school day, and to organize prayer groups, religious clubs, and other religious gatherings, in the same manner and to the same extent as the student may engage in and organize comparable secular activities or groups.
- School personnel to participate in student-initiated religious activities on school grounds at reasonable times before or after the school day, if the activities are voluntary and participation does not conflict with the personnel's responsibilities or assignments.

The amendment, consistent with s. 1003.45, F.S., requires public schools to provide specified opportunities for reflection and opening remarks at certain school events by requiring:

- Each public school, without supporting or discouraging student prayer, to direct first-period classroom teachers in all grades to set aside a daily moment of silence of at least 1 minute but not more than 2 minutes, during which a student may not interfere with other students' participation.
- Each high school that participates in a championship contest or series of contests to have the opportunity, upon the school's request, to make brief opening remarks using the public address system at the event, with remarks that may include student-led or school personnel-led prayer. Remarks may not be derogatory, rude, or threatening, and may not exceed two minutes per school.

The joint resolution requires that a ballot title and ballot summary be placed on the ballot for the proposed constitutional amendment. The ballot summary is as follows:

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 33

PROTECTING RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS.—
Proposing an amendment to the State Constitution to provide protections from discrimination for student and school personnel religious expression in public schools, including the expression of religious beliefs in a student's school work or attire, prayer, activities and religious expressions, moments of silence, and opening remarks at high school championship contest or series of contests.

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:

Amendments to the Florida Constitution

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment be placed before the electors at the next general election held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose.¹⁹ Ballot summaries of proposed constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.²⁰

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, s. 5(e) of the Florida Constitution requires approval by 60 percent of voters voting on a measure for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

Prayer at Public School Events

A public school may impose content-neutral time, place, and manner limits on student expression and may restrict student speech only when the speech would materially and substantially disrupt school operations or invade the rights of others.²¹ When a public school opens a limited public forum for student or community speech, the school may not exclude otherwise permissible speech solely because the viewpoint is religious.²²

A public school may not adopt a policy that results in prayer delivered over a public address system at school-sponsored football games in a way that makes the message attributable to the school.²³ A public school may not discipline a school employee for brief, personal religious observance that is not part of the employee's official duties and that does not coerce students.²⁴

¹⁹ Section 97.021(17), F.S., defines "general election" as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

²⁰ Section 101.161(1), F.S.

²¹ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 509 (1969).

²² *Good News Club v. Milford Central School.*, 533 U.S. 98 (2001).

²³ *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 301–17 (2000).

²⁴ *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 2421–33 (2022).

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,²⁵ typically paid from non-recurring General Revenue funds. Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution creates section 33 in Article X of the Florida Constitution.

²⁵ Pursuant to Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503).

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Massullo

11-01467-26

20261104__

Senate Joint Resolution

A joint resolution proposing the creation of Section 33 of Article X of the State Constitution to provide protection from discrimination for student and school personnel religious expression in public schools.

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

That the following creation of Section 33 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 33. Religious expression in public schools.-

(a) A school district may not discriminate against a student, a parent, or school personnel on the basis of a religious viewpoint or religious expression. A school district shall treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner that the school district treats a student's voluntary expression of a secular viewpoint.

(b) A public school must allow:

(1) A student to express his or her religious beliefs in coursework, artwork, and other written and oral assignments free from discrimination. A student's homework and classroom assignments shall be evaluated, regardless of any religious content, based on expected academic standards relating to the

11-01467-26

20261104__

course curriculum and requirements. A student may not be penalized or rewarded based on the religious content of his or her work if the coursework, artwork, or other written or oral assignment requires a student's viewpoint to be expressed.

(2) A student to wear clothing, accessories, and jewelry that display a religious message or symbol in the same manner and to the same extent that secular types of clothing, accessories, and jewelry that display messages or symbols are allowed to be worn.

(3) A student to pray or engage in religious activities or expression before, during, and after the school day in the same manner and to the same extent that a student may engage in secular activities or expression. A student may organize prayer groups, religious clubs, and other religious gatherings in the same manner and to the same extent that a student is permitted to organize secular activities and groups.

(4) School personnel to participate in religious activities on school grounds which are initiated by students at reasonable times before or after the school day if such activities are voluntary and do not conflict with the responsibilities or assignments of such personnel.

(c) Without supporting or discouraging student prayer, each public school must require teachers in first-period classrooms in all grades to set aside at least one minute, but not more than two minutes, daily for a moment of silence, during which a student may not interfere with other students' participation.

(d) Each high school participating in a championship contest or series of contests must have the opportunity to make brief opening remarks, if requested by the school, using the

11-01467-26

20261104__

59 public address system at the event. Remarks may include student-
60 led or school personnel-led prayer, may not be derogatory, rude,
61 or threatening, and may not be longer than two minutes per
62 school.

63 BE IT FURTHER RESOLVED that the following statement be
64 placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE X, SECTION 33

67 PROTECTING RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS.-
68 Proposing an amendment to the State Constitution to provide
69 protections from discrimination for student and school personnel
70 religious expression in public schools, including the expression
71 of religious beliefs in a student's school work or attire,
72 prayer, activities and religious expressions, moments of
73 silence, and opening remarks at high school championship contest
74 or series of contests.



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 4, 2026

I respectfully request that **SJR 1104**, relating to Religious Expression in Public Schools, be placed on the:

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

A handwritten signature in black ink, appearing to read "R. Massullo, Jr.", written in a cursive style.

Senator Ralph E. Massullo, Jr.
Florida Senate, District 11

The Florida Senate

APPEARANCE RECORD

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

2/10/26
Meeting Date

1104
Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-515-2084

Address PO Box 650 216
Street

Email JohnLabriola@ctcflo.org

Miami
City

FL
State

33265
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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S-001 (08/10/2021)

02/10/26

Meeting Date

Judiciary

Committee

The Florida Senate APPEARANCE RECORD

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SJR 1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name Matthew Grocholske

Phone 8632247501

Address _____

Email _____

Street

Orlando

City

FL

State

32801

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

SJR-1104

Meeting Date

2/10/26

Bill Number or Topic

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Committee

Sen. Jud. Comm.

Amendment Barcode (if applicable)

Name

Anthony Verdugo

Phone

786-447-6431

Address

8567 SW 29th St.

Email

averdugo@csflorida.net

Street

Miami FL 33155

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

02/10/20

Meeting Date

SJR 1104

Bill Number or Topic

Sen - Judiciary

Committee

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

Amendment Barcode (if applicable)

Name Sarah Parker

Phone

Address 1680 Fruitville rd

Email

Street

Sarasota FL

34236

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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55R 1104

Bill Number or Topic

2/10/2026

Meeting Date

JUDICIARY

Committee

Amendment Barcode (if applicable)

Name Shirley Y. Herman

Phone 561-596-7780

Address 2600 N. FLAGLER Apt 207

Email shirleyherman@aol.com

Street

West Palm Beach FL 33407

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

2/10/20

Meeting Date

SJR 1104

Bill Number or Topic

Judiciary Committee

Committee

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

Amendment Barcode (if applicable)

Name Amanda Langworthy

Phone _____

Address 4680 Fruitville rd

Email _____

Street

Sarasota FL

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:

Voices 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

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2/10/26

Meeting Date

SR1104

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name AShe Bradley

Phone

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)

2/10/26

Meeting Date

The Florida Senate APPEARANCE RECORD

STR 1104

Bill Number or Topic

Deliver both copies of this form to
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Judiciary
Committee

Amendment Barcode (if applicable)

Name Tsi Day Smyth

Phone _____

Address 15014 Sunny Day Dr
Street

Email tsi@voicesofflorida.org

Brodenton FL 34211
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)

2-10-26

The Florida Senate APPEARANCE RECORD

SJR 1104

Meeting Date

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

Bill Number or Topic

Senate Judiciary
Committee

Amendment Barcode (if applicable)

Name Spike Poma Phone

Address 1680 Fruitville Email
Street

Sarasota FL 34236
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

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2/10/26

Meeting Date

STR1104

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Lela Smyth

Phone 863-25-3631

Address 15014 sunnyday dr
Street

Email lelasmythofficial@gmail.com

Bradenton
City

FL
State

34211
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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2-10-20

Meeting Date

Judiciary

Committee

1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kimberly Cox

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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 - (08/10/2021)

02/10/26

Meeting Date

Fordiver

Committee

The Florida Senate APPEARANCE RECORD

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Senate professional staff conducting the meeting

1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name Seneca Bristol

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)

2/10/26

Meeting Date

The Florida Senate APPEARANCE RECORD

1104

Bill Number or Topic

Judiciary

Committee

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Amendment Barcode (if applicable)

Name

Isabella Rodriguez

Phone

305 300 5093

Address

12903 SW 50th LN

Email

Rodriguez@CDFUSA.com

Street

miami FL 33175

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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SJR 1104

Bill Number or Topic

2-10-28

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Devon Graham

Phone

Address

Street

Email

City

State

Zip

32309

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:

volunteer @
American Atheists

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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2/10

Meeting Date

1104

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Vance Ahrens Phone _____

Address 6945 Crepe Myrtle Dr Email _____
Street

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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The Florida Senate

APPEARANCE RECORD

SB 1104

10 Feb 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

Kathleen Murray - Citizens Defending Freedom

Phone

757-438-6790

Address

11674 Gran Crique Ct N

Email

kmurray@cedfusa.com

Street

Jacksonville FL 32223

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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2/10/26

Meeting Date

SJR 1104

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Ryan Kennedy

Phone 239-671-5733

Address PO Box 697
Street

Email ryan@goflca.org

Marco Island FL
City State

34146
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 Citizens Alliance

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/10/26

Meeting Date

SB 1104

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address on file

Email

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida 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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2/10/26

Meeting Date

The Florida Senate APPEARANCE RECORD

SJR 1104

Bill Number or Topic

Judicial Committee

Committee

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

Amendment Barcode (if applicable)

Name Sarah Ensley

Phone

Address 1600 Fruitvale St

Email

Sarasota

City

FL

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: EDGES of Florida

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)

2/10/26

Meeting Date

Judiciary

Committee

The Florida Senate APPEARANCE RECORD

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

STR1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dr Joan Waitkevicz

Phone

561 307 3428

Address

2600 N Fliegel Dr #207
^{wait-ka-vits}

Email

drjoanwaitkevicz@gmail.com

Street

West Palm Beach FL 33407

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)

2/10/26

Meeting Date

The Florida Senate APPEARANCE RECORD

5JR 1104

Bill Number or Topic

Judiciary
Committee

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Amendment Barcode (if applicable)

Name

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Address

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State

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Email

harrison@voicesofflorida.org

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:

Voices of Florida

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The Florida Senate

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SB 1104

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

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Street

Sarasota

City

FL

State

34236

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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Meeting Date

SJR 1104

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Corey Bleakley

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Street

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Sarasota

City

FL

State

34236

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

2.10.26

Meeting Date

Judiciary
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SB 1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kara Gross

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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)

APPEARANCE RECORD

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2/10/26

Meeting Date

SJR 1104

Bill Number or Topic

Sen. Jod Comm.

Committee

Amendment Barcode (if applicable)

Name Ulises ARIAS

Phone 305 913-5436

Address 7171 SW 5 Terr

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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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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 1106

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Massullo

SUBJECT: Recognizing Judea and Samaria

DATE: February 9, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1106 creates the “Recognizing Judea and Samaria Act” to direct state agencies to use the terms “Judea” and “Samaria” instead of “West Bank” in official government documents.

The bill also requires public school and charter school instructional materials and library media center collections adopted or acquired on or after July 1, 2026, to refer to the land liberated by Israel from Jordan during the 1967 Six-Day War by its historical name of “Judea and Samaria,” and to not use the term “West Bank” to refer to that area.

The bill is expected to have a negative but indeterminate impact on state expenditures.

The bill takes effect July 1, 2026.

II. Present Situation:

Judea and Samaria

The region historically known as Judea and Samaria corresponds to the ancient Israelite kingdoms described in biblical sources. Around 1,000 years before the common era, the Kingdom of Israel split into two realms: a northern kingdom (Israel) in Samaria and a southern

kingdom (Judah) in Judea.¹ These ancient names have been used historically to describe the central highlands of the land west of the Jordan River, referred to in many parts of the world today as the “West Bank.”

1948 Arab-Israeli War

Following World War I, the League of Nations² placed the land west of the Jordan River³ under British administration as part of the Mandate for Palestine.⁴ In 1947, the United Nations adopted the Partition Resolution⁵ proposing separate Jewish and Arab states, but the plan was never implemented.⁶ After Britain withdrew in May 1948, Israel declared independence and armed conflict immediately erupted resulting in the 1948 Arab-Israeli War.⁷

At the conclusion of the Arab-Israeli War in mid-1949, the parties agreed to formal armistice lines⁸ with Israel controlling most of the territory of the former British Mandate for Palestine, Jordan controlling the West Bank, and Egypt controlling the Gaza Strip.⁹ The city of Jerusalem was divided, with Israel holding the western portion and Jordan holding the Eastern portion.¹⁰ In 1950, Jordan formally annexed the West Bank, a move that was recognized by only Great Britain and Pakistan.¹¹

¹ See Britannica, *What Does the Term “Judea and Samaria” Mean?*, <https://www.britannica.com/topic/What-Does-the-Term-Judea-and-Samaria-Mean> (last visited Jan. 29, 2026).

² The League of Nations was an international organization formed in 1919 after World War I to promote cooperation and achieve peace and security. It operated until 1946 and was succeeded by the United Nations. United Nations, *Predecessor: League of Nations*, <https://www.un.org/en/about-us/history-of-the-un/predecessor> (last visited Jan. 29, 2026).

³ The Mandate of Palestine included the southern Levant region; however, Great Britain authorized the Hashemite dynasty to administer the portion east of the Jordan River, referred to as Transjordan, and granted the region full independence in 1946. Britannica, *World War I and After*, <https://www.britannica.com/place/Palestine/World-War-I-and-after> (last visited Jan. 29, 2026).

⁴ The Mandate’s preamble explicitly recognized the historical connection of the Jewish people with Palestine and called for reconstituting their national home in that territory, while safeguarding the rights of all non-Jewish inhabitants. The Secretary-General, United Nations, *Question of Palestine*, U.N. A/292 (Apr. 18, 1947), available at <https://digitallibrary.un.org/record/829707?ln=en&v=pdf> (attached as the Mandate for Palestine).

⁵ See United Nations, *Resolution 181(II) Future Government of Palestine* (Nov. 29, 1947), <https://www.un.org/unispal/document/auto-insert-185393/>.

⁶ Under the 1947 United Nations Partition Resolution, Jerusalem would remain under international control and be administered by the United Nations. U.S. Department of State, *The Arab-Israeli War of 1948*, <https://history.state.gov/milestones/1945-1952/arab-israeli-war> (last visited Jan. 29, 2026). Jewish leaders accepted the United Nations’ partition plan, but Arab leaders rejected it, arguing the plan unjustly allocated land and violated their right to self-determination. See EXPLAINING HISTORY PODCAST, THE UN PARTITION PLAN OF 1947: ORIGINS, DEBATES, AND CONSEQUENCES (Nov. 16, 2025), <https://explaininghistory.org/2025/11/16/the-un-partition-plan-of-1947-origins-debates-and-consequences/>.

⁷ See Britannica, *The Arab-Israeli War of 1948*, <https://www.britannica.com/event/1948-Arab-Israeli-War> (last visited Jan. 29, 2026).

⁸ The armistice lines were ceasefire lines agreed to without prejudice to future negotiations on boundaries or sovereignty. See Yale Law School, *Jordanian-Israeli General Armistice Agreement* (Apr. 3, 1949), https://avalon.law.yale.edu/20th_century/arm03.asp#:~:text=9.of%20either%20Party%20relating%20thereto.

⁹ U.S. Department of State, *The Arab-Israeli War of 1948*, <https://history.state.gov/milestones/1945-1952/arab-israeli-war> (last visited Jan. 29, 2026); History.com, *Palestine*, May 28, 2025, <https://www.history.com/articles/palestine>.

¹⁰ Britannica, *Jerusalem in the Israeli-Palestinian conflict: Whose capital is it?*, <https://www.britannica.com/place/Jerusalem-in-the-Israeli-Palestinian-conflict-Whose-capital-is-it-2231643> (last visited Jan. 29, 2026).

¹¹ Britannica, *West Bank*, <https://www.britannica.com/place/West-Bank> (last visited Jan. 29, 2026). The term “West Bank” became the common designation for the territory during this period.

1967 Six-Day War

In June of 1967, hostilities between Israel and neighboring states led to the Six-Day War. Amid rising tensions, Israel launched preemptive strikes and fought against Egypt, Syria, and Jordan. Israel defeated the opposing forces and captured several territories, including the West Bank and the Gaza Strip.¹² Shortly after the war, Israel extended its law and administration to East Jerusalem, while the West Bank and the Gaza Strip came under Israeli military occupation.¹³

Since 1967, the status and proper terminology for the territory have remained the subject of ongoing political and diplomatic dispute.

K-12 Student and Parent Rights

Parents of public school students are required by law to receive accurate and timely information regarding their children's academic progress and must be informed of ways they can help their children succeed in school.¹⁴ K-12 students and their parents are afforded numerous statutory rights pertaining to student education.¹⁵

Public School Instructional Materials

The Florida Statutes address instructional materials for K-12 public education.¹⁶ District school boards have the constitutional duty and responsibility to select and provide instructional materials for all students, including materials in the school or classroom library.¹⁷ Instructional materials are items having intellectual content that by design serve as major tools for assisting in the instruction of a subject or course.¹⁸ They must be consistent with district goals and applicable state academic standards and course descriptions provided in state law.¹⁹ School districts may purchase instructional materials from a list of state-reviewed and adopted instructional materials or may establish their own review and adoption program.

School districts must provide students a sufficient number of student or site licenses or sets of materials that serve as the basis for instruction in the core subject areas of mathematics, language arts, social studies, science, reading, and literature.²⁰ Such materials may be made available in bound, unbound, kit, or package form and may consist of hardback or softback textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.²¹ School boards must also establish and maintain a program of school library media services for all public schools in the district. This includes traveling or

¹² See Britannica, *Six-Day War*, <https://www.britannica.com/event/Six-Day-War> (last visited Jan. 29, 2026).

¹³ See Britannica, *West Bank*, <https://www.britannica.com/place/West-Bank> (last visited Jan. 29, 2026).

¹⁴ Section 1002.20, F.S.

¹⁵ *Id.* For example, students and parents retain certain rights relating to reproductive health and disease education. Section 1002.20(3)(d), F.S.

¹⁶ See ss. 1006.28-1006.42, F.S. In Florida, charter schools are public schools and a part of Florida's public education program. Section 1002.33(1), F.S.

¹⁷ Section 1006.28(2), F.S.

¹⁸ Section 1006.29(2), F.S.; see s. 1006.28(1)(a)2., F.S. (referring to the definition of instructional materials to align with s. 1006.29(2), F.S.).

¹⁹ Section 1006.28(2)(b), F.S.

²⁰ Section 1006.28(1)(a)1., F.S.

²¹ Section 1006.29(2), F.S.

circulating libraries that may be needed for proper operation of the district school system.²² A library media center is any collection of books, ebooks, periodicals, or videos maintained and accessible on the site of a school.²³

Publishers may offer sections of state-adopted instructional materials in digital or electronic formats at reduced rates to districts, schools, and teachers.²⁴ Publishers must make sample student editions of state-adopted instructional materials electronically available, at a discount below publisher cost, for use by teacher preparation programs and by educator preparation institutes for each adoption cycle. This enables educators to practice teaching with currently adopted instructional materials aligned to state academic standards.²⁵

Adoption of Instructional Materials

The Florida Department of Education (DOE) facilitates the statewide instructional materials adoption process. Expert reviewers chosen by DOE are trained to make valid, culturally sensitive, and objective recommendations regarding the content and rigor of instructional materials prior to the beginning of the review and selection process.²⁶ Reviewers must objectively evaluate materials with Florida's state-adopted standards in mind.²⁷ Based on reviewer recommendations, the Commissioner of Education (Commissioner) then selects and adopts instructional materials for each grade and subject under consideration.²⁸

Generally, the term of adoption for instructional materials must be for a 5-year period beginning on the first day of April following the adoption. The Commissioner may approve a shorter schedule if the content area requires more frequent revision.²⁹ Each year DOE is required to publish an official schedule of subject areas to be called for adoption. The schedule is developed to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year.³⁰

Before adopting instructional materials in a certain subject area, DOE publishes specifications for the materials. These specifications detail the courses for which materials are sought and the standards the materials must meet.³¹ Beginning with the 2026–2027 adoption cycle, DOE must publish an instructional materials adoption timeline that includes publishing bid specifications, advertising in the Florida Administrative Register, and specifying deadlines for submitting bids. The adoption cycle must include at least 6 months between the release of the bid specifications and the deadline for the submission of bids, and the publication of an initial list of state-adopted instructional materials must occur no later than July 31st in the year preceding the adoption.³² If

²² Section 1006.28(2)(d), F.S.

²³ Section 1006.28(1)(a)3., F.S.

²⁴ Section 1006.29(2), F.S.

²⁵ Section 1006.38(3), F.S.

²⁶ Section 1006.29(5), F.S.

²⁷ Section 1006.31(2), F.S.

²⁸ Section 1006.34(2), F.S.

²⁹ Section 1006.36(1), F.S.

³⁰ Section 1006.36(2), F.S.

³¹ Florida Department of Education, *Policies and Procedures for the Florida Instructional Materials Adoption* (Nov. 2018), available at <https://www.fldoe.org/file/5574/PoliciesProceduresSpec1920.pdf>.

³² Section 1006.33(1)(a)1., F.S.

extenuating circumstances warrant, the Commissioner may add one or more subject areas to the official schedule, in which case the Commissioner must develop criteria for the additional subject area or areas and make them available to publishers as soon as practicable before the date on which bids are due. The schedule must be developed to promote balance among the subject areas. To maintain curricular consistency, the required expenditure for new instructional materials should be approximately the same each year.³³

The following chart shows the adoption schedule for instructional materials through Fiscal Year 2030–2031.³⁴

Adoption Year	Subject Area	Specifications and Criteria Available	State Adoption Process	Effective Date of Contract (April 1 - March 31)
2026-2027	Mathematics and Computer Science, K-12	January 2025	June 2025-July 2026	2027-2032
2027-2028	Social Studies, K-12	January 2026	June 2026-July 2027	2028-2033
2028-2029	Science, K-12	January 2027	June 2027-July 2028	2029-2034
2029-2030	English Language Arts, K-12	January 2028	June 2028-July 2029	2030-2035
2030-2031	Career and Technical Education, 9-12 ; Health and Physical Education, K-12 ; Performing and Visual Arts, K-12 ; World Languages, K-12	January 2029	June 2029-July 2030	2031-2036

Funding for Instructional Materials

Funding for instructional materials is provided each year by the Legislature in the General Appropriations Act and is included in the base student allocation.³⁵ Each school district must certify to the Commissioner the estimated allocation of state funds for instructional materials for the ensuing fiscal year, on or before July 1st each year.³⁶ Unless a school district has implemented its own instructional materials program,³⁷ any instructional materials purchased using state funds must be aligned with the state academic standards³⁸ and included on the state-

³³ Section 1006.36(2), F.S.

³⁴ Florida Department of Education, *Florida Instructional Materials Adoption Schedule For Adoption Years 2026-2027 through 2030-2031*, <https://www.fldoe.org/file/5574/AdoptionCycle.pdf> (last visited Jan. 29, 2026).

³⁵ See Florida Department of Education, *Funding for Florida School Districts, 2024-2025*, available at <https://www.fldoe.org/file/7507/Fefpdist.pdf>.

³⁶ Section 1006.40(1), F.S.

³⁷ See s. 1006.283(1), F.S.

³⁸ See s. 1003.41(1), F.S.

adopted instructional materials list.³⁹ Up to 50 percent of the amount the school district has budgeted for instructional materials may be used to:

- Purchase library and reference books and nonprint materials;
- Purchase other materials having intellectual content that assist in the instruction of a subject or course; or
- Repair or renovate textbooks and library books and replace items that were part of previously purchased instructional materials.⁴⁰

III. Effect of Proposed Changes:

Section 1 entitles the bill as the “Recognizing Judea and Samaria Act.”

Section 2 creates s. 1.016, F.S., which provides that the Legislature intends to stop using the term “West Bank” and instead refer to the lands annexed by Israel after the 1967 Six-Day War (the region) as “Judea and Samaria,” with the land south of Jerusalem being considered “Judea” and the land north of Jerusalem being considered “Samaria.”

The bill prohibits state agencies from using the term “West Bank” to refer to the area in official government materials. State agencies are also prohibited from using state funds to create any official government materials that use the term “West Bank” instead of Judea and Samaria.

As used in the bill, the term “state agency” refers to “every department, division, office, board, commission, and institution of this state.” And the term “official government materials” means any guidance, rule, material, briefing, press release, communication, or work product document prepared by a state agency.

Section 3 provides that all instructional materials and library media center collections adopted on or after July 1, 2026, by a district school board or charter school governing board must refer to the land liberated by Israel from Jordan during the 1967 Six-Day War as “Judea and Samaria.” Any such materials adopted on or after July 1, 2026, may not use the term “West Bank.”

Section 4 provides that the bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

³⁹ Section 1006.40(3)(a), F.S. Materials not on the state adopted list include library books, reference books, and nonprint materials.

⁴⁰ Section 1006.40(3)(b), F.S.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

Contracted education service providers and testing groups may need to update their materials and packages to reflect this change. This may increase the cost of providing and testing such materials. The cost, however, would likely be passed on to subsequent purchasers (school districts and DOE).

C. Government Sector Impact:

The provisions of this bill requiring state agencies to revise official government materials that refer to the “West Bank” will have an indeterminate, but likely insignificant, impact on state expenditures. The fiscal impact to school districts is also indeterminate. However, the full impact may not be immediate as the bill specifies the update is required for all materials adopted or acquired on or after July 1, 2026, rather than updating current materials.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill creates section 1.016 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 Governmental Oversight and Accountability on January 26, 2026:

The committee substitute removes the provision authorizing a state agency to waive the prohibition against using the term “West Bank” in certain circumstances. It also requires instructional material and library media center collections collected or adopted on or after July 1, 2026, to use the terms “Judea” and “Samaria” and not the term “West Bank.”

- B. **Amendments:**

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Massullo

585-02206-26

20261106c1

1 A bill to be entitled
2 An act relating to recognizing Judea and Samaria;
3 providing a short title; creating s. 1.016, F.S.;
4 providing legislative intent; defining terms;
5 prohibiting state agencies from using the term "West
6 Bank" in official government materials; prohibiting
7 state agencies from using moneys to create official
8 government materials using such term; requiring
9 instructional materials and library media center
10 collections adopted by certain entities on or after a
11 specified date to refer to a certain area as Judea and
12 Samaria; prohibiting instructional materials and
13 library media center collections adopted by certain
14 entities on or after a specified date from using the
15 term "West Bank"; providing an effective date.
16
17 Be It Enacted by the Legislature of the State of Florida:
18
19 Section 1. This act may be cited as the "Recognizing Judea
20 and Samaria Act."
21 Section 2. Section 1.016, Florida Statutes, is created to
22 read:
23 1.016 Recognizing Judea and Samaria.—
24 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
25 to:
26 (a) Refer to the land liberated by Israel from Jordan
27 during the 1967 Six-Day War by its historical name of "Judea and
28 Samaria," with the land south of Jerusalem being considered
29 "Judea" and the land north of Jerusalem being considered

Page 1 of 2

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

585-02206-26

20261106c1

30 "Samaria."
31 (b) No longer use the term "West Bank" in official
32 government materials.
33 (2) DEFINITIONS.—As used in this act, the term:
34 (a) "Official government material" means a guidance, rule,
35 material, briefing, press release, communication, or work
36 product document prepared by a state agency.
37 (b) "State agency" means every department, division,
38 office, board, commission, and institution of this state.
39 (3) PROHIBITIONS.—A state agency may not use the term "West
40 Bank" to refer to Judea and Samaria in an official government
41 material or use moneys to create an official government material
42 that refers to Judea and Samaria as "West Bank."
43 Section 3. Instructional materials, as defined in s.
44 1006.28(1)(a), Florida Statutes, and library media center
45 collections that are adopted on or after July 1, 2026, by a
46 district school board or charter school governing board must
47 refer to the land liberated by Israel from Jordan during the
48 1967 Six-Day War by its historical name of "Judea and Samaria,"
49 with the land south of Jerusalem being considered "Judea" and
50 the land north of Jerusalem being considered "Samaria." Such
51 materials and collections adopted on or after July 1, 2026, by a
52 district school board or charter school governing board may not
53 use the term "West Bank" to refer to Judea and Samaria.
54 Section 4. This act shall take effect July 1, 2026.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: January 28, 2026

I respectfully request that **Senate Bill #1106**, relating to Recognizing Judea and Samaria, be placed on the:

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

A handwritten signature in black ink, appearing to read "R. Massullo, Jr.", written over a horizontal line.

Senator Ralph E. Massullo, Jr.
Florida Senate, District 11

The Florida Senate

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2/10/2026

Meeting Date

SB 1106

Bill Number or Topic

JUDICIARY

Committee

Amendment Barcode (if applicable)

Name Shirley T. HEVMAN

Phone 561-596-7780

Address 2600 N. FLAGLER APT 207

Email shirley.hevman@aclu.com

West PALM BEACH, FL 33407

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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SB 1106

Bill Number or Topic

2/10/26

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Harrison Lundy

Phone

813-998-5928

Address

Street

Riverview

City

FL

State

33579

Zip

Email

harrison@voicesofflorida.org

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:

Voices of Florida

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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2/10/26

Meeting Date

Judiciary

Committee

SB1106

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Sarah Parker

Phone

Address

1680 Fruitville rd.

Email

Street

Sarasota, FL

34236

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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2/10

Meeting Date

1106

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Vance Ahrens Phone _____

Address 6945 Crepe Myrtle Dr Email _____
Street

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)

The Florida Senate

APPEARANCE RECORD

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02/10/26

Meeting Date

SB 1106

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Matthew Grocholske

Phone 863 224 7501

Address _____

Email _____

Street

Orlando FL 32801

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

2/10/26

Meeting Date

SB 1106

Bill Number or Topic

Judiciary Committee

Committee

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

Amendment Barcode (if applicable)

Name

Amanda Langworthy

Phone

Address

1180 Fruitville rd

Email

Street

Sarasota FL

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)

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SB 1106

Bill Number or Topic

2/10/24

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name Ashe Bradley

Phone _____

Address _____

Email _____

Street

Tampa

City

FL

State

33615

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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2-10-26

Meeting Date

SB 1106

Bill Number or Topic

Senate Judiciary

Committee

Amendment Barcode (if applicable)

Name Spike Roma

Phone

Address 1680 Fruitville

Street

Email

Sarasota

FL

34236

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.

[] 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:

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)

02/10/26

Meeting Date

Judicial

Committee

The Florida Senate

APPEARANCE RECORD

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

1106

Bill Number or Topic

Amendment Barcode (if applicable)

Name Seneca Bristol

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

Jan 2/10/24

Meeting Date

1106

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Kimberly Cox

Phone _____

Address _____

Email _____

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

2/10/26

The Florida Senate
APPEARANCE RECORD

CS/SB 1106

Meeting Date

Deliver both copies of this form to
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Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Dr Joan Waitkevics Phone 561 307 3418

Address 2600 N Flagler Dr apt 207 Email jwcjoane@gmail.com
Street

West Palm Beach FL 33407
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

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2/10/2026

Meeting Date

SB 1106

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Shirley T. HERMAN

Phone 561-5967730

Address 2600 N. Flagler Apt 207

Street

Email Shirley.HERMAN@AOL.COM

West Palm Beach, FL 33407

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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2/10/2026

Meeting Date

1106

Bill Number or Topic

Subcom

Committee

Amendment Barcode (if applicable)

Name

Echo Nova

Phone

904-628-9188

Address

1512 Vista Lakes Dr
Street

Email

quantisedecho@gmail.com

Fleming Island
City

FL
State

32003
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

CS/SB1106

2/10/26

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 Corey Bleakley

Phone 4077955896

Address 1680 Fruitville Rd

Email Corey@voicesofflorida.org

Street

Sarasota

City

FL

State

34236

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: Voices of Florida

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/10/26
Meeting Date

CS/SB 1106
Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Rain Johnson Phone 8633880729

Address 1680 Fruitville rd Email rain@voicesofflorida.org
Street

Sarasota FL 34236
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:
VOICES OF FLORIDA

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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Deliver both copies of this form to
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2/10/26

Meeting Date

SB 1106

Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name YARELIZ MENDEZ-ZAMORA

Phone

Address

Street

Email

City

State

33025
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:

American Friends
service Committee

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

CS / SB 1106

2/10/26

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

Tsi Day Smyth

Phone

Address

15014 Sunny Day Dr.

Email

Street

Bradenton

FL

34211

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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02/10/24

Meeting Date

1104

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Amina Spanic (AM-EENA SPA-HEECH)

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:

Florida For All

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/10/26
Meeting Date

SB 1106
Bill Number or Topic

Judiciary Committee
Committee

Amendment Barcode (if applicable)

Name Sarah Estley Phone _____

Address 1680 Fruitville Rd Email _____
Street

Sarasota FL
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:

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

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The Florida Senate

APPEARANCE RECORD

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

2-10-26

Meeting Date

SB 1106

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Devon Graham

Phone _____

Address _____

Email _____

Street

City

State

32309

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:

volunteer @
American Atheists

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
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 1128

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Family Law

DATE: February 12, 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 - Substantial Changes

I. Summary:

CS/SB 1128 affects time-sharing with minor children. It requires that proceedings to establish initial temporary parenting plans and to enforce time-sharing orders and agreements must be given priority by the courts. To implement this priority as to time-sharing:

- A parent seeking to establish an initial temporary parenting plan must file a proposed temporary parenting plan with his or her initial pleading.
- The other parent has 10 days to file his/her proposed plan. The court must then adopt the portions of the parents' proposed plans to the extent they are in agreement.
- Absent good cause, the court must hold a hearing within 30 days after the initial pleading is filed to address matters in which the plans are not in agreement.
- The court must establish a temporary parenting plan within 30 days after the hearing.

To implement priority for a motion to enforce compliance with a time-sharing order or agreement, the judge assigned to the case must conduct a hearing within 5 business days. If the assigned judge is not available, another judge in the family law division must conduct the hearing during normal business hours.

The bill requires the courts to collect data and report annually on the number and timeliness of petitions and motions given priority by this bill.

The bill also changes paternity proceedings to repeal the current law result by which a judgment of paternity that does not include a parenting plan means that the mother has sole parental responsibility and a judgment that does not set time-sharing vests all time-sharing in the mother.

The fiscal impact on the state and on local governments is unknown.

The bill is effective July 1, 2026.

II. Present Situation:

Background

A child born out of wedlock may be the subject of a paternity action that establishes paternity. In a final order of paternity, the court may set a parenting plan and a time-sharing schedule. Children of divorce having living parents are similarly the subject of a family law action that establishes a parenting plan, which specifies parental responsibility for decisionmaking and includes a time-sharing schedule. The public policy regarding time-sharing is:

It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. Unless otherwise provided in this section or agreed to by the parties, there is a rebuttable presumption that equal time-sharing of a minor child is in the best interests of the minor child.¹

Accordingly, if both parents are available,² a time-sharing schedule is developed. A “time-sharing schedule” means a timetable that must be included in the parenting plan that specifies the time, including overnights and holidays, that a minor child will spend with each parent. A time-sharing schedule must be either developed and agreed to by the parents of a minor child and approved by the court; or established by the court if the parents cannot agree or if their agreed-upon schedule is not approved by the court.³

If the parents are both rational and reasonable adults, the time-sharing problems that inevitably arise are worked out between them and without outside help.

Court Enforcement of Time-Sharing Arrangements

If parents cannot work out their differences regarding a parenting plan or the time-sharing schedule, either party may petition for enforcement or modification. Common points of contention include violence or the threat of violence, failure to arrive at the exchange site on time, refusal to allow the child to leave with the other parent, the parent sending an unauthorized person to pick up the child, failure to pack a bag or pack medicines, a parent showing up drunk

¹ Section 61.13(2)(c)1., F.S.

² A living parent may not be involved with the child for time-sharing purposes because he or she is unknown, disinterested, incarcerated, disabled, dangerous, or is living at a distance that is too difficult to traverse.

³ Section 61.046(23), F.S.

or high, failure to return the child on time, discovering that the other parent is taking the child to an unsafe housing situation, or failure to return the child at all.

When a parent refuses to honor the time-sharing schedule in the parenting plan without proper cause, the court may treat the matter as a contempt of court or may order other remedies as the court deems appropriate. These are the available remedies:

- After calculating the amount of time-sharing improperly denied, award the parent denied time enough extra time-sharing to compensate for the time-sharing missed. The time-sharing must be ordered as expeditiously as possible in a manner consistent with the best interests of the child and scheduled in a manner that is convenient for the parent deprived of time-sharing. In ordering any makeup time-sharing, the court must schedule the time-sharing in a manner that is consistent with the best interests of the child and which is convenient for the nonoffending parent and at the expense of the noncompliant parent.
- Order the parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to pay reasonable court costs and attorney fees incurred by the nonoffending parent to enforce the time-sharing schedule.
- Order the parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to attend a parenting course approved by the judicial circuit.
- Order the parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to do community service if the order will not interfere with the welfare of the child.
- Order the parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to have the financial burden of promoting frequent and continuing contact when that parent and child reside further than 60 miles from the other parent.
- If requested by the parent who did not violate the time-sharing schedule, modify the parenting plan if modification is in the best interests of the child.
- Impose any other reasonable sanction as a result of noncompliance.⁴

A petition for enforcement or modification is like most every other civil court motion. It takes time to prepare, file, and wait for an open hearing date with the judge. Sometimes, however, the issue may justify prompt action.

Emergency Relief

Emergency relief, while allowed, is limited by the constitutional requirements of due process. Requesting emergency relief is a form of request for modification of the time-sharing plan. The movant must show a substantial and material change in circumstances, and that the child's best interest will be promoted by such a modification. Generally, both parties must be given notice and opportunity to be heard on the matter prior to any modification, unless there is an actual, demonstrated emergency situation, "such as where a child is threatened with physical harm or is about to be improperly removed from the state."⁵ Situations in which a child or children are "exposed to substantial emotional abuse or trauma by a parent or custodian" may also warrant

⁴ Section 61.13(4)(c), F.S.

⁵ *Smith v. Crider*, 932 So.2d 393, 398 (Fla. 2d DCA 2006); see also *Bronstein v. Bronstein*, 167 So.3d 462 (Fla. 3d DCA 2015); *Gielchinsky v. Gielchinsky*, 662 So.2d 732 (Fla. 4th DCA 1995).

emergency relief.⁶ Even in those instances, “every reasonable effort should be made to ensure both parties have an opportunity to be heard.”⁷ “To conduct a proper inquiry into these issues, both parties must generally be given the opportunity for a full hearing where the parties and their witnesses are given an opportunity to testify.”⁸

Paternity

Chapter 742, F.S. establishes the process for recognizing the parentage of a child. It is clear in nearly all births who the mother is. If the mother is in an intact marriage, a strong legal presumption applies presuming that the husband is the father.⁹ In instances where a child is without two parents, a paternity case is the means of establishing who the parents are. The court hearing a paternity case may, but is not required to, determine a parenting plan and time-sharing schedule.¹⁰

If the final judgment is only an award of child support, the parent receiving support is considered to have all of the parental responsibility and all of the time-sharing, although those issues are not res judicata and thus may be the subject of a different case.¹¹ If the final judgment is silent regarding a parenting plan and time-sharing, the mother is presumed to have been awarded sole parental responsibility and all of the time-sharing.¹²

Family Courts

Florida’s Family Courts use a fully integrated, comprehensive approach to handling all cases involving children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner. The Florida Supreme Court has recognized that families should be able to have their disputes resolved in the most effective and efficient way possible. Court cases involving one family are handled before one judge unless impractical. Since 1991, a series of Florida Supreme Court opinions have been instrumental in shaping family courts throughout the state.¹³

For the most recent fiscal year, the state courts system overall received 240,019 family court case filings, received 51,852 petitions to reopen a case because of a motion for civil contempt and enforcement, and had an overall 100.9% clearance rate.¹⁴

⁶ *Capps v. Capps*, No. 4D2025-3371, 2025 WL 3649320, at *3 (Fla. Dist. Ct. App. Dec. 17, 2025).

⁷ *Ashby v. Murray*, 113 So.3d 951, 954 (Fla. 5th DCA 2013).

⁸ *Haddix v. Emret*, 992 So.2d 883, 886 (Fla. 2d DCA 2008).

⁹ *McGovern v. Clark*, 298 So. 3d 1244, 1248 (Fla. 5th DCA 2020).

¹⁰ Section 741.031(1), F.S.

¹¹ Section 741.031(2), F.S.

¹² Section 741.031(2), F.S.

¹³ Office of the State Courts Administrator, *History of Family Courts in Florida*, <https://www.flcourts.gov/Services/Family-Courts/History-of-Family-Courts-in-Florida>.

¹⁴ Office of the State Court Administrator, *FY 2024-2025 Statistical Reference Guide*, pages 5-3, 5-21, and 5-22. <https://flcourts-media.flcourts.gov/content/download/2472280/file/2024-25-chapter-5-family-court-ada-20251030.pdf>.

III. Effect of Proposed Changes:

CS/SB 1128 addresses issues regarding a parenting plan and a time-sharing arrangement, including issues addressing delay in the time for obtaining relief on a motion or petition for enforcement.

The bill amends s. 61.13, F.S., to require that certain issues be given priority on a court's calendar:

- *A motion seeking to establish temporary parental responsibility and a time-sharing schedule.* A party seeking temporary parental responsibility and time-sharing must file a separate motion that includes a proposed plan. The other party has 10 days to propose an alternative plan. Portions not in dispute are considered to be an agreement between the parties. Absent good cause, the court must set an evidentiary hearing within 30 days after the initial motion was filed. Referral to mediation requires the consent of both parties. The court must issue an order on temporary parental responsibility and time-sharing within 30 days after the hearing.
- *A motion to enforce compliance with an existing time-sharing order or agreement.* The court must set a hearing within 5 business days after the motion is served. If the judge assigned to the case is not available during those 5 business days, another judge assigned to the family division must conduct the hearing during regular business hours. The court must issue an order within 5 days after the hearing.

The bill also amends s. 61.13, F.S. to require certain data collection and reporting: Beginning July 1, 2027, and annually each July 1 thereafter, the Office of the State Courts Administrator must prepare and publish on its website a publicly accessible annual report on evidentiary hearings required by this bill. The report must include, at a minimum:

- The number of evidentiary hearings held.
- The average time from the filing of a motion to the issue of an order.
- Rates of compliance with the statutory timeframes for rulings on motions.

Upon publication, the Office of the State Courts Administrator must submit the report to the President of the Senate and the Speaker of the House of Representatives. Reports may not contain personal identifying information of litigants or minor children.

Finally, the bill amends s. 742.031, F.S., to repeal the default rules that apply if a final judgment of paternity does not establish a parenting plan or time-sharing schedule.

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:

Due Process

The requirement in the bill for a court to conduct a hearing on a motion to enforce a child custody order or agreement within 5 business days raises due process concerns if or to the extent that the bill authorizes hearings without notice to the other party absent an emergency situation. Generally, both parties must be given notice and opportunity to be heard on the matter prior to any modification of a parenting plan, unless there is an actual, demonstrated emergency situation, “such as where a child is threatened with physical harm or is about to be improperly removed from the state.”¹⁵ Situations in which a child or children are exposed to substantial emotional abuse or trauma by a parent or custodian may also warrant emergency relief.¹⁶ Even in those instances, “every reasonable effort should be made to ensure both parties have an opportunity to be heard.”¹⁷

Rulemaking

The bill may intrude on the Supreme Court’s exclusive authority over practice and procedure under Article V section 2(a) of the State Constitution.

A rule of procedure prescribes the method or order by which a party enforces substantive rights or obtains redress for their invasion. Substantive law creates those rights. Practice and procedure are the machinery of the judicial process as opposed to the product thereof. There can be no doubt that a rule creating priorities among types of civil matters being processed by the state courts is procedural rather than substantive.¹⁸

The Supreme Court has held that the establishment of time limitations for a court to act, at least in the context of a writ of habeas corpus, is a matter of practice and procedure, and therefore, the judiciary is the only branch of government authorized by the Florida Constitution to set deadlines for court action.¹⁹ A law setting deadlines is invalid as an

¹⁵ *Smith v. Crider*, 932 So.2d 393, 398 (Fla. 2d DCA 2006); see also *Bronstein v. Bronstein*, 167 So.3d 462 (Fla. 3d DCA 2015); *Gielchinsky v. Gielchinsky*, 662 So.2d 732 (Fla. 4th DCA 1995).

¹⁶ *Capps v. Capps*, No. 4D2025-3371, 2025 WL 3649320, at *3 (Fla. Dist. Ct. App. Dec. 17, 2025).

¹⁷ *Wolfson v. Wolfson*, 173 So.3d 1136 (Fla. 3rd DCA 2015); *Ashby v. Murray*, 113 So.3d 951, 954 (Fla. 5th DCA 2013); see also *Haddix v. Emret*, 992 So.2d 883, 886 (Fla. 2d DCA 2008) (“To conduct a proper inquiry into these issues, both parties must generally be given the opportunity for a full hearing where the parties and their witnesses are given an opportunity to testify”).

¹⁸ *Mil. Park Fire Control Tax Dist. No. 4 v. DeMarois*, 407 So. 2d 1020, 1021 (Fla. 4th DCA 1981).

¹⁹ *Allen v. Butterworth*, 756 So. 2d 52, 64 (Fla. 2000).

encroachment on this Court's exclusive power to “adopt rules for the practice and procedure in all courts.”²⁰

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may increase costs for parents involved in a parenting plan with a time-sharing schedule.

C. Government Sector Impact:

The bill as first filed appears to have an “[i]ndeterminate, but likely significant” negative fiscal impact on the courts.²¹ Judicial workload may increase to the point that additional judges, with related staff increases, may need to be funded at the state level. The fiscal impact of the bill as amended is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 61.13, and 742.031.

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 10, 2026:

The committee substitute no longer includes provisions from the underlying bill which provided for a duty judge to hear motions to enforce time-sharing orders and agreements. Instead, a judge assigned to the family law division of the circuit court must hear those motions if the assigned judge is unavailable. The amendment directs the Office of the State Courts Administrator collect and report data relating to proceedings to establish and to enforce time-sharing orders and agreements.

²⁰ *Id.*

²¹ Office of the State Courts Administrator, *2026 Judicial Impact Statement [for SB 1128]*, February 8, 2026, on file with the Senate Judiciary Committee.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (10) is added to section 61.13,
Florida Statutes, to read:

61.13 Support of children; parenting and time-sharing;
powers of court; evidentiary hearing reports.—

(10) (a) The following time-sharing matters must be accorded
priority on the court's calendar:

1. An evidentiary hearing on an initial verified motion



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12 affirmatively seeking to establish temporary parental
13 responsibility and time-sharing. Such motion must be filed
14 separately from the initial petition for dissolution or petition
15 to establish paternity, as applicable. The initiating party must
16 attach a proposed temporary parenting plan to the motion. The
17 responding party must file and serve a proposed temporary
18 parenting plan within 10 days after receipt of service of the
19 verified motion and attached proposed temporary parenting plan.
20 However, failure of the responding party to file or serve a
21 proposed temporary parenting plan is not a bar to moving forward
22 on the motion. Portions of the proposed temporary parenting
23 plans which are not in dispute must be adopted as a voluntary
24 agreed schedule between the parties. Absent good cause, the
25 court shall conduct a hearing on the contested issues within 30
26 days after the motion is served. The court may not refer the
27 parties to mediation as a condition precedent to the court
28 setting or conducting a hearing unless the court has the consent
29 of both parties. The court shall issue an order on temporary
30 parental responsibility and time-sharing within 30 days after
31 the conclusion of the evidentiary hearing.

32 2. An evidentiary hearing on a motion to enforce compliance
33 with an existing time-sharing order. The court shall conduct a
34 hearing on a motion seeking to enforce compliance with an
35 existing time-sharing order within 5 business days after the
36 motion is served. If the judge assigned to the case is not able
37 to conduct the hearing within 5 business days, an available
38 family division judge must conduct the hearing during regular
39 business hours. The court shall issue an order within 5 days
40 after the conclusion of the evidentiary hearing.



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41 (b)1. Beginning July 1, 2027, and annually each July 1
42 thereafter, the Office of the State Courts Administrator shall
43 prepare and publish on its website a publicly accessible annual
44 report on evidentiary hearings held under paragraph (a) in each
45 judicial circuit. The report must include, at a minimum, all of
46 the following:

47 a. The number of evidentiary hearings held under
48 subparagraphs (a)1. and 2.

49 b. The average time from the filing of a motion to the
50 issue of an order.

51 c. Rates of compliance with the statutory timeframes for
52 rulings on motions.

53 2. Upon publication, the Office of the State Courts
54 Administrator shall submit the report to the President of the
55 Senate and the Speaker of the House of Representatives.

56 3. Reports prepared under this paragraph may not contain
57 personal identifying information of litigants or minor children.

58 4. The Supreme Court may adopt rules to implement this
59 section, including data collection and reporting standards.

60 Section 2. Subsections (1) and (2) of section 742.031,
61 Florida Statutes, are amended to read:

62 742.031 Hearings; court orders for support, hospital
63 expenses, and attorney fees.—

64 (1) Hearings for the purpose of establishing or refuting
65 the allegations of the complaint and answer must be held in the
66 chambers and may be restricted to persons, in addition to the
67 parties involved and their counsel, as the judge in his or her
68 discretion may direct. The court shall determine the issues of
69 paternity of the child and the ability of the parties ~~parents~~ to



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70 support the child. Each party's social security number must be
71 recorded in the file containing the adjudication of paternity.
72 If the court finds that the alleged father is the father of the
73 child, it must so order. If appropriate, the court may order the
74 father to pay the complainant, her guardian, or any other person
75 assuming responsibility for the child moneys sufficient to pay
76 reasonable attorney fees, hospital or medical expenses, cost of
77 confinement, and any other expenses incident to the birth of the
78 child and to pay all costs of the proceeding. Bills for
79 pregnancy, childbirth, and scientific testing are admissible as
80 evidence without requiring third-party foundation testimony and
81 constitute prima facie evidence of amounts incurred for such
82 services or for testing on behalf of the child. The court shall
83 order either or both parties ~~parents~~ owing a duty of support to
84 the child to pay support under chapter 61. The court must issue,
85 upon motion by a party, a temporary order requiring child
86 support for a minor child under s. 61.30 pending an
87 administrative or judicial determination of parentage if there
88 is clear and convincing evidence of paternity on the basis of
89 genetic tests or other evidence. The court shall ~~may~~ also make a
90 determination of an appropriate parenting plan, including a
91 time-sharing schedule, in accordance with chapter 61.

92 ~~(2) If a judgment of paternity contains only a child~~
93 ~~support award with no parenting plan or time-sharing schedule,~~
94 ~~the obligee parent shall receive all of the time sharing and~~
95 ~~sole parental responsibility without prejudice to the obligor~~
96 ~~parent. If a paternity judgment contains no such provisions, the~~
97 ~~mother shall be presumed to have all of the time sharing and~~
98 ~~sole parental responsibility.~~



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

100

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

102 And the title is amended as follows:

103 Delete everything before the enacting clause

104 and insert:

105 A bill to be entitled

106 An act relating to family law; amending s. 61.13,

107 F.S.; requiring that certain time-sharing matters be

108 accorded priority on a court's calendar; providing

109 procedural requirements for evidentiary hearings on

110 motions seeking to establish temporary parental

111 responsibility and time-sharing and on motions to

112 enforce compliance with existing time-sharing orders;

113 requiring the Office of the State Courts Administrator

114 to prepare and publish on its website a publicly

115 accessible annual report for certain evidentiary

116 hearings held in each judicial circuit; requiring that

117 the report include specified information; requiring

118 the office to submit the report to the Legislature;

119 prohibiting the reports from containing certain

120 personal identifying information; authorizing the

121 Supreme Court to adopt rules; amending s. 742.031,

122 F.S.; requiring, rather than authorizing, a court to

123 make a determination of appropriate parenting plans in

124 certain proceedings; deleting provisions requiring the

125 obligee parent to receive, or the mother to be

126 presumed to have, all time-sharing and sole parental

127 responsibility under certain circumstances; providing



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128

an effective date.

By Senator Grall

29-01215A-26

20261128__

1 A bill to be entitled
 2 An act relating to family law; amending s. 26.20,
 3 F.S.; requiring that at least one judge be available
 4 in each judicial circuit on weekends, holidays, and
 5 after hours on weekdays to hear motions to enforce
 6 certain orders and agreements; requiring a chief judge
 7 to assign a circuit judge to be available for certain
 8 hearings; amending s. 61.13, F.S.; requiring that
 9 certain time-sharing matters be accorded priority on a
 10 court's calendar; providing procedural requirements
 11 for evidentiary hearings on pleadings seeking
 12 temporary parental responsibility and time-sharing
 13 schedules and on motions to enforce compliance with
 14 existing time-sharing orders or agreements; amending
 15 s. 742.031, F.S.; requiring a court to issue upon
 16 motion by a party, rather than authorizing the court
 17 to make a determination of, appropriate parenting
 18 plans in certain proceedings; deleting provisions
 19 requiring the obligee parent to receive, or the mother
 20 to be presumed to have, all time-sharing and sole
 21 parental responsibility under certain circumstances;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Section 26.20, Florida Statutes, is amended to
 27 read:

28 26.20 Availability of judge for hearings.-At least one
 29 circuit judge in each circuit must be available at all times to

Page 1 of 4

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

29-01215A-26

20261128__

30 hold and conduct hearings with limited notice. In each circuit,
 31 there must be at least one judge available on Saturdays,
 32 Sundays, holidays, and after hours on weekdays to hear motions
 33 for a temporary injunction ex parte in domestic violence cases
 34 and motions to enforce time-sharing orders issued or agreements
 35 entered into pursuant to s. 61.13 or s. 742.031. The chief judge
 36 shall ~~may~~ assign a judge for this purpose.

37 Section 2. Subsection (10) is added to section 61.13,
 38 Florida Statutes, to read:

39 61.13 Support of children; parenting and time-sharing;
 40 powers of court.-

41 (10) The following time-sharing matters must be accorded
 42 priority on the court's calendar:

43 (a) An evidentiary hearing on an initial pleading seeking
 44 temporary parental responsibility and time-sharing schedule not
 45 agreed to by the parties. Each parent must file a proposed
 46 temporary parenting plan with the clerk of the court as part of
 47 his or her initial pleading seeking temporary affirmative
 48 relief. Portions of the proposed temporary parenting plans which
 49 are in agreement with each other must be adopted as a voluntary
 50 agreed schedule between the parents before an evidentiary
 51 hearing. Absent good cause, the court shall set a hearing on the
 52 contested issues within 30 days after the pleading is filed. The
 53 court may not refer the parties to mediation as a condition
 54 precedent to the court holding a hearing unless the court has
 55 the consent of both parties. The court shall issue an order on
 56 temporary parental responsibility and time-sharing within 30
 57 days after the evidentiary hearing.

58 (b) An evidentiary hearing on a motion to enforce

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

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 59 compliance with an existing time-sharing order or agreement. The
 60 court shall set a hearing on a motion seeking to enforce
 61 compliance with an existing time-sharing order or agreement
 62 within 5 business days after the motion is filed. If the judge
 63 assigned to the case is not able to conduct the hearing within 5
 64 business days, a judge who is available pursuant to s. 26.20
 65 must hold the hearing, which may occur during regular business
 66 hours, on a Saturday, Sunday, or holiday, or after hours on a
 67 weekday.

68 Section 3. Subsections (1) and (2) of section 742.031,
 69 Florida Statutes, are amended to read:

70 742.031 Hearings; court orders for support, hospital
 71 expenses, and attorney fees.—

72 (1) Hearings for the purpose of establishing or refuting
 73 the allegations of the complaint and answer must be held in the
 74 chambers and may be restricted to persons, in addition to the
 75 parties involved and their counsel, as the judge in his or her
 76 discretion may direct. The court shall determine the issues of
 77 paternity of the child and the ability of the parents to support
 78 the child. Each party's social security number must be recorded
 79 in the file containing the adjudication of paternity. If the
 80 court finds that the alleged father is the father of the child,
 81 it must so order. If appropriate, the court may order the father
 82 to pay the complainant, her guardian, or any other person
 83 assuming responsibility for the child moneys sufficient to pay
 84 reasonable attorney fees, hospital or medical expenses, cost of
 85 confinement, and any other expenses incident to the birth of the
 86 child and to pay all costs of the proceeding. Bills for
 87 pregnancy, childbirth, and scientific testing are admissible as

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 88 evidence without requiring third-party foundation testimony and
 89 constitute prima facie evidence of amounts incurred for such
 90 services or for testing on behalf of the child. The court shall
 91 order either or both parents owing a duty of support to the
 92 child to pay support under chapter 61. The court must issue,
 93 upon motion by a party, a temporary order requiring child
 94 support for a minor child under s. 61.30 pending an
 95 administrative or judicial determination of parentage if there
 96 is clear and convincing evidence of paternity on the basis of
 97 genetic tests or other evidence. The court shall, upon motion by
 98 a party, issue ~~may also make a determination of~~ an appropriate
 99 parenting plan, including a time-sharing schedule, in accordance
 100 with chapter 61.

101 ~~(2) If a judgment of paternity contains only a child~~
 102 ~~support award with no parenting plan or time-sharing schedule,~~
 103 ~~the obligee parent shall receive all of the time-sharing and~~
 104 ~~sole parental responsibility without prejudice to the obligor~~
 105 ~~parent. If a paternity judgment contains no such provisions, the~~
 106 ~~mother shall be presumed to have all of the time-sharing and~~
 107 ~~sole parental responsibility.~~

108 Section 4. 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 12, 2026

I respectfully request that **Senate Bill #1128**, relating to Family Law, 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

February 10, 2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

1128

Bill Number or Topic

Judiciary

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

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

OFFICE OF THE STATE COURTS ADMINISTRATOR
2026 JUDICIAL IMPACT STATEMENT

BILL NUMBER: SB 1128

DATE: February 8, 2026

SPONSOR(S): Senator Grall

STATUTE(S) AFFECTED: ss. 26.20, 61.13, and 742.031, F.S.

COMPANION BILL(S): HB 971 by Representative Trabulsy

AGENCY CONTACT: Tashiba Robinson, Office of Legislative Affairs

TELEPHONE: (850) 922-5692

ASSIGNED OSCA STAFF: KT

I. SUMMARY:

SB 1128 requires the court to give priority on the court's calendar to certain matters related to time-sharing sharing and parental responsibility. The bill establishes expedited deadlines for evidentiary hearings and court orders on an initial contested pleading to establish temporary time-sharing and parental responsibility. With regard to existing time-sharing agreements or orders, the bill requires the presiding judge, or a duty judge if the presiding judge is unavailable, to hold an evidentiary hearing on a motion to enforce compliance with the order or agreement within five days of filing. The bill also requires the court, upon party motion, to issue a time-sharing schedule and parenting plan in paternity actions and repeals a presumptive award of sole time-sharing and parental responsibility to an obligee or a mother when a judgment of paternity is silent on the issue.

The bill takes effect July 1, 2026, and is anticipated to have a significant workload impact on the courts as well as other justice system partners.

II. EFFECT OF PROPOSED CHANGES:

Initial Pleading to Establish Time-Sharing and Parental Responsibility

Section 61.13, F.S., governs time-sharing, parental responsibility and child support in domestic relations cases. Section 61.13, F.S., directs the court to establish and modify parenting plans and time-sharing schedules based on the best interests of the child, presumes shared parental responsibility, and provides standards for modifying or enforcing time-sharing and support orders.

Currently, s. 61.13, F.S., does not specify deadlines for the completion of domestic relations cases, or for evidentiary hearings or court orders on pleadings seeking to establish temporary parental responsibility and time-sharing schedules. However, Rule 2.250(a)(1)(C), Florida Rules of General Practice and Judicial Administration, specifies presumptively reasonable time periods for the completion of domestic relations cases. Periods during which a case is inactive

OFFICE OF THE STATE COURTS ADMINISTRATOR
2026 JUDICIAL IMPACT STATEMENT

are excluded from the calculation of the time periods, and the rule recognizes that complex cases present problems that cause reasonable delays. Rule 2.215(g), Florida Rules of General Practice and Judicial Administration, provides that “every judge has a duty to enter within a reasonable time an order or judgment on every matter submitted to that judge.” Accordingly, judges generally set their own calendars to dispose of matters within a reasonable time consistent with time standards, while prioritizing emergency matters. The pace of domestic relations litigation is also heavily impacted, in part, by the parties and their attorneys, who coordinate their availability for hearings with the court.

Effect of the Bill

The bill amends s. 61.13, F.S., to require that the court prioritize on the court’s calendar a contested initial pleading seeking temporary parental responsibility and time-sharing. Each parent must file a proposed temporary parenting plan with the clerk of court as part of his or her initial pleading seeking temporary affirmative relief. The provisions of the parenting plans in which the parties are in agreement “must” be adopted as a voluntary agreed schedule between the parents before an evidentiary hearing.

The bill requires that, absent good cause, the court set a hearing on the contested issues within thirty days after the filing of the initial pleading. The court cannot refer parties to mediation prior to the hearing unless the court has consent of both parties. The court must issue an order on temporary parental responsibility and time-sharing within thirty days of the evidentiary hearing.

Enforcement of Time-Sharing Agreements or Orders

Section 61.13, F.S., provides standards for enforcing time-sharing agreements and orders once entered by the court. As described above, s. 61.13, F.S., does not currently specify deadlines for evidentiary hearings on domestic relations motions or entries of orders by the court. The pace of litigation is governed by court rule and heavily impacted by the availability of the parties and their counsel.

Effect of the Bill

The bill amends s. 61.13, F.S., to require that the court prioritize on the court calendar an evidentiary hearing on a motion to enforce compliance with an existing time-sharing order or agreement. The bill requires the court to set a hearing on a motion seeking to enforce compliance with an existing time-sharing order or agreement within five business days after the motion is filed. If the judge assigned to the case is unable to conduct the hearing within that period, a “duty judge”¹ must hold the hearing. which may occur during regular business hours,

¹ Section 26.20, F.S., requires that each judicial circuit have at least one judge available at all times to hold and conduct hearings with limited notice, commonly known as a “duty judge.” The requirement to designate a duty judge in judicial circuits supports the prompt and efficient administration of justice by having a judge available during work hours, after hours, weekends, and holidays to handle *emergency* judicial matters. Such emergency matters may include applications for search or arrest warrants, pen registers, petitions for *ex parte* injunctive relief to prevent domestic and repeat violence, communications intercepts, and medical consents.

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2026 JUDICIAL IMPACT STATEMENT

on a Saturday, Sunday, or holiday, or after hours on a weekday.

The bill makes an additional conforming amendment to s. 26.20, F.S., to require that the court make a duty judge available during the specified after-hours periods to hear motions to enforce time-sharing orders or agreements.

Presumptive Awards of Time-Sharing and Parenting in Paternity Actions

Chapter 742, F.S., governs the determination of paternity for children born to unmarried parents. It provides procedures for establishing paternity through court action or acknowledgement and authorizes the court to issue orders on parental responsibility, timesharing, and child support after paternity is established. Pursuant to s. 742.031, F.S., if a judgment of paternity does not address a parenting plan or time-sharing schedule, the law presumes that all of the time-sharing and sole parental responsibility is awarded to the obligee parent, if the order addresses child support, or to the mother if the order does not address child support.

Effect of the Bill

The bill amends s. 742.031, F.S., to require the court, upon party motion, to enter a parenting plan and time-sharing schedule in a paternity action. The bill also repeals the legal presumption of sole parental responsibility and time-sharing to an obligee or mother when an order of paternity does not address such issues.

III. **ANTICIPATED JUDICIAL OR COURT WORKLOAD IMPACT:**

SB 1128 will have a significant workload impact on the courts and justice system partners (clerks of court, law enforcement, etc.)

Family judges currently carry significant caseloads that commonly require afterhours or weekend work to dispose of matters pending before the court. It is anticipated that judges will experience an increase in workload to comply with the expedited timelines in the bill to hold evidentiary hearings and issue orders to such an extent that the court's normal workload processes will be significantly impacted. Courts will also see an increase in workload from filers seeking temporary time-sharing relief when many filers do not seek such relief presently. Time-sharing would be considered separately from other temporary needs, such as child support, temporary alimony, possession of property, attorney's fees, etc., and before parties have taken discovery. This will likely result in the need for two temporary needs hearings in every case in which temporary relief is sought. Prohibiting the court from compelling mandatory mediation for temporary time-sharing may also increase workload as many cases seeking such relief are settled in mediation.

Requiring expedited hearing processes for non-emergency motions for enforcement will also have a significant workload impact. **Appendix "A"** provides statistics on enforcement motions filed in each circuit for fiscal year 2024-2025. For example, approximately 3,000 motions for contempt/enforcement

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were filed in the First Judicial Circuit, an average of 250 such motions a month in the family division. Requiring the circuit to hold an evidentiary hearing on each motion within five days would impose a significant burden on the workload of the court.

The requirement to issue a parenting plan in accordance with ch. 61, F.S., for all paternity cases will also increase the workload of judges.

The bill will additionally significantly increase the workload of duty judges who do not currently hear routine, non-emergency family matters.

Clerks of court and case management staff will likely experience increased workload due to scheduling the expedited evidentiary hearings, and the need to be present during hearings held during non-regular hours. Law enforcement and courthouse facilities staff may experience workload related to providing access to courthouses after hours, to the extent proceedings are conducted in person. Law enforcement may also experience increased workload to assist with enforcing time-sharing disputes that are not considered emergencies.

IV. IMPACT TO COURT RULES/JURY INSTRUCTIONS:

- Rule 12.285, Florida Family Law Rules of Procedure
- Rule 12.740, Florida Family Law Rules of Procedure
- Florida Supreme Court Approved Family Law Forms, including the Motion for Temporary Support, Time-Sharing, and Other Relief with Dependent or Minor Child(ren) and the Parenting Plans

V. ESTIMATED FISCAL IMPACTS ON THE JUDICIARY:

A. **Revenues:** None

B. **Expenditures:** Indeterminate, but likely significant. There is insufficient information to predict the specific increase in judicial resources, staff resources, justice partner resources, and other expenditures necessary to accommodate the staff and work hours necessary to implement the proposed amendments as discussed in Section III.

However, the bill will likely result in the need for additional judicial resources to meet the increased workload demand in the family division as discussed in Section III. The Supreme Court annually certifies the need for judges for the following fiscal year. The court's methodology to determine the need for trial court judges is based on the application of case weights, which reflect the comparative complexity of case types, to forecasted filings. The current case weights for the family law division were developed without consideration of the additional requirements resulting from the law changes prescribed by the bill. Under the judicial certification process, the impact of cumulative statutory or other law changes can be delayed until case weights are updated approximately every five

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years to reflect those cumulative changes. Nevertheless, viewed in isolation, this bill significantly increases workload in the family division. Although there is not sufficient information to assess impact at this time, the bill may result in the need for additional judges as reflected in future certifications by the Supreme Court.

The branch is unable to quantify fiscal impacts on justice system partners (clerks, law enforcement, etc.) to support judicial implementation of the bill but estimates such fiscal impacts may also be significant.

VI. ADDITIONAL COMMENTS

- The amendment to s. 61.13, F.S., requiring that the court hold an evidentiary hearing within 30 days of *filing* of the initial pleading seeking temporary relief may raise due process (notice) concerns if the other parent has not yet been *served*, or if the other parent has been served but has time remaining to provide a response (20-days). This provision may encourage delayed or last-minute service on a parent for purposes of litigation strategy and litigation advantages.
- The amendment to s. 61.13, F.S., requiring adoption of the “voluntary agreed schedule” of the parents conflicts with the overriding provision of s. 61.13, F.S., that the best interests of the child must be the court’s primary consideration when evaluating time-sharing. Case law also dictates that the court is not to defer to parental agreements that conflict with the best interests of the child.
- The amendment to s. 61.13, F.S., requiring duty judges to hold hearings on enforcement motions may require 24/7 availability of court facilities. Rule 2.530, Florida Rules of General Practice & Judicial Administration permits remote appearances and/or testimony; however, the rule presumes that any contested and/or evidentiary hearing (regardless of length) is held in person, with those seeking remote appearances to seek leave of court for same. It is unclear the impact a 24/7 availability requirement would have on security needs, the clerk’s office, the availability of witnesses, and the availability of party counsel.
- The amendments to ss. 26.20 and 61.13, F.S., requiring that a hearing on a motion to enforce an existing time-sharing agreement be held within five days of filing raises due process concerns regarding the ability to sufficiently provide notice to parties within the expedited timeframe and to allow parties sufficient time to secure representation. Parties are also entitled to take discovery on these issues, which would be impracticable within five days.
- The amendments to ss. 26.20 and 61.13, F.S., requiring that a duty judge hold a hearing on a motion to enforce an existing time-sharing agreement

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or order is not consistent with the commitment of Florida’s family courts to “One Family, One Judge,”² a coordinated management model for family court cases that strives to identify all cases involving one family and bring them before one judge unless impractical. See Rule 12.003(a)(1), Florida Family Law Rules of Procedure (All related family cases must be handled before one judge unless impractical); Rule 12.010(b), Florida Family Law Rules of Procedure (These rules are intended to facilitate access to the court and to provide procedural fairness to all parties, to save time and expense through active case management, setting timetables, and the use of alternatives to litigation, and to enable the court to coordinate related cases and proceedings to avoid multiple appearances by the same parties on the same or similar issues and *to avoid inconsistent court orders*).

The requirement also seems to require judges who are unfamiliar with the families and their history before the court to make rulings on significant matters such as time-sharing. Additionally, there is no requirement that the enforcement motions relate to an emergency matter, thereby seemingly resulting in a 24/7 docket for enforcement motions. As drafted, it is unclear if and when the bill requires the duty judge to issue the order on the motion to enforce or if the presiding judge must draft the order based on the evidentiary hearing conducted before the duty judge.

The assignment of duty judges to hear enforcement motions may also result in “judge shopping.” For example, if the regularly assigned family law judge, who is knowledgeable about the case, is unavailable, a party may use this provision as a tactical advantage to obtain a hearing before a duty judge or other judge who lacks knowledge about the history of the case in an attempt to obtain a favorable result.

- The amendment to s. 742.031, F.S., requiring the court to enter a parenting plan and time-sharing schedule upon party motion will impact all Title IV-D child support cases that originate from a petition to establish paternity under ch. 742, F.S. Those cases are typically referred to a child support enforcement hearing officer by local administrative orders and Rule 12.491, Florida Family Law Rules of Procedure. Child support enforcement hearing officers have no authority to consider or determine a parenting plan or timesharing schedule.

² See generally, *In re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001); <https://www.flcourts.gov/Services/Family-Courts/domestic-relations-court-resources/one-family-one-judge>; <https://flcourts-media.flcourts.gov/content/download/215921/file/ONE-JUDGE-ONE-FAMILY-VS.pdf>.

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Appendix “A”

**CIRCUIT FAMILY COURT SPECIAL PROCEEDINGS,
DOMESTIC RELATIONS
by Circuit
FY 2024-25**

Circuit	Domestic Relations			Total
	Modification/Supplemental Reopenings	Motions for Civil Contempt/Enforcement Reopenings	Other Reopenings	
1	933	3,005	3,455	7,393
2	222	1,124	1,262	2,608
3	717	996	459	2,172
4	1,558	4,615	4,568	10,741
5	1,717	4,886	4,786	11,389
6	792	3,272	2,972	7,036
7	1,127	1,975	4,345	7,447
8	640	1,862	1,124	3,626
9	878	4,823	4,387	10,088
10	1,051	3,975	4,504	9,530
11	1,057	1,793	29,776	32,626
12	531	1,968	2,377	4,876
13	2,190	3,683	5,239	11,112
14	284	710	581	1,575
15	1,166	1,241	14,134	16,541
16	64	37	72	173
17	1,634	5,339	12,899	19,872
18	2,640	2,525	1,769	6,934
19	349	1,858	1,717	3,924
20	783	2,165	2,236	5,184
Total	20,333	51,852	102,662	174,847

The Trial Court Statistical Reference Guide is available at <https://www.flcourts.gov/Data/trial-court-statistical-reference-guide>.

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 1134

INTRODUCER: Judiciary Committee and Senator Yarborough

SUBJECT: Official Actions of Local Governments

DATE: February 11, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1134 prohibits counties and municipalities from funding, promoting, or taking official actions such as adopting ordinances, resolutions, rules, regulations, programs, or policies, related to diversity, equity, and inclusion (DEI). It also prohibits a county or municipality from expending any funds, regardless of the source, to establish, support, sustain, or staff a DEI office or officer.

The bill provides that a member of a county or municipal governing body acting in his or her official capacity who violates the prohibitions commits misfeasance or malfeasance in office. It also prohibits counties and municipalities from allowing their funds to be used by employees, contractors, and others to promote DEI initiatives.

An action may be brought by a resident against a county or municipality that violates the bill's provisions. The bill does not prohibit official action required for compliance with general or federal law and includes a series of exceptions.

The bill also requires the potential recipients of a county or municipal contract or grant to certify that they do not and will not use local government funds to require employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials related to DEI.

The statute created by the bill applies to any contract between a county or municipality and a diversity, equity, and inclusion officer which is in existence on January 1, 2027. With respect to all other contracts, the statute applies to contracts executed or renewed after January 1, 2027.

The bill takes effect January 1, 2027.

II. Present Situation:

Diversity, Equity, and Inclusion

DEI stands for diversity, equity, and inclusion. It refers to programs intending to help people from different backgrounds, cultures, identities, and experiences feel accepted in their environments, whether at school, work, or other organizations. Few governments have defined DEI as a concept; it is more common to define the terms individually:

- Diversity generally refers to the presence of differences within a given setting, collective, or group; the practice of honoring and including people of different communities, identities, and backgrounds.
- Equity generally means an effort to ensure a fair and just allocation of resources, access, support, and advancement for all individuals; the state of being equal, especially in status and access to resources to achieve the outcome of equality.
- Inclusion generally refers to the practice of intentionally recognizing, appreciating, and welcoming diversity and encouraging all individuals to have a sense of belonging.¹

The State Board of Education prohibits Florida College System Institutions from expending funds on DEI, which it defines as “any program, campus activity, or policy that classifies individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation and promotes differential or preferential treatment of individuals on the basis of such classification.”²

Unlawful Discrimination in Florida

In 2019, Governor DeSantis reaffirmed the policy of non-discrimination in government employment and declared it the policy of his administration to prohibit discrimination in employment based on age, sex, race, color, religion, national origin, marital status, or disability.³

¹ Office of Financial Management, Washington State, *Washington State Glossary for Inclusive & Equitable Workplaces* (Oct. 2025), <https://ofm.wa.gov/hr-resources/inclusive-work-culture/deib-glossary/>; City of Lebanon, New Hampshire, *What is DEI Anyway?* (May 23, 2022), <https://lebanonnh.gov/1619/What-is-DEI-Anyway>; Mariyam Muhammad, *What is DEI? More on the initiative, what companies rolled back DEI, Trump DEI order*, THE COLUMBUS DISPATCH, Jan. 31, 2025, <https://www.dispatch.com/story/news/2025/01/31/dei-diversity-equity-inclusionexplained-trump-executive-order/78088476007/>.

² Fla. Admin. Code R. 6A-14.0718.

³ Executive Office of the Governor, Ron DeSantis, *Executive Order Number 19-10* (Jan. 8, 2019) (Reaffirming Commitment to Diversity in Government), available at https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_19-10.pdf.

Florida Civil Rights Act (Part I, Chapter 760, F.S.)

The Florida Civil Rights Act of 1992 protects persons from discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.⁴ The Act establishes the Florida Commission on Human Relations (the Commission) within the Department of Management Services.⁵ The Commission is empowered to receive, initiate, investigate, conciliate, hold hearings on, and act upon complaints alleging discriminatory practices.⁶ Additionally, the Attorney General may initiate a civil action for damages, injunctive relief, civil penalties of up to \$10,000 per violation, and other appropriate relief.⁷

Local Ordinances

The governing body of a county or municipality has broad legislative powers to enact ordinances and local laws; perform governmental functions; and exercise power to promote the health, welfare, safety, and quality of life of a local government's residents.⁸ Ordinances address a wide variety of local issues, from government structure and zoning laws to speed limits and noise ordinances. Procedures for passing local ordinances are prescribed by the Legislature and differ only slightly between counties and municipalities.⁹

Local Government Authority

The Florida Constitution grants local governments broad authority to take actions furthering citizens' health, welfare, safety, and quality of life. This "home rule" authority includes legislative powers to enact local laws. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹⁰ Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law and approved by a vote of the electors.¹¹ Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions, provide municipal services, and exercise any power for municipal purposes, except as otherwise provided by law.¹²

This authority, under the umbrella of governmental or municipal purpose, extends broadly to any ordinance necessary to promote the health, welfare, safety, and quality of life of a local government's residents.¹³ Local government authority has been liberally construed when

⁴ Section 760.01, F.S.

⁵ Sections 760.03 and 760.04, F.S.

⁶ Section 760.06(5), F.S.

⁷ Section 760.021(1), F.S.

⁸ See ss. 125.01 and 166.021, F.S. (prescribing the powers and duties of counties and municipalities, respectively).

⁹ See ss. 125.66 and 166.041, F.S. (prescribing the procedures for adoption of ordinances and resolutions for counties and municipalities, respectively).

¹⁰ FLA. CONST. art. VIII, s. 1(f).

¹¹ FLA. CONST. art. VIII, s. 1(g).

¹² FLA. CONST. art. VIII, s. 2(b); see also s. 166.021(1), F.S.

¹³ FLA. CONST. art. VIII, s. 2(b); s. 125.86, F.S. (identifying legislative responsibilities for charter counties); s. 166.021, F.S. (identifying municipal powers); see also *Quiles v. City of Boynton Beach*, 802 So. 2d 397, 398 (Fla. 4th DCA 2001) (recognizing that it is the duty of public authorities in municipalities to protect the safety, health, and welfare of their citizens).

reviewed by courts. For example, courts have found the following to meet the standards for what constitutes a “municipal purpose,” and were therefore deemed valid local government actions:

- The acquisition and maintenance of a golf course.¹⁴
- The sale of souvenir photographs.¹⁵
- The prohibition of motorized scooter rentals.¹⁶

In general, this broad home rule authority is limited by two guideposts: preemption, where a higher level of government such as the state has already legislated on a topic, and standards of reasonableness. Local governments may not pass ordinances which are apparently unreasonable or invalid, despite their wide-ranging powers.¹⁷ In general, if affected by a local ordinance, one may challenge the validity of the ordinance in court by filing a civil action against the local government.¹⁸

Preemption

An ordinance can be declared invalid on the grounds that it is inconsistent with the State Constitution or Florida Statutes. Inconsistency may be found if a local ordinance is either preempted by or in conflict with the State Constitution or Florida Statutes.¹⁹ Preemption means that a local government is precluded from exercising authority in a particular area, while conflict exists if a municipality has the right to act but such action frustrates the purpose of the state regulation.²⁰ Express preemption refers to instances where the Legislature has directly written into law that the state intends to occupy a field of law, prohibiting local governments from taking action in that field.²¹

Malfeasance or Misfeasance in Office

“Misfeasance in public office” means “the tort of excessive, malicious, or negligent exercise of statutory powers by a public officer.” “Malfeasance in office” means “abuse of public office.”²²

Under Article IV, s. 7 of the State Constitution, the Governor is authorized to suspend from office “any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony[.]” The Governor may temporarily appoint someone to fill the office during the suspension and may choose to reinstate the suspended officer.²³ The Senate has the authority to remove from office or reinstate the suspended officer in proceedings prescribed by law and may convene a special session to do so.²⁴

¹⁴ *West v. Town of Lake Placid*, 97 Fla. 127, 120 So. 361 (1929).

¹⁵ *City of Winter Park v. Montesi*, 448 So. 2d 1242 (Fla. 5th DCA 1984).

¹⁶ *Classy Cycles, Inc. v. Panama City Beach*, 301 So. 3d 1046 (Fla. 1st DCA 2019).

¹⁷ *Dennis v. City of Key West*, 381 So. 2d 312 (Fla. 3d DCA 1980).

¹⁸ *See Hardage v. City of Jacksonville Beach*, 399 So. 2d 1077 (Fla. 1st DCA 1981).

¹⁹ *See City of Jacksonville v. American Environmental Services Inc.*, 699 So. 2d 255, 256 (Fla. 1st DCA 1997).

²⁰ *See id.*

²¹ *See, e.g.*, s. 790.33, F.S. (expressly preempting the regulation of firearms and ammunition).

²² BLACK’S LAW DICTIONARY (12th ed. 2024).

²³ FLA. CONST. art. IV, s. 7.

²⁴ *Id.*

With respect to municipal officers, the State Constitution only authorizes the Governor to suspend municipal officers indicted for a crime, and to temporarily fill the vacancy through the end of the term, unless provided otherwise by law or in the municipal charter.²⁵ Section 112.51, F.S., provides that the Governor may suspend from office any elected or appointed municipal official for malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform official duties. The Governor may also temporarily fill the office during the suspension.²⁶ If the municipal officer is convicted of any of the charges contained in the indictment or information for which he or she was suspended, the Governor must remove him or her from office.²⁷ If the official is acquitted, found not guilty, or otherwise cleared of the charges, the Governor must revoke the suspension.²⁸

III. Effect of Proposed Changes:

Sections 1 and 2 of the bill create ss. 125.595 and 166.04971, F.S., which generally prohibit counties and municipalities, respectively, from taking official actions relating to diversity, equity, and inclusion.

Definitions

Under the bill, “acting in an official capacity” means performing purporting to perform a function, duty, or responsibility assigned by law, rule, or policy to a public officer or public employee, or otherwise exercising or claiming to exercise the authority of such office or employment.

“Diversity, equity, and inclusion” means any effort to:

- Manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;
- Promote or provide preferential treatment or special benefits to a person or group based on that person’s or group’s race, color, sex, ethnicity, gender identity, or sexual orientation; or
- Promote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation.

The term does not include the use of equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

“Diversity, equity, and inclusion office” means any office, division, department, agency, center, or other unit of a local government which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions related to diversity, equity, and inclusion.

²⁵ *Id.*

²⁶ Section 112.51(1)-(3), F.S.

²⁷ Section 112.51(5), F.S.

²⁸ Section 112.51(6), F.S.

“Diversity, equity, and inclusion officer” means a person who is a full-time or part-time employee of, or an independent contractor contracted by, a local government, whose duties cover the same fields as the office described above.

Prohibitions on Diversity, Equity, and Inclusion

The bill prohibits counties and municipalities, respectively, from funding, promoting, or taking official actions relating to diversity, equity, and inclusion. Such actions include, but are not limited to, the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

Additionally, counties and municipalities may not expend any funds, regardless of the source, to:

- Establish, support, sustain, or staff a diversity, equity, and inclusion office; or
- Employ, contract, or otherwise engage to serve as a diversity, equity, and inclusion officer.

The bill provides that a member of a county or municipal governing body acting in an official capacity who violates the prohibitions commits misfeasance or malfeasance in office.

A county or municipality may not provide or authorize its funds to be used by employees, contractors, volunteers, vendors, or agents to promote diversity, equity, and inclusion initiatives.

An action in circuit court may be brought by a local resident against a county or municipality that violates the bill. The court may enter judgment awarding declaratory and injunctive relief, damages, and costs.²⁹

The bill does not prohibit official action by a county or municipality required for compliance with state or federal law or regulations. Additionally, the bill does not prohibit a county from doing any of the following:

- Recognizing or promoting federal holidays.
- Recognizing or promoting state holidays and special observances.
- Recognizing or promoting patriotic and national observances recognized by federal law.
- Recognizing or honoring the individuals and groups honored by state monuments and memorials, including recognizing the events forming the basis for such monuments and memorials.
- Using equal opportunity or equal employment opportunity materials designed to inform a person about the prohibition against discrimination based on protected status under state or federal law.

The bill provides that it may not be construed to conflict with:

- State or federal law protecting the right of males and females to restrooms and changing facilities corresponding to biological sex.

²⁹ Declaratory relief is a form of relief in which a court pronounces the legal status of an item or pronounces the correct ownership of something. Injunctive relief occurs when a court grants an injunction to require a party to do something or refrain from doing a particular thing to prevent irreparable injury. BLACK’S LAW DICTIONARY (12th ed. 2024).

- State or federal law ensuring that victims of domestic violence and dependents have access to emergency shelters.
- State or federal law prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.
- State or federal law ensuring males and females have access to public health services corresponding to biological sex.
- Any other state or federal laws recognizing the inherent biological differences between males and females for the purpose of ensuring their health, safety, and welfare.

The bill does not apply to the actions of an appointed board or commission composed of nonelected volunteers, or to basic administrative support provided to such a board, unless the support is provided by a government employee whose sole function is such support.

Prohibition Against Using Diversity, Equity, and Inclusion Material

Section 3 of the bill creates s. 287.139, F.S., to provide that any potential recipient of a county or municipal contract or grant must certify before such award that they do not and will not use local government funds to require employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials related to diversity, equity, and inclusion, as defined in the bill.

Applicability

Section 4 of the bill provides that the statute created by the bill applies to any contract between a county or municipality and a diversity, equity, and inclusion officer which is in existence on January 1, 2027. With respect to all other contracts, the statute applies to contracts executed or renewed after January 1, 2027.

Effective Date

Section 5 of the bill provides that it takes effect January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because the bill prohibits recipients of local government contracts or grants from using government funds to require employees and others to ascribe to, study, or be instructed using materials related to diversity, equity, and inclusion (DEI), the bill is likely to result in negative fiscal impacts to businesses offering DEI instructional services or materials.

C. Government Sector Impact:

To the extent any local government in Florida currently funds or promotes a diversity, equity, and inclusion (DEI) program, maintains a DEI office, or employs an inclusion officer, enactment of the bill is likely to result in an indeterminate cost savings to the local government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 125.595, 166.04971, and 287.139.

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 10, 2026:

The committee substitute is the same as the underlying bill except it:

- Provides a definition for “acting in an official capacity.”

- Prohibits counties and municipalities from allowing their funds to be used by employees, contractors, and others to promote diversity, equity, and inclusion initiatives.
- Provides that the statute created by the bill applies to any contract between a county or municipality and a DEI officer which is in existence on January 1, 2027. With respect to all other contracts, the statute applies to contracts executed or renewed after January 1, 2027.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 125.595, Florida Statutes, is created to
read:

125.595 Prohibition of official actions of counties
relating to diversity, equity, and inclusion; penalty; remedy.-

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

(a) "Acting in an official capacity" means performing or



11 purporting to perform a function, duty, or responsibility
12 assigned by law, rule, or policy to a public officer or public
13 employee, or otherwise exercising or claiming to exercise the
14 authority of such office or employment.

15 (b) "Diversity, equity, and inclusion" means any effort to:

16 1. Manipulate or otherwise influence the composition of
17 employees with reference to race, color, sex, ethnicity, gender
18 identity, or sexual orientation other than to ensure that hiring
19 is conducted in accordance with state and federal
20 antidiscrimination laws;

21 2. Promote or provide preferential treatment or special
22 benefits to a person or group based on that person's or group's
23 race, color, sex, ethnicity, gender identity, or sexual
24 orientation; or

25 3. Promote or adopt training, programming, or activities
26 designed or implemented with reference to race, color, sex,
27 ethnicity, gender identity, or sexual orientation.

28
29 The term does not include the use of equal opportunity or equal
30 employment opportunity materials designed to inform a person
31 about the prohibition against discrimination based on protected
32 status under state or federal law.

33 (c) "Diversity, equity, and inclusion office" means any
34 office, division, department, agency, center, or other unit of a
35 county which coordinates, creates, develops, designs,
36 implements, organizes, plans, or promotes policies, programming,
37 training, practices, meetings, activities, procedures, or
38 similar actions relating to diversity, equity, and inclusion.

39 (d) "Diversity, equity, and inclusion officer" means a



40 person who is a full-time or part-time employee of, or an
41 independent contractor contracted by, a county whose duties
42 include coordinating, creating, developing, designing,
43 implementing, organizing, planning, or promoting policies,
44 programming, training, practices, meetings, activities,
45 procedures, or similar actions relating to diversity, equity,
46 and inclusion.(2) A county may not fund or promote, directly or
47 indirectly, or take any official action, including, but not
48 limited to, the adoption or enforcement of ordinances,
49 resolutions, rules, regulations, programs, or policies, as it
50 relates to diversity, equity, and inclusion. Any such existing
51 ordinances, resolutions, rules, regulations, programs, or
52 policies are void.

53 (3) A county may not expend any funds, regardless of
54 source, to establish, sustain, support, or staff a diversity,
55 equity, and inclusion office or to employ, contract, or
56 otherwise engage a person to serve as a diversity, equity, and
57 inclusion officer.

58 (4) A county commissioner or other county official acting
59 in an official capacity who violates this section commits
60 misfeasance or malfeasance in office.

61 (5) A county may not provide or authorize its funds to be
62 used by employees, contractors, volunteers, vendors, or agents
63 to promote diversity, equity, and inclusion initiatives.

64 (6) An action in circuit court may be brought by a resident
65 of the county against a county that violates this section. The
66 court may enter a judgment awarding declaratory and injunctive
67 relief, damages, and costs.

68 (7) (a) This section does not prohibit any official action



403934

69 by a county required for compliance with state or federal laws
70 or regulations.

71 (b) This section does not prohibit a county from doing any
72 of the following:

73 1. Recognizing or promoting holidays designated by federal
74 law, including those designated in 5 U.S.C. s. 6103.

75 2. Recognizing or promoting state holidays and special
76 observances, including those designated in chapter 683.

77 3. Recognizing or promoting patriotic and national
78 observances recognized by federal law, including those
79 designated in 36 U.S.C. ss. 101-148.

80 4. Recognizing or honoring the individuals and groups
81 recognized and honored by the monuments and memorials authorized
82 by chapter 265 or recognizing the events forming the basis for
83 such monuments or memorials.

84 (c) This section does not prohibit the use of equal
85 opportunity or equal employment opportunity materials designed
86 to inform a person about the prohibition against discrimination
87 based on protected status under state or federal law.

88 (d) This section may not be construed to conflict with:

89 1. Section 553.865 or analogous state and federal laws
90 protecting the right of males and females to restrooms and
91 changing facilities corresponding to their biological sex.

92 2. Part XII of chapter 39 or analogous state and federal
93 laws ensuring that victims of domestic violence and their
94 dependents have access to emergency shelters.

95 3. Section 1000.05 or analogous state and federal laws
96 prohibiting discrimination based on biological sex in
97 educational programs, sports, activities, and employment.



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98 4. Chapter 381 or analogous state and federal laws ensuring
99 males and females have access to public health services
100 corresponding to their biological sex.

101 5. Any other state or federal laws recognizing the inherent
102 biological differences between males and females for the purpose
103 of ensuring their health, safety, and welfare.

104 (8) This section does not apply to:

105 (a) The actions of a body composed of nonelected
106 volunteers; or

107 (b) Basic administrative support provided to a body
108 composed of nonelected volunteers, unless such administrative
109 support is provided by a county employee whose sole function is
110 the provision of such administrative support.

111 Section 2. Section 166.04971, Florida Statutes, is created
112 to read:

113 166.04971 Prohibition of official actions of municipalities
114 relating to diversity, equity, and inclusion; penalty; remedy.-

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

116 (a) "Acting in an official capacity" means performing or
117 purporting to perform a function, duty, or responsibility
118 assigned by law, rule, or policy to a public officer or public
119 employee, or otherwise exercising or claiming to exercise the
120 authority of such office or employment.

121 (b) "Diversity, equity, and inclusion" means any effort to:

122 1. Manipulate or otherwise influence the composition of
123 employees with reference to race, color, sex, ethnicity, gender
124 identity, or sexual orientation other than to ensure that hiring
125 is conducted in accordance with state and federal
126 antidiscrimination laws;



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127 2. Promote or provide preferential treatment or special
128 benefits to a person or group based on that person's or group's
129 race, color, sex, ethnicity, gender identity, or sexual
130 orientation; or

131 3. Promote or adopt training, programming, or activities
132 designed or implemented with reference to race, color, sex,
133 ethnicity, gender identity, or sexual orientation.

134
135 The term does not include the use of equal opportunity or equal
136 employment opportunity materials designed to inform a person
137 about the prohibition against discrimination based on protected
138 status under state or federal law.

139 (c) "Diversity, equity, and inclusion office" means any
140 office, division, department, agency, center, or other unit of a
141 municipality which coordinates, creates, develops, designs,
142 implements, organizes, plans, or promotes policies, programming,
143 training, practices, meetings, activities, procedures, or
144 similar actions relating to diversity, equity, and inclusion.

145 (d) "Diversity, equity, and inclusion officer" means a
146 person who is a full-time or part-time employee of, or an
147 independent contractor contracted by, a municipality whose
148 duties include coordinating, creating, developing, designing,
149 implementing, organizing, planning, or promoting policies,
150 programming, training, practices, meetings, activities,
151 procedures, or similar actions relating to diversity, equity,
152 and inclusion.

153 (2) A municipality may not fund or promote, directly or
154 indirectly, or take any official action, including, but not
155 limited to, the adoption or enforcement of ordinances,



156 resolutions, rules, regulations, programs, or policies, as it
157 relates to diversity, equity, and inclusion. Any such existing
158 ordinances, resolutions, rules, regulations, programs, or
159 policies are void.

160 (3) A municipality may not expend any funds, regardless of
161 source, to establish, sustain, support, or staff a diversity,
162 equity, and inclusion office or to employ, contract, or
163 otherwise engage a person to serve as a diversity, equity, and
164 inclusion officer.

165 (4) Any member of the governing body of a municipality or
166 other municipal official acting in an official capacity who
167 violates this section commits misfeasance or malfeasance in
168 office.

169 (5) A municipality may not provide or authorize its funds
170 to be used by employees, contractors, volunteers, vendors, or
171 agents to promote diversity, equity, and inclusion initiatives.

172 (6) An action in circuit court may be brought by a resident
173 of the municipality against a municipality that violates this
174 section. The court may enter a judgment awarding declaratory and
175 injunctive relief, damages, and costs.

176 (7) (a) This section does not prohibit any official action
177 by the governing body of a municipality required for compliance
178 with state or federal laws or regulations.

179 (b) This section does not prohibit a municipality from
180 doing any of the following:

181 1. Recognizing or promoting holidays designated by federal
182 law, including those designated in 5 U.S.C. s. 6103.

183 2. Recognizing or promoting state holidays and special
184 observances, including those designated in chapter 683.



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185 3. Recognizing or promoting patriotic and national
186 observances recognized by federal law, including those
187 designated in 36 U.S.C. ss. 101-148.

188 4. Recognizing or honoring the individuals and groups
189 recognized and honored by the monuments and memorials authorized
190 by chapter 265 or recognizing the events forming the basis for
191 such monuments or memorials.

192 (c) This section does not prohibit the use of equal
193 opportunity or equal employment opportunity materials designed
194 to inform a person about the prohibition against discrimination
195 based on protected status under state or federal law.

196 (d) This section may not be construed to conflict with:

197 1. Section 553.865 or analogous state and federal laws
198 protecting the right of males and females to restrooms and
199 changing facilities corresponding to their biological sex.

200 2. Part XII of chapter 39 or analogous state and federal
201 laws ensuring that victims of domestic violence and their
202 dependents have access to emergency shelters.

203 3. Section 1000.05 or analogous state and federal laws
204 prohibiting discrimination based on biological sex in
205 educational programs, sports, activities, and employment.

206 4. Chapter 381 or analogous state and federal laws ensuring
207 males and females have access to public health services
208 corresponding to their biological sex.

209 5. Any other state or federal laws recognizing the inherent
210 biological differences between males and females for the purpose
211 of ensuring their health, safety, and welfare.

212 (8) This section does not apply to:

213 (a) The actions of a body composed of nonelected



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214 volunteers; or

215 (b) Basic administrative support provided to a body
216 composed of nonelected volunteers, unless such administrative
217 support is provided by a municipal employee whose sole function
218 is the provision of such administrative support.

219 Section 3. Section 287.139, Florida Statutes, is created to
220 read:

221 287.139 Prohibition against using diversity, equity, and
222 inclusion material.—A potential recipient of a county or
223 municipal contract or grant shall certify to the county or
224 municipality, as applicable, before being awarded such contract
225 or grant that the potential recipient does not and will not use
226 county or municipal funds in requiring its employees,
227 contractors, volunteers, vendors, or agents to ascribe to,
228 study, or be instructed using materials relating to diversity,
229 equity, and inclusion as defined in ss. 125.595(1) and
230 166.04971(1).

231 Section 4. Section 287.139, Florida Statutes, created by
232 this act applies to any contract between a county or
233 municipality and a diversity, equity, and inclusion officer
234 which is in existence on January 1, 2027. With respect to all
235 other contracts, s. 287.139, Florida Statutes, created by this
236 act applies to contracts executed or renewed after January 1,
237 2027.

238 Section 5. This act shall take effect January 1, 2027.

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

241 And the title is amended as follows:

242 Delete everything before the enacting clause



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243 and insert:

244 A bill to be entitled
245 An act relating to official actions of local
246 governments; creating ss. 125.595 and 166.04971, F.S.;
247 defining terms; prohibiting counties and
248 municipalities, respectively, from funding or
249 promoting or taking official action as it relates to
250 diversity, equity, and inclusion; providing that
251 certain ordinances, resolutions, rules, regulations,
252 programs, and policies are void; prohibiting counties
253 and municipalities, respectively, from expending funds
254 for diversity, equity, and inclusion offices or for
255 diversity, equity, and inclusion officers; providing
256 that a county commissioner, a member of the governing
257 body of a municipality, or any other county or
258 municipal official acting in an official capacity who
259 violates certain provisions commits misfeasance or
260 malfeasance in office; prohibiting counties and
261 municipalities, respectively, from providing or
262 authorizing funds to be used to promote diversity,
263 equity, and inclusion initiatives; authorizing a cause
264 of action against counties and municipalities,
265 respectively; authorizing a court to enter a judgment
266 awarding certain relief, damages, and costs; providing
267 construction and applicability; creating s. 287.139,
268 F.S.; requiring potential recipients of county or
269 municipal contracts or grants to make a certain
270 certification to the county or municipality before
271 being awarded such contract or grant; providing for



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272

applicability; providing an effective date.

By Senator Yarborough

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1 A bill to be entitled
 2 An act relating to official actions of local
 3 governments; creating ss. 125.595 and 166.04971, F.S.;
 4 defining terms; prohibiting counties and
 5 municipalities, respectively, from funding or
 6 promoting or taking official action as it relates to
 7 diversity, equity, and inclusion; providing that
 8 certain ordinances, resolutions, rules, regulations,
 9 programs, and policies are void; prohibiting counties
 10 and municipalities, respectively, from expending funds
 11 for diversity, equity, and inclusion offices or for
 12 diversity, equity, and inclusion officers; providing
 13 that a county commissioner, a member of the governing
 14 body of a municipality, or any other county or
 15 municipal official acting in an official capacity who
 16 violates certain provisions commits misfeasance or
 17 malfeasance in office; authorizing a cause of action
 18 against counties and municipalities, respectively;
 19 authorizing a court to enter a judgment awarding
 20 certain relief, damages, and costs; providing
 21 construction and applicability; creating s. 287.139,
 22 F.S.; requiring potential recipients of county or
 23 municipal contracts or grants to make a certain
 24 certification to the county or municipality before
 25 being awarded such contract or grant; providing an
 26 effective date.

27
 28 Be It Enacted by the Legislature of the State of Florida:
 29

Page 1 of 9

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

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30 Section 1. Section 125.595, Florida Statutes, is created to
 31 read:
 32 125.595 Prohibition of official actions of counties
 33 relating to diversity, equity, and inclusion; penalty; remedy.—
 34 (1) For purposes of this section, the term:
 35 (a) "Diversity, equity, and inclusion" means any effort to:
 36 1. Manipulate or otherwise influence the composition of
 37 employees with reference to race, color, sex, ethnicity, gender
 38 identity, or sexual orientation other than to ensure that hiring
 39 is conducted in accordance with state and federal
 40 antidiscrimination laws;
 41 2. Promote or provide preferential treatment or special
 42 benefits to a person or group based on that person's or group's
 43 race, color, sex, ethnicity, gender identity, or sexual
 44 orientation; or
 45 3. Promote or adopt training, programming, or activities
 46 designed or implemented with reference to race, color, sex,
 47 ethnicity, gender identity, or sexual orientation.
 48
 49 The term does not include the use of equal opportunity or equal
 50 employment opportunity materials designed to inform a person
 51 about the prohibition against discrimination based on protected
 52 status under state or federal law.
 53 (b) "Diversity, equity, and inclusion office" means any
 54 office, division, department, agency, center, or other unit of a
 55 county which coordinates, creates, develops, designs,
 56 implements, organizes, plans, or promotes policies, programming,
 57 training, practices, meetings, activities, procedures, or
 58 similar actions relating to diversity, equity, and inclusion.

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

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59 (c) "Diversity, equity, and inclusion officer" means a
 60 person who is a full-time or part-time employee of, or an
 61 independent contractor contracted by, a county whose duties
 62 include coordinating, creating, developing, designing,
 63 implementing, organizing, planning, or promoting policies,
 64 programming, training, practices, meetings, activities,
 65 procedures, or similar actions relating to diversity, equity,
 66 and inclusion.

67 (2) A county may not fund or promote, directly or
 68 indirectly, or take any official action, including, but not
 69 limited to, the adoption or enforcement of ordinances,
 70 resolutions, rules, regulations, programs, or policies, as it
 71 relates to diversity, equity, and inclusion. Any such existing
 72 ordinances, resolutions, rules, regulations, programs, or
 73 policies are void.

74 (3) A county may not expend any funds, regardless of
 75 source, to establish, sustain, support, or staff a diversity,
 76 equity, and inclusion office or to employ, contract, or
 77 otherwise engage a person to serve as a diversity, equity, and
 78 inclusion officer.

79 (4) A county commissioner or other county official acting
 80 in an official capacity who violates this section commits
 81 misfeasance or malfeasance in office.

82 (5) An action in circuit court may be brought by a resident
 83 of the county against a county that violates this section. The
 84 court may enter a judgment awarding declaratory and injunctive
 85 relief, damages, and costs.

86 (6) (a) This section does not prohibit any official action
 87 by a county required for compliance with state or federal laws

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88 or regulations.

89 (b) This section does not prohibit a county from doing any
 90 of the following:

91 1. Recognizing or promoting holidays designated by federal
 92 law, including those designated in 5 U.S.C. s. 6103.

93 2. Recognizing or promoting state holidays and special
 94 observances, including those designated in chapter 683.

95 3. Recognizing or promoting patriotic and national
 96 observances recognized by federal law, including those
 97 designated in 36 U.S.C. ss. 101-148.

98 4. Recognizing or honoring the individuals and groups
 99 recognized and honored by the monuments and memorials authorized
 100 by chapter 265 or recognizing the events forming the basis for
 101 such monuments or memorials.

102 (c) This section does not prohibit the use of equal
 103 opportunity or equal employment opportunity materials designed
 104 to inform a person about the prohibition against discrimination
 105 based on protected status under state or federal law.

106 (d) This section may not be construed to conflict with:

107 1. Section 553.865 or analogous state and federal laws
 108 protecting the right of males and females to restrooms and
 109 changing facilities corresponding to their biological sex.

110 2. Part XII of chapter 39 or analogous state and federal
 111 laws ensuring that victims of domestic violence and their
 112 dependents have access to emergency shelters.

113 3. Section 1000.05 or analogous state and federal laws
 114 prohibiting discrimination based on biological sex in
 115 educational programs, sports, activities, and employment.

116 4. Chapter 381 or analogous state and federal laws ensuring

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117 males and females have access to public health services
 118 corresponding to their biological sex.

119 5. Any other state or federal laws recognizing the inherent
 120 biological differences between males and females for the purpose
 121 of ensuring their health, safety, and welfare.

122 (7) This section does not apply to:

123 (a) The actions of a body composed of nonelected
 124 volunteers; or

125 (b) Basic administrative support provided to a body
 126 composed of nonelected volunteers, unless such administrative
 127 support is provided by a county employee whose sole function is
 128 the provision of such administrative support.

129 Section 2. Section 166.04971, Florida Statutes, is created
 130 to read:

131 166.04971 Prohibition of official actions of municipalities
 132 relating to diversity, equity, and inclusion; penalty; remedy.-

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

134 (a) "Diversity, equity, and inclusion" means any effort to:

135 1. Manipulate or otherwise influence the composition of
 136 employees with reference to race, color, sex, ethnicity, gender
 137 identity, or sexual orientation other than to ensure that hiring
 138 is conducted in accordance with state and federal
 139 antidiscrimination laws;

140 2. Promote or provide preferential treatment or special
 141 benefits to a person or group based on that person's or group's
 142 race, color, sex, ethnicity, gender identity, or sexual
 143 orientation; or

144 3. Promote or adopt training, programming, or activities
 145 designed or implemented with reference to race, color, sex,

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146 ethnicity, gender identity, or sexual orientation.

147

148 The term does not include the use of equal opportunity or equal
 149 employment opportunity materials designed to inform a person
 150 about the prohibition against discrimination based on protected
 151 status under state or federal law.

152 (b) "Diversity, equity, and inclusion office" means any
 153 office, division, department, agency, center, or other unit of a
 154 municipality which coordinates, creates, develops, designs,
 155 implements, organizes, plans, or promotes policies, programming,
 156 training, practices, meetings, activities, procedures, or
 157 similar actions relating to diversity, equity, and inclusion.

158 (c) "Diversity, equity, and inclusion officer" means a
 159 person who is a full-time or part-time employee of, or an
 160 independent contractor contracted by, a municipality whose
 161 duties include coordinating, creating, developing, designing,
 162 implementing, organizing, planning, or promoting policies,
 163 programming, training, practices, meetings, activities,
 164 procedures, or similar actions relating to diversity, equity,
 165 and inclusion.

166 (2) A municipality may not fund or promote, directly or
 167 indirectly, or take any official action, including, but not
 168 limited to, the adoption or enforcement of ordinances,
 169 resolutions, rules, regulations, programs, or policies, as it
 170 relates to diversity, equity, and inclusion. Any such existing
 171 ordinances, resolutions, rules, regulations, programs, or
 172 policies are void.

173 (3) A municipality may not expend any funds, regardless of
 174 source, to establish, sustain, support, or staff a diversity,

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175 equity, and inclusion office or to employ, contract, or
 176 otherwise engage a person to serve as a diversity, equity, and
 177 inclusion officer.

178 (4) Any member of the governing body of a municipality or
 179 other municipal official acting in an official capacity who
 180 violates this section commits misfeasance or malfeasance in
 181 office.

182 (5) An action in circuit court may be brought by a resident
 183 of the municipality against a municipality that violates this
 184 section. The court may enter a judgment awarding declaratory and
 185 injunctive relief, damages, and costs.

186 (6) (a) This section does not prohibit any official action
 187 by the governing body of a municipality required for compliance
 188 with state or federal laws or regulations.

189 (b) This section does not prohibit a municipality from
 190 doing any of the following:

191 1. Recognizing or promoting holidays designated by federal
 192 law, including those designated in 5 U.S.C. s. 6103.

193 2. Recognizing or promoting state holidays and special
 194 observances, including those designated in chapter 683.

195 3. Recognizing or promoting patriotic and national
 196 observances recognized by federal law, including those
 197 designated in 36 U.S.C. ss. 101-148.

198 4. Recognizing or honoring the individuals and groups
 199 recognized and honored by the monuments and memorials authorized
 200 by chapter 265 or recognizing the events forming the basis for
 201 such monuments or memorials.

202 (c) This section does not prohibit the use of equal
 203 opportunity or equal employment opportunity materials designed

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204 to inform a person about the prohibition against discrimination
 205 based on protected status under state or federal law.

206 (d) This section may not be construed to conflict with:

207 1. Section 553.865 or analogous state and federal laws
 208 protecting the right of males and females to restrooms and
 209 changing facilities corresponding to their biological sex.

210 2. Part XII of chapter 39 or analogous state and federal
 211 laws ensuring that victims of domestic violence and their
 212 dependents have access to emergency shelters.

213 3. Section 1000.05 or analogous state and federal laws
 214 prohibiting discrimination based on biological sex in
 215 educational programs, sports, activities, and employment.

216 4. Chapter 381 or analogous state and federal laws ensuring
 217 males and females have access to public health services
 218 corresponding to their biological sex.

219 5. Any other state or federal laws recognizing the inherent
 220 biological differences between males and females for the purpose
 221 of ensuring their health, safety, and welfare.

222 (7) This section does not apply to:

223 (a) The actions of a body composed of nonelected
 224 volunteers; or

225 (b) Basic administrative support provided to a body
 226 composed of nonelected volunteers, unless such administrative
 227 support is provided by a municipal employee whose sole function
 228 is the provision of such administrative support.

229 Section 3. Section 287.139, Florida Statutes, is created to
 230 read:

231 287.139 Prohibition against using diversity, equity, and
 232 inclusion material.—A potential recipient of a county or

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233 municipal contract or grant shall certify to the county or
234 municipality, as applicable, before being awarded such contract
235 or grant that the potential recipient does not and will not use
236 county or municipal funds in requiring its employees,
237 contractors, volunteers, vendors, or agents to ascribe to,
238 study, or be instructed using materials relating to diversity,
239 equity, and inclusion as defined in ss. 125.595(1) and
240 166.04971(1).

241 Section 4. This act shall take effect January 1, 2027.

2/10/2026

Meeting Date

The Florida Senate APPEARANCE RECORD

1134

Bill Number or Topic

Judiciary

Committee

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

Amendment Barcode (if applicable)

Name Rep Kim Buchanan

Phone (770) 313-9965

Address 3046 McCord Blvd

Email ~~parsonpoet~~ parsonpoet@gmail.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:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 1134

Bill Number or Topic

2/10/26

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Amy Keith

Phone

727 342 0730

Address

333 3rd Ave N

Email

Street

St Petersburg FL

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 \(flsenate.gov\)](#)

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

2/10/26

Meeting Date

1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

John Labriola

Phone

954-515-2084

Address

PO Box 605216

Email

John.Labriola@ctf-florida.net

Street

Miami

City

FL

State

33268

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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD

SB 134

~~SB 134~~ Meeting Date
Judiciary
Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Sarah Parker Phone

Address 1680 Fruitville rd Email
Street

Sarasota FL
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.

2/10/11

Meeting Date

The Florida Senate
APPEARANCE RECORD

W34

Bill Number or Topic

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

Judiciary

Committee

Amendment Barcode (if applicable)

Name

NR Hines

Phone

727-452-9889

Address

Street

Tallahassee

City

State

Zip

Email

Speaking:

For



Against

Information

OR

Waive Speaking:

In Support

~~Against~~

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Rising

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

2/10/26

Meeting Date

Judiciary

Committee

SB1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jules Rayne

Phone _____

Address PO Box 13184

Street

Email _____

St Petersburg

City

FL

State

33733

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

2/10/26

Meeting Date

SB 1134

Bill Number or Topic

S. Judiciary

Committee

Amendment Barcode (if applicable)

Name Councilman Kevin Burns

Phone

Address 776 NE 125th St.

Street

Email kburns@northmiami.gov

North Miami

City

FL

State

33161

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)

The Florida Senate

APPEARANCE RECORD

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

2/10/26

Meeting Date

SB 1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name JEFF SCALA

Phone 727 637-4081

Address 100 S Monroe

Email jscaladfl-countries.com

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Association of Countries

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

2/10/2026

Meeting Date

SB 1134

Bill Number or Topic

Senate Judiciary

Committee

Amendment Barcode (if applicable)

Name Kiaira Nixon

Phone 904-422-1005

Address 424 E. Central Blvd

Email Kiaira@equal-ground.com

Street

Orlando

FL

32801

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:

Equal Ground.

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

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

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

S-001 (08/10/2021)

February 10, 2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 1134 - Official Actions

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name **Jonathan Webber**

Phone **9545934449**

Address **PO 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:

SPLC

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. [2020-2022 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

2/10/26

Meeting Date

SB 1134

Bill Number or Topic

S. Judiciary

Committee

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Phone

Address 201 E. Park Ave.

Email

Street

TLH

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:

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)

02/10/26

Meeting Date

Judiciary

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Matthew Brocholske

Phone

863224 7501

Address

Street

Orlando FL 32801

City

State

Zip

Email

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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S-001 (08/10/2021)

2/10/20

Meeting Date

Judiciary

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name MASON MAHON BURNHAM

Phone

Address 90 27th AVE. S.

Email mmburnham@gmail.com

JACKSONVILLE BEACH, FL 32250

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)

2/10/24

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 1134

Bill Number or Topic

Judiciary Committee

Committee

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

Amendment Barcode (if applicable)

Name Armanda Longworthy

Phone _____

Address 680 Fruitville rd

Email _____

Street

Sarasota FL

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:

Voces 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Feb 10, 2024
Meeting Date

1134
Bill Number or Topic

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

Judiciary
Committee

Amendment Barcode (if applicable)

Name Dr. Nancy Phone on file

Address 2038 Beach Ave Email staatzne@gmail.com
Street

Atlantic Beach 32233
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 1134

2/10/26

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 Ashe Bradley

Phone _____

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

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

2/10/20

Meeting Date

1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Judy Sheklin

Phone 904 910-0714

Address 1985 Bristol DeMar

Email jsheklin@ga.gov

Street

Atl. Bch FL 32233

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

2/10/26

Meeting Date

SB1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Harrison Lundy

Phone

813-928-5928

Address

Street

Riverview

City

FL

State

33579

Zip

Email

harrison@voicesofflorida.org

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:

Voices of Florida

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

2-18-26

Meeting Date

SB 1134

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Spike Poma

Phone

Address 1680 Fruitville Street

Email

Sarasota City

FL State

34236 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.

[] 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:

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

2-10-21

Meeting Date

Judiciary

Committee

1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kimberly Cox

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

1134

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

Seneca Bartol

Phone

Address

Email

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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S-001 (08/10/2021)

2.10.26

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

2/10/2026

Meeting Date

SB 1134

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Shirley T. HERMAN

Phone 561-496-7780

Address 2600 N. FLAGLER APT 207

Email shirleytherman@aol.com

Street

West Palm Beach, FL 33407

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

2/10/26

Meeting Date

SB1134

Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Barbara Myers

Phone 850/443-9177

Address 8172 Wenona Ct
Street

Email Barb1748@yahoo.com

Tallahassee, FL 32311
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

2/10/2026

Meeting Date

1134

Bill Number or Topic

Judiciary Committee

Committee

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

Amendment Barcode (if applicable)

Name Echo Nova

Phone 904-628-8188

Address 1812 Vista Lakes Dr

Email quantisedecho@gmail.com

Street

Fleming Island FL

32003

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)

2/10/26

The Florida Senate
APPEARANCE RECORD

1134

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 Dr Joan Waitkevics, club of Florida Phone _____

561 3073418

Address (WAIT Kavits)
2600 N Flagler Dr apt 207

Email dwcjoan@gmail.com

Street

West Palm Beach FL 33407

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

\$ 2/10/26

Meeting Date

SB 1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Corey Bleakley

Phone 4077955896

Address 1680 Fruitville Rd

Street

Email corey@voicesofflorida.org

Sarasota

City

FL

State

34236

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:

Voices of Florida

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

2/10/20

Meeting Date

SB 1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Rain Johnson

Phone 863 3880724

Address 1680 Fruitville Rd

Email Rain@voicesofflorida.org

Sarasota

City

FL

State

34236

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:

voices of florida

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)

2/10/26

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 634

Bill Number or Topic

Subcommittee
Committee

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

Amendment Barcode (if applicable)

Name Sarah Ensley Phone _____

Address 1680 RUTHVILLE RD Email _____
Street

Snasota FL
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:

Voices 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

2/10/2026
Meeting Date

Judiciary
Committee

The Florida Senate
APPEARANCE RECORD

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

Marquise McMiller

1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name Orange County Public Schools Phone 407 405 2050

Address 445 W. Amelia St Email marquise.mcmiller@ocps
Street or fl

Orlando FL 32801
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:
Orange County Public Schools

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

02/10/24

Meeting Date

1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Amina Spanic (AMEENA SPAHEECH) 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

2/10/26
Meeting Date

SB 1134
Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Gale Chisholm

Phone 904-535-3298

Address 4252 Baltic Circle
Street

Email galechisholm7@gmail.com

Jax
City

FL
State

32210
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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2-10-24

Meeting Date

SB-1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Kim Elmore

Phone

on file

Address

5012 Medoras Ave

Email

janjaxnowchapter@gmail.com

Street

St Aug FL 32080

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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/10/26

Meeting Date

SB 1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address on file

Street

Email aaron@flfamily.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

2-10-26

Meeting Date

1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Barbara DeVane

Phone 850-251-4280

Address 625 E. Brevard St

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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:

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/10

Meeting Date

1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Vance Ahrens Phone _____

Address 6945 Crepe Myrtle Dr Email _____
Street

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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/10/26

Meeting Date

1134

Bill Number or Topic

Sen. Jud. Comm.

Committee

Amendment Barcode (if applicable)

Name Ulises Arias

Phone 305 773-5436

Address 7171 SW 5 Terr.

Email UlisesArias@Hotmail.com

Street

Miami

Fl.

33149

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/10/20

Meeting Date

1134

Bill Number or Topic

Sen. Jud. Comm.

Committee

Amendment Barcode (if applicable)

Name Anthony Verdugo

Phone 786-447-6431

Address 8567 SW 24th St.

Email averdugo@cfcflorida.net

Street

Miami

City

Fla

State

33155

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)

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The Florida Senate

APPEARANCE RECORD

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2-10-26

Meeting Date

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave

Email DMartinez@AFP HQ.org

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Americans for Prosperity

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

SB1134

3/10/20

Meeting Date

Bill Number or Topic

Judicial

Committee

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

Amendment Barcode (if applicable)

Name Tsi Day Smyth

Phone

Address 15014 Sunny Day Dr

Email

Street

Bradenton

FL

34211

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate
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 1138

INTRODUCER: Judiciary Committee and Senator Massullo

SUBJECT: Qualified Contractors

DATE: February 11, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1138 requires a city, county, or district that issues building permits or plat approvals to create and use a program by January 1, 2027, to use private contractors to conduct a preapplication review of building plans, permits, and proposed plats. Cities having fewer than 10,000 residents are exempt, as are counties having a population of fewer than 25,000. A person applying to a local government entity for a permit, plans review, or plat approval may have a qualified contractor undertake a pre-application review. After review, the contractor certifies to the local government that items within the application meet the requirements for approval. The local government must then consider the application and approve or deny the application without duplicative reviews.

The bill also makes various changes to the expedited building permit process based on preliminary plats which was enacted during the 2024 Legislative Session. The amendments include expansion to planned unit developments and procedures for when a local government fails to create or follow the required process.

The bill takes effect July 1, 2026.

II. Present Situation:

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.¹

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.² Local governments are encouraged to use innovative land development regulations³ and may adopt measures for the purpose of increasing affordable housing using land-use mechanisms.⁴ Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.⁵

Florida Building Code

The Florida Building Codes Act (building code) is found in Part IV of ch. 553, F.S. The purpose and intent of the building code is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The building code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁶

The Florida Building Commission (commission), housed within the Department of Business and Professional Regulation (DBPR), implements the building code. The commission reviews several International Codes published by the International Code Council, the National Electric Code, and other nationally adopted model codes to determine if the building code needs to be updated. The commission adopts an updated building code every 3 years.

Building Code Administrators, Inspectors, and Plans Examiners

Building officials, inspectors, and plans examiners are regulated by the Building Code Administrators and Inspectors Board (the board) within the DBPR. A building code administrator, otherwise known as a building official, is a local government employee, or a person contracted by a local government, who supervises building code activities, including plans review, enforcement, and inspection.⁷ A building code inspector (inspector) is a local or state government employee, or a person contracted by a local government, who inspects construction that requires permits to determine compliance with building codes and state accessibility laws.⁸

¹ Section 163.3164, F.S.

² Section 163.3202, F.S.

³ Section 163.3202(3), F.S.

⁴ Sections 125.01055 and 166.04151, F.S.

⁵ See ss. 163.3161(6) and 163.3194(1)(a), F.S.

⁶ Section 553.72(1), F.S.

⁷ Section 468.603(2), F.S.

⁸ Section 468.603(4), F.S.

Residential Plans Inspector

A residential plans inspector (sometimes referred to as residential plans examiner) is “a person who is qualified to inspect and determine that one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.”⁹

Building Permit

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.¹⁰

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.¹¹

To obtain a permit, an applicant must complete an application for the proposed work on the form furnished by the government entity.¹² A local enforcement agency¹³ must allow applicants to submit permit applications electronically to the local enforcement agency, which must provide accepted methods of electronic submission. Accepted methods of electronic submission include, but are not limited to, email, fill-in forms available online, or third-party submission software.¹⁴

If a building official or plans reviewer denies a permit application or revokes a building permit, the building official or plans reviewer must give the permit applicant a reason for denying or revoking the permit. The reason must be based on compliance with the building code or a local ordinance. Failing to provide a reason for denying or revoking a building permit, which is based on compliance with the building code or a local ordinance, is grounds for discipline against the building official or plans reviewer’s license.¹⁵

Private Providers Alternative Plans Review and Inspection

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

⁹ Section 468.603(5)(h), F.S.

¹⁰ Section 202, Florida Building Code, Seventh Edition.

¹¹ Sections 125.56(4)(a) and 553.79(1), F.S.

¹² Section 713.135, F.S.

¹³ A local enforcement agency is an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the building code. Section 553.71(5), F.S.

¹⁴ Sections 125.56(4)(b) and 553.79(1)(b), F.S.

¹⁵ Section 553.79(1)(a), F.S.

“Private provider” means a person licensed as a building official, engineer, or as an architect. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.¹⁶

Private providers and their duly authorized representatives¹⁷ may approve building plans and perform building code inspections, including single-trade inspections, as long as the plans approval and building inspections are within the scope of the provider’s or representative’s license.

A local government may establish, for private providers and duly authorized representatives working within the local government’s jurisdiction, a system of registration to verify compliance with the license and insurance requirements for private providers.¹⁸

For plans review, a private provider must review the plans¹⁹ to determine compliance with the applicable codes²⁰ and prepare an affidavit²¹ certifying, under oath, that the plans comply and the private provider is duly authorized to perform plans review.²²

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.²³ If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application is deemed approved and must be issued on the next business day.²⁴ If the building official provides a written notice of plan deficiencies, the 20-day period is tolled pending resolution of the matter.²⁵ The law further specifies the process for a private provider to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.

Platting

In Florida law, a “plat” is a map or delineated representation of the subdivision of lands. It is a complete and exact representation of the subdivision and other information, in compliance with state law and any local ordinances.²⁶ Generally, platting is required whenever a developer wishes

¹⁶ Section 553.791(1)(n) and (3), F.S.

¹⁷ “Duly authorized representative” means an employee of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building official, inspector, or plans examiner. Section 553.791(1)(f), F.S.

¹⁸ Section 553.791(16)(b), F.S.

¹⁹ “Plans” means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner’s contractor to a private provider or duly authorized representative for review. Section 553.791(1)(m), F.S.

²⁰ “Applicable codes” means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and fire safety codes adopted pursuant to ch. 633, F.S. Section 553.791(1)(a), F.S.

²¹ The affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

²² Section 553.791(6), F.S.

²³ Section 553.791(7)(a), F.S.

²⁴ *Id.*

²⁵ Section 553.791(7)(b), F.S.

²⁶ Section 177.031(14), F.S.

to subdivide a large piece of property into smaller parcels and tracts. These smaller areas become the residential lots, streets, and parks of a new residential subdivision.²⁷

State law establishes consistent minimum requirements for the platting of lands but also authorizes local governments to regulate and control platting.²⁸ Prior to local government approval, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper employed by the local government.²⁹

Local governments must review, process, and approve plats or replat submittals without action or approval by the governing body through an administrative authority and official designated by ordinance.³⁰ The administrative authority must be a department, division, or other agency of the local government, and includes an administrative officer or employee which may be a county or city administrator or manager, or assistant or deputy thereto, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the local government's land development, housing, utilities, or public works programs.

Unless the applicant requests an extension, the authority must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. A denial must be accompanied by an explanation of why the submittal was denied, specifically citing unmet requirements. The authority or local government may not request or require an extension of time.³¹

Jurisdiction over plat review and approval is as follows:

- When the plat to be submitted for approval is located entirely within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When the plat lies entirely within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.
- When the plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its own boundaries, unless both governing bodies having jurisdiction agree that one plat is acceptable.³²

Expedited Approval of Residential Building Permits Prior to Plat Approval

During the 2024 Legislative Session, the Legislature required certain local governments³³ to create a process to expedite the issuance of building permits based on a preliminary plat and to issue the number or percentage of building permits requested by an applicant, under certain

²⁷ Harry W. Carls, Florida Condo & HOA Law Blog, *Why is a Plat so Important?* (May 17, 2018), <https://www.floridacondo-hoalawblog.com/2018/05/17/why-is-a-plat-so-important/>.

²⁸ Section 177.011, F.S.

²⁹ Section 177.081(1), F.S.

³⁰ Section 177.071(1), F.S.

³¹ Section 177.071(3), F.S.

³² *Id.*

³³ Counties with more than 75,000 residents and municipalities with more than 10,000 residents.

circumstances, by October 1, 2024.³⁴ A local government must update its expedited building permit program with certain increased percentages by December 31, 2027.

The application to expedite the issuance of building permits or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits requested, if the request for the permits does not exceed 50 percent of the homes in the subdivision or planned community or the number of building permits.³⁵

The statute also requires all local governments to create a master building permit process.³⁶

An applicant for a building permit may not obtain a temporary or final certificate of occupancy for each residential structure or building until the final plat is approved by the governing body and recorded in the public records; an applicant may, however, contract to sell, but not transfer ownership of, a residential structure or building located in the preliminary plat before the final plat is approved by the local government.³⁷

Qualified Contractors

The statute allows an applicant to use a private provider to expedite the application process for building permits after a preliminary plat is approved.

To formalize this process, local governments are required to establish a registry of "qualified contractors" whom the local government can use for help processing and expediting the review of applications for preliminary plats.³⁸ Each local government is required to maintain at least three qualified contractors whom the governing body may use to supplement staff resources for processing and expediting the review of an application for a preliminary plat or any plans related to such application.

A qualified contractor on the registry who is hired to review an application may not have a conflict of interest with the applicant.³⁹

III. Effect of Proposed Changes:

Qualified Contractors for Development Order Preapplication Review

Section 1 creates s. 163.3169, F.S., instituting a framework for the use of qualified, preapproved private professionals from a local government-maintained registry to perform a preapplication review of permit applications, plan reviews, and plat approvals before submission to the local government for final approval. Certain smaller local governments are not required to institute this process.

³⁴ Chapter 2024-210, Laws of Fla., creating s. 177.073, F.S.

³⁵ Section 177.073(2), F.S.

³⁶ Section 177.073(3), F.S.

³⁷ Section 177.073(7), F.S.

³⁸ Section 177.073(4), F.S.

³⁹ As defined by s. 112.312, F.S., "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Under the framework, which a regulated local government is required to create and implement under the bill, a person applying to a local government for a permit, plans review, or plat approval may have a qualified contractor undertake a pre-application review. This review results in the contractor certifying to the local government that the items within the application, which the contractor is properly licensed to review, meet the requirements for approval. The local government may then approve the application having saved the time and resources required to conduct the reviews handled by the qualified contractor.

Local Governments Affected by This Bill

The requirements of this bill apply to a local governing body that is:

- A county of 25,000 or more residents⁴⁰ other than Monroe County;⁴¹
- A city of 10,000 or more residents;⁴² or
- An independent district created pursuant to chs. 189 or 190, F.S., that has authority over land development regulations.⁴³

Program Requirements

By January 1, 2027, each local governing body must adopt a program enabling applicants to use qualified contractors⁴⁴ for preapplication reviews. The program must specify:

- How contracts with qualified contractors are made.
- Minimum qualifications for being listed as a qualified contractor (e.g., valid professional credentials, no adverse licensing actions). A local government may not consider as criteria the contractor's years of experience, geographic location, or prior or existing work for or with the local government.
- Minimum and maximum hourly rates aligned with market norms.
- Other procedural elements (intake, payment, records, notice), not to conflict with the law's purpose.

The program must provide that when the applicant applies with an affidavit from a qualified contractor showing compliance, the local government must consider the application to be administratively complete for purposes of acceptance and processing.

Registry

Each local development services office must establish and maintain a registry of at least 6 qualified contractors. A local government may enter into an agreement with another local government to use a qualified public employee as a qualified contractor.

⁴⁰ Currently, 53 of the state's 67 counties have 25,000 or greater residents. See https://www.florida-demographics.com/counties_by_population

⁴¹ See s. 380.0552, F.S. and Fla. Admin. Code Ann. r. 28-29.002.

⁴² Currently, 347 of the state's 953 cities have 10,000 or more residents. See https://www.florida-demographics.com/cities_by_population

⁴³ Chapter 189, F.S., governs special districts, and ch. 190, F.S., governs Community Development Districts.

⁴⁴ An individual or firm licensed or certified in relevant disciplines (e.g., engineer, surveyor, architect, landscape architect, planner) who is on a local government's registry to conduct preapplication reviews.

Contract Terms, Uniformity, and Insurance Requirements

The bill sets out how contracts between a local government and a qualified contractor must be structured and places limits on what local governments may require. The bill requires that contracts with qualified contractors only include terms that are authorized by the statute; local governments may not add provisions that expand, modify, reduce, or limit the rights, processes, responsibilities, or procedures established by the bill.

Local governments must ensure that the material terms⁴⁵ of contracts with qualified contractors are the same as the terms applied in similar contracts with private sector contractors providing comparable services. Local governments may not require any additional criteria or qualifications for a qualified contractor beyond what the bill expressly allows.

Payment, Fees, and Review

While applicants may select from the registry which qualified contractor to use, payment is made through the local government as part of the application. If an applicant uses a qualified contractor, the fee must be reduced by the cost savings to the entity resulting from not having to conduct preapplication review. The local government must give a qualified contractor access to relevant local government files that are not otherwise exempt.

The program is optional to applicants, and an applicant may initially file the application directly with the local government. If an applicant opts not to use a qualified contractor, and the local government thereafter fails to process the application within statutory timelines, the applicant may elect to refer the file to a qualified contractor from the registry. If the applicant makes this election, the local government must pay the expense of employing the qualifying contractor, but only if the local government failed to establish a registry as required and the qualifying contractor does not have a conflict of interest.⁴⁶

Limitation on a Qualified Contractor, Disqualification

A qualified contractor may only review and act on an application that is related to that contractor's license or certification. A qualified contractor may not be employed to review an application if the qualified contractor was employed by the applicant for contracting work on the project being reviewed. A qualified contractor is also disqualified if the contractor has a conflict of interest.⁴⁷

Preapplication Review Affidavit Requirement

The result of the preapplication review process is an affidavit signed by the qualifying contractor. The qualifying contractor must work with the applicant to resolve items that do not comply. Once corrected, the qualifying contractor must furnish an affidavit certifying to the local government that the application complies with all relevant land development regulation,

⁴⁵ Such as performance expectations, payment terms, timelines, oversight and reporting procedures.

⁴⁶ The bill here does not define conflict of interest, but may be read to infer that the conflict of interest definition of a conflict of interest applicable to public employees at s. 112.312(8), F.S.

⁴⁷ Here the bill references s. 112.312, F.S., to define a conflict of interest. That section defines it as "a situation in which regard for a private interest tends to lead to disregard of a public duty or interest."

comprehensive plan regulations, ordinances and codes. The bill specifies the required contents for the affidavit:

- The qualifying contractor conducted a preapplication review.
- The qualifying contractor is duly authorized to perform the review.
- The permits, plans or plats comply with all applicable land development regulation, comprehensive plan regulations, ordinances, and codes.
- The signature of the qualifying contractor.

Preapplication Review Approval

Upon receipt of a complete affidavit certifying to the local government that the application satisfies relevant requirements, the development services office must accept the affidavit and, no later than the next business day, forward the application to proceed with final action. The review at this stage is ministerial only, and the office may not re-review technical sufficiency or substantive compliance.

If the development services office determines that the application is administratively incomplete, it must notify the applicant in writing with a specific description of why the application is incomplete. The notice must be given within 10 business days after receipt of the application. If no notice is timely sent to the applicant, the application is deemed administratively complete and must be forwarded to the governing authority.

Preemption; Professional Discipline; Audit

The bill specifically provides that the requirements relating to preapplication reviews preempts any local law or ordinance that is in conflict. A qualified contractor is subject to the disciplinary guidelines of the applicable licensing laws. A local government may audit the work of a qualified contractor. A county, city, school district, or independent special district may use a qualifying contractor to provide them with a preapplication review for a public works project.

Civil Cause of Action; Attorney Fees

The bill creates a civil cause of action for declaratory or injunctive relief against a city or county relating to preapplication reviews. The bill also requires an award of prevailing party attorney fees, except that fees, costs and damages may not be awarded unless the applicant gives notice of the alleged violations of the statutory preapplication review requirements, and the city or county does not cure the failure to comply with the statutory requirements within 14 days of the notice.

Platting Approval

Section 2 of the bill amends s. 177.071(1), F.S., to prohibit a local government from creating or establishing any additional regulations or requirements that a platting applicant must meet for the approval of a final plat. Under the bill, local governments requiring infrastructure assurances in connection with a final plat approval shall designate the same authority as the platting administrator to receive and approve the surety instrument. Authorized surety instruments include any commonly used form of surety instrument, such as performance bonds, letters of credit, or escrow agreements.

Section 3 amends s. 177.073, F.S., to expand the expedited building permit process from residential subdivisions or planned communities to include planned unit developments and one or more phases of a community or subdivision.

The section also provides that if a governing body fails to adopt the required expedited permit program, an applicant has an unconditional right to use a qualified contractor of the applicant's choosing to obtain up to 75 percent of the building permits for the applicable development, and the building official may not condition, delay, limit, or deny the applicant's use of a qualified contractor.

The section also requires the expedited application program to approve stabilized access roads that can support emergency vehicles in addition to preliminary platting.

The section provides that, notwithstanding any ordinance, resolution, or policy, a local government may not condition the issuance of building permits under the expedited approval process on the actual or substantial completion of infrastructure or improvements identified in the preliminary plat, or the submission, acceptance, or approval of any certification of completion, record drawings, pressure or compaction test results, utility acceptance letters, or similar confirmation of finished construction or readiness for service.

Section 4 provides that the bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill local governments will be required to create and implement a new local planning and permitting process. Potential costs related to this requirement are unknown at this time.

The mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.^{48,49,50}

If the bill does qualify as a mandate, to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

⁴⁸ FLA. CONST. art. VII, s. 18(d).

⁴⁹ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 15, 2026).

⁵⁰ Based on the Florida Demographic Estimating Conference's population forecast for 2026. The conference packet is available at: https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Jan. 15, 2026).

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:

Developers may benefit economically from greater efficiency and private options for various stages of development approval.

C. Government Sector Impact:

Local governments may see a negative impact in creating the required registry program and amending processes to incorporate registered qualified contractors for certain functions and may in the long term benefit from some amount of workload reduction due to the use of private contractors.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 177.071 and 177.073 of the Florida Statutes.
This bill creates section 163.3169 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 10, 2026

The committee substitute differs from the underlying bill by:

- Limiting the bill to rezoning, variances, and special exceptions;
- Exempting smaller local governments from the preapplication review procedures;
- Extending the start date of the bill’s requirements to January 1, 2027;
- Allowing experience-based requirements for a qualified contractor;
- Changing automatic approval of permit to simply automatic completeness, thereby preserving local board authority to approve or deny a complete application;
- Broadening auditing authority over qualified contractors; and
- Removing a provision that would have given sovereign immunity protection to a qualified contractor.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Massullo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 163.3169, Florida Statutes, is created
to read:

163.3169 Using qualified contractors in development order
preapplication review.-

(1) LEGISLATIVE FINDINGS.-

(a) The Legislature recognizes the need for continued
growth throughout the state, and the need for an efficient



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12 permitting process to accommodate such growth, while balancing
13 the role of local governments in community planning.

14 (b) The Legislature further recognizes that numerous local
15 governments implement innovative planning and development
16 strategies by using the private sector to supplement the needs
17 of government and to keep pace with increasing populations,
18 unmet demands for housing, and continuing budget constraints. To
19 continue meeting future growth demands, all local governments
20 shall use all available resources to ensure that private
21 property owners seeking to build or develop the next generation
22 of this state's housing supply are not burdened by limited local
23 government workforces and can by right use a qualified
24 contractor from the private sector to responsibly review
25 applications as submitted and authorized under this section.

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

27 (a) "Applicant" means a person or legal entity having a
28 legal or equitable ownership interest in real property, or an
29 authorized agent acting on behalf of such person or entity, who
30 applies for a land development approval from the local
31 government pursuant to this section.

32 (b) "Application" means a properly completed and submitted
33 request for a permit as defined herein, on behalf of an
34 applicant, which includes an affidavit from a qualified
35 contractor as required by this section. The term does not
36 include plans or permits as reviewed under s. 553.791.

37 (c) "Audit" means a limited, post-submittal verification
38 process conducted solely to confirm that a qualified
39 contractor's preapplication review supports the findings in the
40 required affidavit, demonstrates that the review was performed



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41 in accordance with the normal and customary professional
42 practices for the applicable discipline, and that the
43 affidavit's findings are supported by the application.

44 (d) "Development services office" means the entity, office,
45 division, or department of a local government which is
46 responsible for reviewing applications for compliance with the
47 local government's land development regulations and other
48 applicable federal, state, and local requirements. This office
49 may be substantively identical to or housed within the local
50 government's planning and zoning department.

51 (e) "Development services official" means the individual in
52 the development services office of the governing jurisdiction
53 who is responsible for the direct regulatory administration or
54 supervision of the review and approval process required to
55 indicate compliance with applicable land development
56 regulations. The term includes any duly authorized designee of
57 such person. This individual may be the executive director of
58 the governing body of a local government or the division
59 director of the local government's planning and zoning
60 department.

61 (f) "Final plat" has the same meaning as in s. 177.073.

62 (g) "Governing body" has the same meaning as in s.
63 163.3164.

64 (h) "Land development regulations" has the same meaning as
65 in s. 163.3164(26), but excludes building permits and plans
66 subject to s 553.791.

67 (i) "Local government" means:

68 1. A county that has 25,000 or more residents, but does not
69 include a county subject to s. 380.0552;



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70 2. A municipality that has 10,000 or more residents; or
71 3. An independent district created pursuant to chapter 189
72 or chapter 190 with authority over land development regulations.

73 (j) "Permit" means an authorization, approval, or grant by
74 a local governing body or development services office that
75 authorizes the development of land as set forth therein for any
76 subdivision approval, plat approval, or site plan approval. For
77 the purposes of this section, a permit does not include the
78 review and approval of discretionary land use decisions, such as
79 rezonings, variances, special exceptions, conditional uses,
80 comprehensive plan amendment, or any other quasi-judicial land
81 use approval requiring a public hearing or findings supported by
82 competent substantial evidence.

83 (k) "Plans" means site engineering plans or site plans, or
84 their functional equivalent, submitted by an applicant to a
85 qualified contractor or duly authorized representative for
86 review.

87 (l) "Preapplication review" means the analysis of a permit
88 conducted by a qualified contractor to ensure compliance with a
89 comprehensive plan, chapter 177, and applicable land development
90 regulations, and which is part of the application as authorized
91 under this section.

92 (m) "Preliminary plat" means a map or delineated
93 representation of the subdivision of lands which is a complete
94 and exact representation of the residential subdivision or
95 planned community, and contains any additional information
96 needed to comply with the requirements of chapter 177.

97 (n) "Qualified contractor" means the individual or firm
98 contracted with a development services office or local



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99 government to conduct a preapplication review, and who is
100 included in the registry as required by this section. The term
101 includes, but is not limited to, any of the following:

102 1. An engineer or engineering firm licensed under chapter
103 471.

104 2. A surveyor or mapper, or a surveyor's or mapper's firm
105 licensed under chapter 472.

106 3. An architect or architecture firm licensed under part I
107 of chapter 481.

108 4. A landscape architect or a landscape architecture firm
109 registered under part II of chapter 481.

110 5. A planner certified by the American Institute of
111 Certified Planners.

112 6. A local government employee for the limited purposes of
113 compliance with subsection (4)(c).

114 (o) "Single-trade review" means any review focused on a
115 single component of an application, such as engineering,
116 surveying, planning, or architectural.

117 (3) REQUIREMENTS.—

118 (a) By January 1, 2027, the governing body of a local
119 government shall create a program by which a development
120 services office shall authorize an applicant to use a qualified
121 contractor to conduct a preapplication review of any permits
122 submitted in an application. The governing body must establish
123 the processes by which an applicant may submit an application to
124 the local government, following a preapplication review
125 conducted by a qualified contractor. The program must specify,
126 at a minimum, all of the following:

127 1. The manner in which the development services office



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128 enters into a contract with a qualified contractor.

129 2. Minimum requirements for selection as a qualified
130 contractor for the program, including verification of current
131 licensure or certification status and review of any adverse
132 actions, discipline, or restrictions imposed by the applicable
133 professional licensing board. A local government may consider or
134 require as criteria for selection or qualification a minimum of
135 5 years of experience for qualified contractors, but may not
136 consider or require for selection or qualification geographic
137 location or any prior or existing work for or with the local
138 government.

139 3. The minimum and maximum hourly rates that a qualified
140 contractor may charge an applicant, comparable to market
141 averages, as part of the application fee.

142 4. Other necessary and indispensable procedural
143 requirements to implement this section, such as requirements
144 relating to intake, payment, recordkeeping, and notice
145 processes.

146 (b) Additional requirements may not conflict with or impair
147 the intent of this section; may not add to, modify, limit, or
148 condition the rights, duties, standards, scope, qualifications,
149 or effects established by this section; and may not impose any
150 substantive review criteria, terms, or conditions on applicants
151 or qualified contractors.

152 (c) The program must require a local government to deem an
153 application that meets the requirements of this section
154 administratively complete for purposes of acceptance and
155 processing.

156 (d) The program may not impose additional terms,



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157 conditions, or duplicative review processes with respect to the
158 preapplication review for an application that meets the
159 requirements of this section. However, the program may allow for
160 the review of ownership authorizations for the development of
161 the property.

162 (e) This section may not be construed to waive, limit, or
163 otherwise affect any requirement of the Consultants' Competitive
164 Negotiation Act pursuant to s. 287.055 or a local government's
165 duly adopted procurement process.

166 (4) REGISTRY.-

167 (a) The development services office of a local government
168 shall establish a registry of at least six qualified
169 contractors. If the minimum requirements for the qualified
170 contractor specified in subparagraph (3)(a)2. are met, the
171 development services office may add a qualified contractor to
172 the registry upon such entity's request to be added to the
173 registry.

174 (b) If, after making reasonable efforts, less than six
175 qualified contractors are available to be added to the registry,
176 or if less than three qualified contractors are available for
177 local governments serving populations of less than 10,000, the
178 development services office must register any willing and
179 available qualified contractor that meets the requirements of
180 subparagraph (3)(a)2.

181 (c) The local government may enter into an agreement with
182 another local government for the purpose of using public
183 employees who meet the requirements for a qualified contractor
184 to complete the preapplication review. A local government may
185 not add its own employees to its own registry.



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186 (d) A local government shall adopt and use standard
187 contract terms and conditions for agreements with qualified
188 contractors which are substantially similar in form and
189 substance to the local government's standard professional
190 services agreements used for materially similar engagements with
191 private sector providers. A local government may not draft or
192 apply contractual terms that impose obligations on qualified
193 contractors which frustrate, impair, or defeat the legislative
194 intent of this section.

195 (5) SELECTION OF A QUALIFIED CONTRACTOR OF APPLICANT'S
196 CHOICE.—

197 (a) If any of the following conditions exists, an applicant
198 who elects to participate in the program must have the
199 unconditional right to use a qualified contractor of his or her
200 choice, as long as the qualified contractor satisfies the
201 minimum requirements in subparagraph (3) (a)2., for
202 preapplication review:

203 1. The governing body of a local government fails to create
204 the program pursuant to subsection (3) before January 1, 2027.

205 2. The development services office of the local government
206 fails to create the registry as required pursuant to subsection
207 (4).

208 3. The registry created pursuant to subsection (4) does not
209 consist of the requisite number of qualified contractors and the
210 local government has not complied with the requirements of
211 subparagraph (4) (b).

212 (b) The local government may not condition, deny, delay, or
213 otherwise contest the applicant's selection or use of the
214 qualified contractor, except upon a written determination



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215 supported on specific, articulable facts stating that the
216 qualified contractor does not meet the requirements of this
217 section, or that the qualified contractor has a conflict of
218 interest with the applicant, as defined in s. 112.312, or under
219 any stricter conflict of interest standards applicable to the
220 qualified contractor's professional license or certification.

221 (6) PAYMENT, FEES, AND PREAPPLICATION REVIEW.—

222 (a) The applicant shall have sole discretion to choose a
223 qualified contractor from the established registry under
224 subsection (4) to conduct a preapplication review of a permit.
225 The applicant may not pay the qualified contractor directly.
226 Such payment must be made to the local government with the
227 initial submission of the application. The local government must
228 ensure the qualified contractor is paid in compliance with the
229 Local Government Prompt Payment Act under part VII of chapter
230 218.

231 (b) If an applicant uses a qualified contractor for the
232 purposes of conducting a preapplication review, the local
233 government must reduce any application fee by the amount of cost
234 savings realized by the development services office for not
235 having to perform such services. Such reduction may be
236 calculated on a flat fee or percentage basis, or any other
237 reasonable means by which a development services office assesses
238 the cost for its application review. The reduction in the
239 application fee does not relieve the applicant of responsibility
240 for payment of the qualified contractor's fees as required in
241 paragraph (a). Any application or administrative fee imposed
242 under this section must be reasonably related to the actual cost
243 incurred by the local government in administering the



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244 application and processing.

245 (c) If an applicant uses a qualified contractor to conduct
246 a preapplication review, the development services office must
247 provide the qualified contractor with access to the public
248 records and information reasonably necessary to perform the
249 preapplication review. This paragraph does not authorize the
250 disclosure of records that are confidential or exempt from
251 public inspection or copying under chapter 119 or any other
252 applicable law, and access to such records is provided only to
253 the extent permitted by law. This paragraph may not be construed
254 to require a local government to violate the licensing terms of
255 proprietary software or relate vendor agreements.

256 (d)1. If an applicant does not use a qualified contractor
257 pursuant to this section, the local government must conduct any
258 requested preapplication review within the applicable timeframes
259 under ss. 125.022 and 166.033, to the extent those sections
260 apply to the type of preapplication review requested. If the
261 local government fails to process the application within the
262 required timeframes, the applicant may use a qualified
263 contractor from the registry at the sole expense of the local
264 government if all of the following conditions are met:

265 a. The local government fails to establish such registry
266 pursuant to subsection (4); and

267 b. The qualified contractor does not have a conflict of
268 interest, to review the permits, plans, or plats, including
269 final and preliminary, subject to the preapplication review and
270 otherwise meets the requirements of this section.

271 2. If the applicant uses a qualified contractor for
272 preapplication review pursuant to this paragraph, such



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273 application must be accepted automatically when the local
274 government receives an affidavit from the qualified contractor,
275 and subsection (10) does not apply.

276 (7) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified
277 contractor must conduct preapplication review only for
278 applications relating to the disciplines covered by such
279 qualified contractor's licensure or certification granted
280 pursuant to chapter 471, chapter 472, or chapter 481, or as
281 certified by the American Institute of Certified Planners,
282 including single-trade review. A qualified contractor may not
283 conduct a preapplication review pursuant to this section if the
284 qualified contractor is used by the applicant for the same
285 project that is the subject of the application, or has a
286 conflict of interest pursuant to s. 112.312.

287 (8) AFFIDAVIT REQUIREMENTS.—

288 (a) A qualified contractor performing a preapplication
289 review must determine whether the application is in compliance
290 with all applicable land development regulations, comprehensive
291 plan regulations, ordinances, and codes of the governing
292 jurisdiction. The qualified contractor shall work directly with
293 the applicant to resolve any deficiencies. Upon making the
294 determination that the application complies with all relevant
295 land development regulations, comprehensive plan regulations,
296 ordinances, and codes, the qualified contractor shall prepare an
297 affidavit certifying that the following information is true and
298 correct to the best of the qualified contractor's knowledge and
299 belief:

300 1. The preapplication review was conducted by the affiant,
301 who is duly authorized to perform a preapplication review



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302 pursuant to this section and holds the appropriate license or
303 certificate.

304 2. The permits, plans, or plats, including final and
305 preliminary, reviewed in the application comply with all
306 applicable land development regulations, comprehensive plan
307 regulations, ordinances, and codes.

308 (b) Such affidavit must bear a written or electronic
309 signature and must be submitted electronically to the
310 development services office.

311 (9) AUTHORIZATION AND APPROVAL.—

312 (a) Upon receipt of an application accompanied by an
313 affidavit of the qualified contractor pursuant to subsection
314 (8), the development services office must review and accept the
315 application as administratively complete or reject such
316 application as administratively incomplete.

317 (b) Upon a finding that the application is administratively
318 complete, the development services office shall, by the
319 following business day, forward the application for final action
320 by the appropriate approving authority or, if approval is
321 delegated to an employee within the development services office,
322 proceed with final action in accordance with this section and
323 ss. 125.022 and 166.033.

324 (c) If the development services office determines that an
325 application submitted pursuant to this subsection is
326 administratively incomplete, the office must provide written
327 notice to the applicant specifically identifying any aspects of
328 the application which do not comply with this section;
329 applicable land development regulations; comprehensive plan
330 regulations, ordinances, or codes; and the reasons the



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331 application was denied with reference to code chapters and
332 sections within 10 business days after receipt of the
333 application and affidavit. If the development services office
334 does not provide written notice to the permit applicant within
335 10 business days, the application shall be deemed
336 administratively complete as a matter of law solely for purposes
337 of acceptance, routing, and processing, and the development
338 services office must, by the following business day, forward the
339 application for final action to the appropriate approving
340 authority or, if the development services office is the
341 approving authority, proceed to final action in accordance with
342 this section and ss. 125.022 and 166.033. An application
343 determined to be administratively complete under this paragraph
344 does not constitute substantive approval of the permit submitted
345 and may not be construed to limit the authority to grant or deny
346 the application consistent with this section; however, the
347 development services office may not conduct any duplicative
348 review of the permit subject to preapplication review except as
349 expressly authorized by this section.

350 (d) The development services office's review under this
351 subsection is ministerial and limited to confirming
352 administrative completeness and proper form. The development
353 services office may not re-review the technical sufficiency or
354 substantive compliance of materials subject to preapplication
355 review by a qualified contractor, except as expressly authorized
356 by this section or by law.

357 (10) CONSTRUCTION.—Any local provision or action
358 inconsistent with this subsection is preempted, void, and
359 unenforceable to the extent of the inconsistency, and this



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360 section shall control and be given full force and effect over
361 any conflicting or more stringent provision of law, whether
362 general, special, or local, including any charter or home rule
363 provision, without regard to the order or time of enactment.

364 (11) DISCIPLINARY GUIDANCE.—When performing a
365 preapplication review, a qualified contractor is subject to the
366 disciplinary guidelines of the applicable professional board
367 with jurisdiction over his or her license or certification under
368 chapter 471, chapter 472, or chapter 481. Notwithstanding the
369 audit procedures in subsection (12), any complaint investigation
370 or discipline that may arise out of a qualified contractor’s
371 preapplication review shall be conducted by the applicable
372 professional board. Complaints regarding conflicts of interest
373 or other ethical violations shall be reviewed as provided in
374 chapter 112.

375 (12) AUDIT PROCEDURES.—A local government may audit the
376 work of a qualified contractor performing preapplication review
377 under this section pursuant to procedures established by the
378 local government. Such procedures must be reasonable, applied in
379 a nondiscriminatory manner, and made publicly available. A
380 qualified contractor must be provided written notice of any
381 audit findings and a reasonable opportunity to respond. Nothing
382 in this subsection limits a local government’s authority to
383 enforce contract terms, address conflicts of interest, remove a
384 qualified contractor from participation in the program, or take
385 action necessary to protect the public health, safety, or
386 welfare. An audit under this section may not replicate, redo, or
387 substitute for the preapplication review performed by the
388 qualified contractor, and may not go beyond the scope of



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389 verifying performance, customary practice, and evidentiary
390 support, unless expressly authorized by this section.

391 (13) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—

392 Notwithstanding any other law, a county, a municipality, a
393 school district, or an independent special district may use a
394 qualified contractor to provide preapplication review for a
395 public works project by the county, municipality, school
396 district, or independent special district.

397 (14) CIVIL ACTIONS AUTHORIZED.—

398 (a) An applicant may bring a civil action for declaratory
399 or injunctive relief against a county or municipality for a
400 violation of this section. In any such action, the court shall
401 award the prevailing party its reasonable attorney fees and
402 costs. For purposes of this paragraph, the term "prevailing
403 party" means the party that obtains an enforceable judgment,
404 order, or comparable court-sanctioned relief on the merits which
405 materially alter the legal relationship of the parties in that
406 party's favor, including the granting of declaratory or
407 injunctive relief or the dismissal with prejudice of the
408 opposing party's claims. The term does not include a party whose
409 objectives are achieved solely by the voluntary cessation of
410 challenged conduct absent a judicial determination or other
411 relief bearing the court's imprimatur. If neither party prevails
412 on the significant issues, or if both parties prevail in part,
413 the court may determine that no party is the prevailing party
414 and may equitably apportion fees and costs.

415 (b) Attorney fees, costs, and damages may not be awarded
416 pursuant to this subsection if:

417 1. The applicant provides the local government written



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418 notice that it is in violation of this section; and

419 2. The local government complies with this section within
420 14 days or completes a preapplication review for the applicant
421 that has submitted written notice of a violation of this section
422 within 14 days.

423 Section 2. Paragraph (c) is added to subsection (1) of
424 section 177.071, Florida Statutes, to read:

425 177.071 Administrative approval of plats or replats by
426 designated county or municipal official.—

427 (1)

428 (c) A local government may not create, establish, or apply
429 any additional local procedure or condition for the
430 administrative approval of a plat or replat under this section
431 that is inconsistent with this section or s. 177.091. If
432 infrastructure financial assurances are required as a condition
433 of plat or replat approval, the administrative authority
434 designated in paragraph (a) shall receive and act upon the
435 proposed assurance. The local government shall accept commonly
436 used forms of financial assurance, including performance bonds,
437 letters of credit, and escrow agreements, provided the assurance
438 is in a form reasonably acceptable to the local government and
439 issued by a financially responsible issuer meeting objective,
440 uniformly applied standards. Local government review of such
441 financial assurance shall be limited to verifying that the
442 amount, form, and issuer satisfy the requirements of s. 177.091
443 and the local government's uniformly applied standards, and may
444 not be used to unreasonably delay approval. If the assurance is
445 deficient, the local government shall provide written notice of
446 deficiencies within 10 business days.



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447 Section 3. Paragraph (a) of subsection (1), paragraphs (a)
448 and (b) of subsection (2), paragraph (a) of subsection (3),
449 subsection (4), paragraphs (b) and (c) of subsection (6), and
450 subsection (8) of section 177.073, Florida Statutes, are
451 amended, and paragraph (d) is added to subsection (2), and
452 paragraphs (c) and (d) are added to subsection (4) of that
453 section, to read:

454 177.073 Expedited approval of residential building permits
455 before a final plat is recorded.—

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

457 (a) "Applicant" means a homebuilder or developer who files
458 an application with the local governing body to identify the
459 percentage of planned homes, or the number of building permits,
460 that the local governing body must issue for a residential
461 subdivision, or one or more phases in a multi-phased planned
462 community, subdivision, or planned community.

463 (2) (a) By October 1, 2024, the governing body of a county
464 that has 75,000 residents or more and any governing body of a
465 municipality that has 10,000 residents or more and 25 acres or
466 more of contiguous land that the local government has designated
467 in the local government's comprehensive plan and future land use
468 map as land that is agricultural or to be developed for
469 residential purposes shall create a program to expedite the
470 process for issuing building permits for residential
471 subdivisions, one or more phases of a community or subdivision,
472 or planned communities in accordance with the Florida Building
473 Code and this section before a final plat is recorded with the
474 clerk of the circuit court. The expedited process must include
475 an application for an applicant to identify the percentage of



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476 planned homes, not to exceed 50 percent of the residential
477 subdivision or a planned community, or the number of building
478 permits that the governing body must issue for the residential
479 subdivision or planned community. The application or the local
480 government's final approval may not alter or restrict the
481 applicant from receiving the number of building permits
482 requested, so long as the request does not exceed 50 percent of
483 the planned homes of the residential subdivision or planned
484 community or the number of building permits. This paragraph does
485 not:

486 1. Restrict the governing body from issuing more than 50
487 percent of the building permits for the residential subdivision
488 or planned community.

489 2. Apply to a county subject to s. 380.0552.

490 (b) Subject to the requirements under subsection (6)(b), a
491 governing body that had a program in place before July 1, 2023,
492 to expedite the building permit process, need only update its
493 ~~their~~ program to approve an applicant's written application to
494 issue up to 50 percent of the building permits for the
495 residential subdivision, or planned community in order to comply
496 with this section. This paragraph does not restrict a governing
497 body from issuing more than 50 percent of the building permits
498 for the residential subdivision or planned community.

499 (d)1. If a governing body fails to adopt a program under
500 paragraph (2)(a) or paragraph (2)(c), or fails to update or
501 modify an existing program as required under paragraph (2)(b) by
502 the applicable statutory deadline, the following will apply
503 without further action or approval by the governing body and
504 notwithstanding any conflicting local requirement:



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505 a. The applicant shall have an unconditional, self-
506 executing right to use a qualified contractor of the applicant's
507 choosing, within the scope of the contractor's professional
508 licensure and as authorized under s. 177.073, to perform
509 technical review and certification necessary to support the
510 issuance of up to 75 percent of the building permits for the
511 residential subdivision, or planned community, including one or
512 more phases thereof, before the final plat is recorded, provided
513 the qualified contractor does not have a conflict of interest.
514 For the purpose of this paragraph, "conflict of interest" has
515 the same meaning as in s. 112.312.

516 b. The governing body, local building official, and any
517 local government staff may not condition, delay, limit,
518 restrict, obstruct, or deny the applicant's use of a qualified
519 contractor under this paragraph. Nothing in this paragraph
520 prohibits a local government from applying neutral, generally
521 applicable requirements relating to procurement, contracting,
522 insurance, indemnification, conflict-of-interest review,
523 credential verification, recordkeeping, or public safety,
524 provided such requirements do not materially impair or frustrate
525 the applicant's ability to use a qualified contractor as
526 authorized by this paragraph. Any local requirement that
527 directly conflicts with this paragraph is preempted to the
528 extent of the conflict.

529 c. The qualified contractor may perform all technical
530 review services within the scope of his or her licensure and
531 qualifications which are necessary to obtaining such building
532 permits as specifically authorized under this section, including
533 preparing, reviewing, and submitting permit applications and



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534 supporting plans, specifications, and documents, and providing
535 signed and sealed documents when required by law. The local
536 building official shall accept such submissions when prepared
537 and sealed by the qualified contractor as meeting any local
538 requirement that the submission be prepared or reviewed by local
539 government staff, and shall review and issue the permits in
540 accordance with the Florida Building Code and applicable state
541 law. Nothing in this paragraph limits the authority of the local
542 building official to review such submission by a qualified
543 contractor for compliance with the Florida Building Code and
544 applicable state law, to identify deficiencies, or to approve or
545 deny the permit in accordance with the law.

546 d. The governing body and the local building official may
547 not unreasonably require the applicant or the qualified
548 contractor to use a local government registry, rotation,
549 shortlist, or any other selection or vetting process, that has
550 the effect of denying or materially delaying the applicant's use
551 of a qualified contractor under this section..

552 e. The unconditional right provided by this paragraph
553 becomes effective immediately upon the governing body's failure
554 to meet the applicable deadlines in paragraphs (a) or (c),
555 continues in effect unless and until the governing body has
556 adopted or updated a program fully compliant with this section,
557 and may not be limited, impaired, or applied retroactively to
558 reduce the number or percentage of building permits the
559 applicant may obtain or is eligible to obtain under this
560 paragraph.

561 2. This paragraph may not be construed to limit or impair
562 the authority of the local building official to enforce the



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563 Florida Building Code, the Florida Fire Prevention Code, or
564 other applicable state laws and local laws of general
565 application in reviewing and issuing building permits; however,
566 the governing body and the local building official may not
567 impose any additional local procedures, prerequisites, or
568 substantive standards on the applicant or the qualified
569 contractor which have the effect of conditioning, delaying,
570 restricting, or denying the use of a qualified contractor as
571 authorized by this paragraph.

572 (3) A governing body shall create:

573 (a) A two-step application process for the adoption of a
574 preliminary plat, and for stabilized access roads that can
575 support emergency vehicles, inclusive of any plans, in order to
576 expedite the issuance of building permits under this section.
577 The application must allow an applicant to identify the
578 percentage of planned homes or the number of building permits
579 that the governing body must issue for the residential
580 subdivision, ~~or~~ planned community, or one or more phases of a
581 multi-phased planned community or subdivision.

582 (4) (a) An applicant may use a private provider or qualified
583 contractor in the same manner as provided in pursuant to s.
584 553.791 to expedite the application process for any plans
585 necessary to support the approval of a site plan, preliminary or
586 final plat, or building permits after a preliminary plat is
587 approved under this section.

588 (b) A governing body shall establish a registry of at least
589 six ~~three~~ qualified contractors whom the governing body may use
590 to supplement staff resources in ways determined by the
591 governing body for processing and expediting the review of an



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592 application for a preliminary plat or any plans related to such
593 application. A qualified contractor on the registry who is hired
594 pursuant to this section to review an application, or any part
595 thereof, for a preliminary plat, or any part thereof, may not
596 have a conflict of interest with the applicant. For purposes of
597 this paragraph, the term "conflict of interest" has the same
598 meaning as in s. 112.312.

599 (c) If a governing body fails to establish or maintain the
600 registry required under paragraph (b), an applicant may, at its
601 sole discretion, retain a private provider or qualified
602 contractor of the applicant's choosing to process, review, and
603 expedite any application for a preliminary plat, or supporting
604 documents, provided that the selected private provider or
605 qualified contractor does not have a conflict of interest. For
606 purposes of this paragraph, the term "conflict of interest" has
607 the same meaning as in s. 112.312. If a conflict of interest is
608 identified after selection, the applicant must promptly replace
609 the private provider or qualified contractor with one who has no
610 conflict of interest, and the governing body must continue
611 processing without delay or prejudice.

612 (d) The governing body may not condition, delay, or deny
613 the applicant's use of such private provider or qualified
614 contractor, and shall accept, process, and act upon reviews,
615 approvals, recommendations, or certifications submitted by the
616 private provider or qualified contractor in the same manner and
617 within the same timeframes as if performed by the governing
618 body's own staff, or by a qualified contractor on the registry.
619 The governing body may verify credentials, require standard
620 submittal formats, and conduct ministerial compliance checks,



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621 but may not impose additional requirements that have the effect
622 of frustrating, negating, or impeding the applicant's right to
623 use a private provider or qualified contractor under this
624 paragraph. The applicant shall be responsible for all fees and
625 costs associated with the private provider or qualified
626 contractor. Any ordinance, resolution, policy, practice,
627 contract, or requirement to the contrary is preempted and void
628 to the extent of conflict with this paragraph.

629 (6) The governing body must issue the number or percentage
630 of building permits requested by an applicant in accordance with
631 the Florida Building Code and this section, provided the
632 residential buildings or structures are unoccupied and all of
633 the following conditions are met:

634 (b) The applicant provides proof to the governing body that
635 the applicant has provided a copy of the approved preliminary
636 plat, along with the approved plans, to the relevant electric,
637 gas, water, and wastewater utilities. For purposes of this
638 paragraph, the term "approved plans" means plans approved for
639 design and permit review and does not include, and may not be
640 construed to require or imply, any certification, attestation,
641 or confirmation of the completion of construction of any
642 subdivision or planned community infrastructure, or improvements
643 depicted in, referenced by, or required under such plans, except
644 for the construction of the minimum access and roadway
645 improvements required by the Florida Fire Prevention Code for
646 fire department access and operations, such as a stabilized
647 roadway for emergency access. No other subdivision or planned
648 community infrastructure or improvements may be required to be
649 constructed as a condition of permit issuance or approval.



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650 1. A local government may not condition, delay, withhold,
651 or deny the issuance of any building permit authorized under
652 this section on:

653 a. The actual completion, substantial completion, or
654 physical installation of any subdivision or planned community
655 infrastructure, or improvements identified in the approved
656 preliminary plat or approved plans; or

657 b. The submission, acceptance, or approval of any
658 certification of completion or similar documentation, including,
659 but not limited to, certificates of completion, substantial
660 completion, engineer's or architect's certifications of
661 completion, as-built or record drawings, pressure or compaction
662 test results, utility acceptance letters, service availability
663 letters, or similar confirmations of finished construction or
664 readiness for service.

665 c. Compliance with an environmental condition that is not
666 required by its land development regulations or by state law or
667 federal law to obtain a building permit.

668 2. This prohibition applies notwithstanding any ordinance,
669 resolution, policy, practice, development order, permit
670 condition, concurrency or proportionate-share requirement,
671 development agreement, interlocal agreement, utility policy or
672 standard, or any other local requirement to the contrary.

673 3. This paragraph may not be construed to prohibit a local
674 government from requiring documentation strictly necessary to
675 demonstrate compliance with the Florida Fire Prevention Code as
676 a condition of issuing building permits; however, such
677 documentation may not require the physical completion of the
678 subdivision or planned community infrastructure, or improvements



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679 beyond what is expressly required to satisfy the Florida Fire
680 Prevention Code.

681 (c) The applicant holds a valid performance bond for up to
682 130 percent of the necessary improvements, as defined in s.
683 177.031(9), that have not been completed upon submission of the
684 application under this section. For purposes of a master planned
685 community as defined in s. 163.3202(5)(b), a valid performance
686 bond is required on a phase-by-phase basis. For purposes of this
687 section, a local government may waive the bonding requirement in
688 this paragraph through its program or on a case-by-case basis
689 upon request of the applicant.

690 (8) For purposes of this section, an applicant has a vested
691 right in a preliminary plat that has been approved by a
692 governing body for the earlier of at least 5 years or if all of
693 the following conditions are met:

694 (a) The applicant relies in good faith on the approved
695 preliminary plat or any amendments thereto.

696 (b) The applicant incurs obligations and expenses,
697 commences construction of the residential subdivision or planned
698 community, and is continuing in good faith with the development
699 of the property.

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

701
702 ===== T I T L E A M E N D M E N T =====

703 And the title is amended as follows:

704 Delete everything before the enacting clause
705 and insert:

706 A bill to be entitled

707 An act relating to qualified contractors; creating s.



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708 163.3169, F.S.; providing legislative findings;
709 defining terms; requiring the governing body of a
710 local government, by a specified date, to create a
711 program that authorizes an applicant to use a
712 qualified contractor to conduct a preapplication
713 review of an application; requiring the governing body
714 to establish certain processes; providing
715 specifications for such program; prohibiting certain
716 additional requirements; providing that the program
717 must require a local government to deem an application
718 that satisfies specified provisions administratively
719 complete; prohibiting the program from imposing
720 additional terms, conditions, or duplicative review
721 processes; providing that the program may allow for
722 the review of ownership authorizations for the
723 development of the property; providing construction;
724 requiring the development services office of a local
725 government to establish a registry of a specified
726 number of qualified contractors to be used to conduct
727 preapplication reviews; authorizing the development
728 services office of a local government to register less
729 than the specified number of qualified contractors
730 under certain circumstances; authorizing a local
731 government to enter into an agreement with a
732 neighboring local government under certain
733 circumstances; prohibiting a local government from
734 adding its own employees to the registry; requiring a
735 local government to use certain contract terms;
736 prohibiting a local government from drafting or



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737 applying contractual terms that impose certain
738 obligations on qualified contractors; authorizing an
739 applicant to use a qualified contractor of his or her
740 choosing to perform the preapplication review under
741 certain circumstances; prohibiting a local government
742 from conditioning, denying, delaying or otherwise
743 contesting an applicant's selection or use of a
744 qualified contractor of his or her choosing, except
745 upon a certain determination; authorizing an applicant
746 to exercise sole discretion in choosing a qualified
747 contractor from the registry; specifying requirements
748 for payment to the qualified contractor; requiring a
749 local government to reduce any application fee by a
750 certain amount if the applicant uses a qualified
751 contractor for preapplication review; specifying
752 requirements for such fee reduction; requiring fees to
753 be reasonably related to the actual cost incurred by
754 the local government in administering the application
755 an processing; requiring a development services office
756 to provide a qualified contractor conducting a
757 preapplication review with access to certain
758 resources; providing construction; requiring a local
759 government to conduct a preapplication review within a
760 specified timeframe if the applicant does not use a
761 qualified contractor; authorizing an applicant to use
762 a qualified contractor from the registry if the local
763 government fails to process the application in the
764 required time, at the expense of the local government,
765 so long as the qualified contractor does not have a



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766 conflict of interest; providing for the automatic
767 acceptance of certain applications; specifying that a
768 qualified contractor must only conduct preapplication
769 review of applications relating to the disciplines
770 covered by the qualified contractor's licensure;
771 prohibiting a qualified contractor from conducting
772 preapplication review under certain circumstances;
773 specifying requirements for such preapplication
774 review; requiring a qualified contractor to prepare an
775 affidavit for the preapplication review; specifying
776 requirements for such affidavit; requiring the
777 development services office to make a certain
778 determination on the application upon receipt of such
779 affidavit from the qualified contractor providing the
780 preapplication review; requiring the development
781 services office to take certain actions upon a
782 determination that an application is complete or not
783 administratively complete; providing that an
784 application determined to be administratively complete
785 does not constitute substantive approval of the
786 permit; providing construction; prohibiting the
787 development services office from conducting
788 duplicative review of the permit subject to
789 preapplication review; specifying the purpose of the
790 development services office's review; prohibiting the
791 development services office from re-reviewing
792 materials subject to preapplication review; providing
793 that inconsistent local provisions are preempted,
794 void, and unenforceable; providing disciplinary



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795 guidelines; authorizing a local government to audit
796 the work of qualified contractors; specifying
797 requirements for such auditing procedures; providing
798 construction; authorizing specified entities to
799 provide preapplication reviews for public works
800 projects; authorizing a civil action; authorizing the
801 award of attorney fees and costs; defining the term
802 "prevailing party"; prohibiting the award of attorney
803 fees, costs, or damages under certain circumstances;
804 amending s. 177.071, F.S.; prohibiting local
805 governments from creating or establishing additional
806 regulations for the approval of a final plat;
807 requiring a local government to designate a certain
808 administrative authority to take certain actions
809 relating to the approval of infrastructure assurances;
810 requiring a local government to accept certain forms
811 of surety instruments; amending s. 177.073, F.S.;
812 revising the definition of the term "applicant";
813 requiring the governing body of certain local
814 governments and counties to create a program to
815 expedite the process for building permits for planned
816 unit developments or phases of a community or
817 subdivision; specifying requirements for applicants,
818 qualified contractors, and the governing body of a
819 local government in the event that the local
820 government fails to update or modify a certain program
821 by a specified date; providing construction; requiring
822 a governing body to create a two-step application
823 process for stabilized access to roads that can



824 support emergency vehicles; revising requirements for
825 such application process; authorizing an applicant to
826 use a qualified contractor for land use approvals
827 under certain circumstances; increasing the number of
828 qualified contractors on the registry; authorizing an
829 applicant to retain a private provider or qualified
830 contractor to process, review, and expedite an
831 application for a preliminary plat or related plans
832 under certain circumstances; defining "conflict of
833 interest"; requiring an applicant to replace a
834 qualified contractor or private provider if a conflict
835 of interest is discovered; prohibiting a governing
836 body from restricting an applicant's use of a private
837 provider or qualified contractor and requiring the
838 governing body to accept the such private provider or
839 qualified contractor's reviews, approvals,
840 recommendations, or certifications under certain
841 circumstances; requiring a governing body to treat
842 documents submitted by a private provider or an
843 applicant in the same manner as they treat other
844 documents submitted by certain individuals;
845 authorizing a governing body to take certain actions;
846 requiring an applicant to be responsible for certain
847 fees and costs; voiding and preempting conflicting
848 provisions; defining the term "approved plans";
849 providing construction; prohibiting a local government
850 from conditioning, delaying, withholding, or denying
851 the issuance of any permit under certain
852 circumstances; providing applicability; providing



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853 construction; authorizing a local government to waive
854 certain bonding requirements under certain
855 circumstances; revising the circumstances under which
856 an applicant has a vested right in a preliminary plat;
857 providing an effective date.

By Senator Massullo

11-00975-26

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1 A bill to be entitled
 2 An act relating to qualified contractors; creating s.
 3 163.3169, F.S.; providing legislative findings;
 4 defining terms; requiring the governing body of a
 5 local government, by a specified date, to create a
 6 program that authorizes an applicant to use a
 7 qualified contractor to conduct preapplication review
 8 of an application; requiring the governing body to
 9 establish certain processes; providing specifications
 10 for such program; providing that the program must
 11 require a local government to approve an application
 12 upon the applicant's submittal of the application with
 13 an affidavit verifying certain information; requiring
 14 the local government to approve the application in a
 15 specified timeframe; prohibiting the development
 16 services office of a local government from conducting
 17 any additional review of certain documents that were
 18 subject to preapplication review; providing an
 19 exception; prohibiting a local government from
 20 enacting certain requirements that would regulate an
 21 applicant's ability to use and otherwise interact with
 22 a qualified contractor pursuant to the program;
 23 providing an exception; requiring the development
 24 services office of a local government to establish a
 25 registry of a specified number of qualified
 26 contractors to be used to conduct preapplication
 27 reviews; prohibiting the development services office
 28 from adding a qualified contractor or a firm to the
 29 registry upon such entity's request under certain

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30 conditions; authorizing the development services
 31 office of a local government to register less than the
 32 specified number of qualified contractors under
 33 certain circumstances; authorizing a local government
 34 to enter into an agreement with a neighboring local
 35 government under certain circumstances; prohibiting a
 36 local government from adding its own employees to the
 37 registry; authorizing an applicant to use a qualified
 38 contractor of his or her choosing to perform the
 39 preapplication review under certain circumstances;
 40 requiring the governing body of the local government
 41 receiving such application to accept and process the
 42 application without undue conditioning, denial, or
 43 delay; providing an exception; specifying requirements
 44 for contracts between a local government and a
 45 qualified contractor pursuant to this act; requiring a
 46 local government to apply the same material terms for
 47 certain contract provisions to contracts with
 48 qualified contractors as it does in materially similar
 49 contracts; requiring local government contracts with
 50 qualified contractors to be as favorable and as
 51 stringent as contracts with private contractors
 52 performing comparable services; prohibiting a local
 53 government from enforcing any additional criteria for
 54 qualified contractors beyond what is authorized by the
 55 act; nullifying any such criteria; specifying
 56 requirements for contracts entered into with qualified
 57 contractors; specifying minimum insurance requirements
 58 for qualified contractors; providing construction;

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59 providing severability; authorizing an applicant to
 60 select a qualified contractor or firm from the
 61 registry; prohibiting the applicant from directly
 62 paying the qualified contractor; requiring such
 63 payments be made to the local government; requiring
 64 the local government to pay the qualified contractor
 65 within a specified timeframe; requiring a local
 66 government to reduce an application fee under certain
 67 circumstances; specifying requirements for the
 68 calculation of such fee reduction; prohibiting a local
 69 government from imposing a surcharge, but authorizing
 70 the charge of an administrative fee for the use of a
 71 qualified contractor to conduct preapplication review;
 72 specifying requirements for such administrative fee;
 73 requiring any fee collected to be based on costs
 74 actually incurred pursuant to preapplication review;
 75 requiring the development services office of a local
 76 government to provide a qualified contractor with
 77 equal access to resources; requiring the development
 78 services office to protect against the disclosure of
 79 confidential records; requiring a local government to
 80 process an application in a specified timeframe if an
 81 applicant does not use a qualified contractor for
 82 preapplication review; authorizing an applicant to use
 83 a qualified contractor at the sole expense of the
 84 local government under certain circumstances;
 85 providing for the automatic approval of applications
 86 under certain circumstances; requiring a qualified
 87 contractor to conduct a preapplication review for only

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

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88 the disciplines the qualified contractor is licensed
 89 or certified; prohibiting a qualified contractor from
 90 conducting preapplication review under certain
 91 circumstances; requiring a qualified contractor to
 92 determine whether the application is in compliance
 93 with certain regulations and to work with the
 94 applicant to resolve deficiencies; requiring a
 95 qualified contractor to submit an affidavit to the
 96 development services offices certifying certain
 97 information upon a determination that the application
 98 complies with certain provisions; specifying
 99 requirements for such affidavit; requiring the
 100 development services office to approve or deny an
 101 application upon receipt; specifying requirements for
 102 the development services office if an application is
 103 denied; providing construction; prohibiting a
 104 development services office or local government from
 105 authorizing any law or provision that has the effect
 106 of modifying, impairing, or nullifying the act;
 107 prohibiting a local government from relying on any law
 108 or provision that regulates this act; authorizing a
 109 local government to establish a registration system to
 110 verify whether a qualified contractor or related
 111 entity is in compliance with certain requirements;
 112 providing preemption; providing that qualified
 113 contractors are subject to certain disciplinary
 114 guidelines; requiring that any complaint investigation
 115 or discipline that may arise out of a qualified
 116 contractor's preapplication review be conducted by a

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117 certain professional board; prohibiting a development
 118 services office or local government from auditing a
 119 qualified contractor's preapplication review until
 120 such entity creates standard auditing procedures;
 121 specifying requirements for such procedures; requiring
 122 that such audit procedures be publicly accessible;
 123 requiring that the results of such audit be made
 124 publicly available and updated on a specified basis;
 125 providing a limit on audit frequency; providing an
 126 exception; providing immunity for specified entities;
 127 authorizing local governments, school districts, or
 128 independent special districts to use qualified
 129 contractors for preapplication review for certain
 130 projects; authorizing applicants to bring civil
 131 actions under certain circumstances; defining the term
 132 "prevailing party"; providing for the award of
 133 attorney fees, costs, and damages; providing
 134 exceptions; amending s. 177.071, F.S.; prohibiting
 135 local governments from creating or establishing
 136 additional regulations for the approval of a final
 137 plat; requiring a local government to designate a
 138 certain administrative authority to take certain
 139 actions relating to the approval of infrastructure
 140 assurances; requiring a local government to accept
 141 certain forms of surety instruments; amending s.
 142 177.073, F.S.; revising the definition of the term
 143 "applicant"; requiring the governing body of certain
 144 local governments and counties to create a program to
 145 expedite the process for building permits for planned

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146 unit developments or phases of a community or
 147 subdivision; specifying requirements for applicants,
 148 qualified contractors, and the governing body of a
 149 local government in the event that the local
 150 government fails to update or modify a certain program
 151 by a specified date; providing construction; requiring
 152 a governing body to create a two-step application
 153 process under certain circumstances; revising
 154 requirements for such application process; authorizing
 155 an applicant to use a qualified contractor for land
 156 use approvals under certain circumstances; authorizing
 157 an applicant to retain a private provider or qualified
 158 contractor to process, review, and expedite an
 159 application for a preliminary plat or related plans
 160 under certain circumstances; defining "conflict of
 161 interest"; requiring an applicant to replace a
 162 qualified contractor or private provider if a conflict
 163 of interest is discovered; prohibiting a governing
 164 body from restricting an applicant's use of a private
 165 provider or qualified contractor under certain
 166 circumstances; requiring a governing body to treat
 167 documents submitted by a private provider or an
 168 applicant in the same manner as they treat other
 169 documents submitted by certain individuals;
 170 authorizing a governing body to take certain actions;
 171 prohibiting a governing body from imposing certain
 172 requirements; requiring an applicant to be responsible
 173 for certain fees and costs; voiding and preempting
 174 conflicting provisions; defining the term "approved

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175 plans"; providing construction; prohibiting a local
 176 government from conditioning, delaying, withholding,
 177 or denying the issuance of any permit under certain
 178 circumstances; authorizing a local government to waive
 179 certain bonding requirements under certain
 180 circumstances; revising the circumstances under which
 181 an applicant has a vested right in a preliminary plat;
 182 providing for preemption; prohibiting any unit of
 183 government from taking certain actions or otherwise
 184 regulating any processes, approvals, permits, plans,
 185 or activities related to land development in a more
 186 stringent manner than is required by the act;
 187 prohibiting a local government from imposing any
 188 measure that would have the effect of conflicting with
 189 the act; voiding and preempting conflicting
 190 provisions; prohibiting a local government from
 191 enacting any law or rule related to building permits
 192 which is more strict than those enacted by a state
 193 agency governing the same activity and resource;
 194 providing that such requirement does not apply to
 195 certain floodplain management ordinances; providing an
 196 effective date.

197
 198 Be It Enacted by the Legislature of the State of Florida:

199
 200 Section 1. Section 163.3169, Florida Statutes, is created
 201 to read:
 202 163.3169 Using qualified contractors in local planning and
 203 permitting decisions.-

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204 (1) LEGISLATIVE FINDINGS.-
 205 (a) The Legislature recognizes the need for continued
 206 growth throughout the state, and the need for an efficient
 207 permitting process to accommodate such growth, while balancing
 208 the role of local governments in community planning.
 209 (b) The Legislature further recognizes that numerous local
 210 governments implement innovative planning and development
 211 strategies by using the private sector to supplement the needs
 212 of government and to keep pace with increasing populations,
 213 unmet demands for housing, and continuing budget constraints. To
 214 continue meeting future growth demands, all local governments
 215 shall use all available resources to ensure that private
 216 property owners seeking to build or develop the next generation
 217 of this state's housing supply are not burdened by limited local
 218 government workforces and can by right use a qualified
 219 contractor from the private sector to responsibly review
 220 applications as submitted and authorized under this section.
 221 (2) DEFINITIONS.-As used in this section, the term:
 222 (a) "Applicant" means a developer, homebuilder, or property
 223 owner who files an application with a development services
 224 office of the governing jurisdiction, which may be submitted and
 225 authorized by a qualified contractor, pursuant to this section.
 226 (b) "Application" means a properly completed and submitted
 227 request for a permit, plans review, or plat approval, including
 228 final or preliminary plats, or other types of approvals as
 229 deemed necessary by the land development regulations from a
 230 development services office. The request includes an affidavit
 231 from a qualified contractor attesting that such permit
 232 application, request for plans review, or plat approval complies

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233 with the land development regulation and any applicable fee. The
 234 term does not include plans or permits as reviewed under s.
 235 553.791.

236 (c) "Audit" means a limited, post-submittal verification
 237 process conducted solely to confirm that a qualified
 238 contractor's preapplication review supports the findings in the
 239 required affidavit, demonstrates that the review was performed
 240 in accordance with the normal and customary professional
 241 practices for the applicable discipline, and that the
 242 affidavit's findings are supported by competent and substantial
 243 evidence. An audit under this section may not replicate, redo,
 244 or substitute for the preapplication review performed by the
 245 qualified contractor, and may not go beyond the scope of
 246 verifying performance, customary practice, and evidentiary
 247 support, unless expressly authorized by this section.

248 (d) "Development services office" means the entity, office,
 249 division, or department of a local government responsible for
 250 reviewing applications for compliance with the local
 251 government's land development regulations and other applicable
 252 federal, state, and local requirements. This office may be
 253 substantively identical to or housed within the local
 254 government's planning and zoning department.

255 (e) "Development services official" means the individual in
 256 the development services office of the governing jurisdiction
 257 responsible for the direct regulatory administration or
 258 supervision of the review and approval process required to
 259 indicate compliance with applicable land development
 260 regulations. The term includes any duly authorized designee of
 261 such person. This individual may be the executive director of

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262 the governing body of a local government or the division
 263 director of the local government's planning and zoning
 264 department.

265 (f) "Final plat" has the same meaning as in s. 177.073.

266 (g) "Governing body" has the same meaning as in s.
 267 163.3164.

268 (h) "Land development regulations" means ordinances enacted
 269 by governing bodies for the regulation of any aspect of
 270 development and includes any local government zoning, rezoning,
 271 subdivision, building construction, or sign regulations, or any
 272 other regulations controlling the development of land.

273 (i) "Local government" means a county, a municipality, or a
 274 district created pursuant to chapter 189 or chapter 190.

275 (j) "Permit" means an authorization, approval, or grant by
 276 a local governing body or development services office that
 277 permits the development of land, including any zoning permit,
 278 subdivision approval, rezoning, special exception, variance, or
 279 any other application, as necessary.

280 (k) "Plans" means site engineering plans or site plans, or
 281 their functional equivalent, submitted by an applicant to a
 282 qualified contractor or duly authorized representative for
 283 review.

284 (l) "Preapplication review" means the analysis conducted by
 285 a qualified contractor of the permits, plans, or plats,
 286 including final or preliminary plats, to ensure compliance with
 287 the applicable land development regulations, and which is part
 288 of the application as authorized under this section.

289 (m) "Preliminary plat" means a map or delineated
 290 representation of the subdivision of lands which is a complete

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291 and exact representation of the residential subdivision or
 292 planned community, and contains any additional information
 293 needed to comply with the requirements of chapter 177.
 294 (n) "Qualified contractor" means the individual or firm
 295 contracted with a development services office or local
 296 government to conduct a preapplication review, and who is
 297 included in the registry as required by this section. The term
 298 includes, but is not limited to, any of the following:
 299 1. An engineer or engineering firm licensed under chapter
 300 471.
 301 2. A surveyor or mapper, or a surveyor's or mapper's firm
 302 licensed under chapter 472.
 303 3. An architect or architecture firm licensed under part I
 304 of chapter 481.
 305 4. A landscape architect or a landscape architecture firm
 306 registered under part II of chapter 481.
 307 5. A planner certified by the American Institute of
 308 Certified Planners.
 309 6. A local government employee.
 310 (o) "Single-trade review" means any review focused on a
 311 single component of an application, such as engineering,
 312 surveying, planning, or architectural.
 313 (3) REQUIREMENTS.—
 314 (a) By October 1, 2026, the governing body of a local
 315 government shall create a program by which a development
 316 services office authorizes an applicant to use a qualified
 317 contractor to conduct a preapplication review of any plans,
 318 permits, or plats submitted in an application. The governing
 319 body must establish the processes by which an applicant may

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320 submit an application for approval to the local government,
 321 following a preapplication review conducted by a qualified
 322 contractor. The program must specify at least all of the
 323 following:
 324 1. The manner in which the development services office
 325 enters into a contract with a qualified contractor.
 326 2. Minimum requirements for selection as a qualified
 327 contractor for the program, including verification of current
 328 licensure or certification status and review of any adverse
 329 actions, discipline, or restrictions imposed by the applicable
 330 professional licensing board. A local government may not
 331 consider or require as criteria for selection or qualification
 332 the contractor's years of experience, geographic location, or
 333 any prior or existing work for or with the local government.
 334 3. The minimum and maximum hourly rates that a qualified
 335 contractor may charge an applicant, comparable to market
 336 averages.
 337 4. Other necessary and indispensable procedural
 338 requirements to implement this section, such as requirements
 339 relating to intake, payment, recordkeeping, and notice
 340 processes. Additional requirements may not conflict with or
 341 impair the intent of this section; may not add to, modify,
 342 limit, or condition the rights, duties, standards, scope,
 343 qualifications, or effects established by this section; and may
 344 not impose any substantive review criteria, terms, or conditions
 345 on applicants or qualified contractors.
 346 (b) The program must require a local government to approve
 347 an application upon the submission of such application with an
 348 affidavit verifying that the application, as submitted to the

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349 qualified contractor for preapplication review, complies with
 350 the applicable land development regulations. The program may not
 351 impose additional terms, conditions, or duplicative review
 352 processes. The application must be approved by the local
 353 government within the specified timeframes under ss. 125.022 and
 354 166.033. The development services office shall not conduct any
 355 additional review of the permits, plans, or plats, including
 356 final or preliminary plats, subject to the preapplication
 357 review, except as expressly authorized by this section. A local
 358 government may not enact any requirement to the program that
 359 would complicate or impair the applicant's ability to use a
 360 qualified contractor pursuant to the program, or otherwise
 361 regulate the selection, scope, timing, methods, or fees of a
 362 qualified contractor's preapplication review, except as
 363 expressly authorized by this section.

364 (4) REGISTRY.—

365 (a) The development services office of a local government
 366 shall establish a registry of at least six qualified
 367 contractors, or, for local governments serving populations of
 368 less than 10,000, a registry including no less than three
 369 qualified contractors, whom the local government shall use to
 370 conduct preapplication reviews pursuant to the program. If the
 371 minimum requirements for the qualified contractor specified in
 372 subparagraph (3)(a)2. are met, the development services office
 373 does not have discretion to add a qualified contractor or
 374 qualified contractor firm to the registry upon such entity's
 375 request to be added to the registry.

376 (b) If, after making reasonable efforts, less than six
 377 qualified contractors are available, or if less than three

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378 qualified contractors are available for local governments
 379 serving populations of less than 10,000, the development
 380 services office shall register any willing available qualified
 381 contractors that meet the requirements of subparagraph (3)(a)2.

382 (c) The local government may enter into an agreement with a
 383 neighboring local government for the purpose of using public
 384 employees who meet the requirements for a qualified contractor
 385 to complete the preapplication review. A local government may
 386 not add its own employees to the registry.

387 (5) SELECTION OF A QUALIFIED CONTRACTOR OF APPLICANT'S
 388 CHOICE.—

389 (a) If any of the following conditions exist, an applicant
 390 who elects to participate in the program must have the
 391 unconditional right to use a qualified contractor of his or her
 392 choice, as long as the qualified contractor satisfies the
 393 minimum requirements in subparagraph (3)(a)2. for preapplication
 394 review:

395 1. The governing body of a local government fails to create
 396 the program established pursuant to subsection (3) before
 397 October 1, 2026.

398 2. The development services office of the local government
 399 fails to create the registry as required pursuant to subsection
 400 (4).

401 3. The registry created pursuant to subsection (4) does not
 402 consist of the requisite number of qualified contractors.

403 (b) The local government must approve such application
 404 pursuant to this subsection and may not condition, deny, delay,
 405 or otherwise contest the applicant's selection or use of the
 406 qualified contractor, except upon a written determination

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407 supported by competent substantial evidence that the qualified
 408 contractor has a conflict of interest with the applicant, as
 409 defined in s. 112.312, or under any stricter conflict of
 410 interest standards applicable to the contractor's professional
 411 license.

412 (6) CONTRACT TERMS; UNIFORMITY; INSURANCE.—

413 (a) A contract entered into by a local government with a
 414 qualified contractor under this section must contain terms and
 415 conditions that are consistent with, and as strict as, the
 416 requirements of this section. A local government may not include
 417 any contractual term, condition, policy, procedure, or
 418 specification that has the effect of expanding, modifying, or
 419 restricting the rights, obligations, or processes established by
 420 this section.

421 (b) A local government shall apply the same material terms
 422 governing payment, performance standards, deliverables,
 423 timelines, notices, curing, and oversight to contracts with
 424 qualified contractors, as it applies to materially similar
 425 contracts for services procured from private contractors for
 426 comparable scope and complexity. A local government may not
 427 impose different or more burdensome payment terms, performance
 428 obligations, audit or reporting requirements, or oversight
 429 mechanisms on qualified contractors than those applied to
 430 private contractors providing comparable services. If the local
 431 government uses substantially similar contracts for private
 432 contractors performing comparable services, the contracts
 433 governing qualified contractors must be no less favorable than
 434 the contracts applied to private contractors, and may not be
 435 more stringent than the terms that would apply to a similarly

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436 situated private contractor.

437 (c) A local government may not, by contract or otherwise,
 438 establish, apply, or enforce any additional criteria,
 439 qualifications, prerequisites, certifications, rating systems,
 440 experience thresholds, or approval conditions for qualified
 441 contractors beyond those expressly authorized by this section
 442 and applicable state professional licensure requirements. Any
 443 term or condition that purports to create additional criteria or
 444 qualifications beyond those authorized by this section is void.

445 (d) A local government shall adopt and use standard
 446 contract terms and conditions for agreements with qualified
 447 contractors which are substantially similar in form and
 448 substance to the local government's standard professional
 449 services agreements used for materially similar engagements with
 450 private sector providers. The standard contract shall, at a
 451 minimum, address scope of services, compensation, invoicing,
 452 delivery schedules, termination, dispute resolution, audits
 453 limited to compliance with this section, records retention
 454 consistent with public records laws, and professional
 455 responsibility. A local government may not draft or apply
 456 standard terms in a manner that undermines or frustrates the
 457 purpose and operation of this section.

458 (e) Insurance requirements for qualified contractors must
 459 be commensurate with the estimated value, scope, and risk
 460 profile of the services to be performed under the contract and
 461 must align with commercially reasonable standards for similarly
 462 situated professional services within the jurisdiction. A local
 463 government may not impose insurance requirements that exceed
 464 what is reasonably necessary for the specific engagement, that

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465 exceed the minimum coverage required under applicable state
 466 professional licensing laws absent a documented, project-
 467 specific risk determination, or that operate as a barrier to
 468 registration or participation by an otherwise qualified
 469 contractor. Any insurance requirement must be stated with
 470 specificity, including types and limits of coverage, and shall
 471 allow the use of customary insurance instruments and
 472 endorsements available in the admitted or surplus lines markets.

473 (f) A local government may not, through any contractual
 474 provision, administrative interpretation, or implementation
 475 practice, impose obligations on a qualified contractor which
 476 frustrate, impair, or defeat the legislative intent or
 477 requirements of this section, including by replicating
 478 preapplication reviews, imposing duplicative performance
 479 standards, or conditioning payment on approvals or reviews not
 480 authorized by this section. Any contractual provision that
 481 conflicts with this section or frustrates its purpose is void
 482 and unenforceable.

483 (g) This subsection shall be liberally construed to
 484 effectuate the uniform treatment of qualified contractors
 485 consistent with private sector contracting practices within the
 486 jurisdiction, and to prohibit the indirect circumvention of this
 487 section through contract terms. If any provision of this
 488 subsection or its application to any person or circumstance is
 489 held invalid, the invalidity does not affect other provisions or
 490 applications of this subsection which can be given effect
 491 without the invalid provision or application, and to this end
 492 the provisions of this subsection are severable.

493 (7) PAYMENT, FEES, AND PREAPPLICATION REVIEW.-

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494 (a) The applicant shall have sole discretion to choose a
 495 qualified contractor or firm from the established registry under
 496 subsection (4) to conduct a preapplication review. The applicant
 497 may not pay the qualified contractor directly. Such payment must
 498 be made to the local government as part of the application. The
 499 local government shall ensure the qualified contractor or the
 500 qualified contractor firm is paid within 30 days after
 501 completion of services rendered pursuant to the application.

502 (b) If an applicant uses a qualified contractor for the
 503 purposes of conducting a preapplication review, the local
 504 government must reduce any application fee by the amount of cost
 505 savings realized by the development services office for not
 506 having to perform such services. Such reduction may be
 507 calculated on a flat fee or percentage basis, or any other
 508 reasonable means by which a development services office assesses
 509 the cost for its application review.

510 1. A local government may not impose a surcharge for
 511 preapplication review if the applicant uses a qualified
 512 contractor to conduct a preapplication review; however, the
 513 local government may charge a reasonable administrative fee,
 514 which must be based on the cost that is actually incurred,
 515 including the labor cost of the personnel providing the service,
 516 by the local government or attributable to the local
 517 jurisdiction for the clerical and supervisory assistance
 518 required, or both.

519 2. Any fee collected must be based on costs actually
 520 incurred pursuant to the preapplication review of an application
 521 submitted pursuant to this section.

522 (c) If an applicant uses a qualified contractor to conduct

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523 a preapplication review, the development services office must
 524 provide the qualified contractor with equal access to the data,
 525 resources, documents, reports, and other information reasonably
 526 necessary to perform that review. Such access must be provided
 527 only by means that prevent the disclosure of records that are
 528 confidential or exempt from public inspection or copying under
 529 chapter 119, or any other applicable provision of law protecting
 530 private or exempt records, including, but not limited to, secure
 531 software portals, access controls, or redaction protocols that
 532 safeguard exempt information.

533 (d) If an applicant does not use a qualified contractor
 534 pursuant to this section, the local government must process the
 535 application within the specified timeframes under ss. 125.022
 536 and 166.033. The local government shall use all available
 537 resources to ensure compliance with such timeframes. If the
 538 local government fails to process the application within such
 539 timeframes, the applicant may use a qualified contractor at the
 540 sole expense of the local government, as long as the qualified
 541 contractor does not have a conflict of interest with the
 542 applicant, to review the permits, plans, or plats, including
 543 final and preliminary, subject to the preapplication review. If
 544 the applicant uses a qualified contractor for preapplication
 545 review pursuant to this paragraph, such application must be
 546 approved automatically when the local government receives an
 547 affidavit from the qualified contractor, and subsection (10)
 548 does not apply.

549 (8) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified
 550 contractor must conduct preapplication review only for
 551 applications relating to the disciplines covered by such

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552 qualified contractor's or qualified contractor firm's licensure
 553 or certification granted pursuant to chapter 471, chapter 472,
 554 or chapter 481, or as certified by the American Institute of
 555 Certified Planners, including single-trade review. A qualified
 556 contractor may not conduct a preapplication review pursuant to
 557 this section if the qualified contractor or the qualified
 558 contractor firm is used by the applicant for the same project
 559 that is the subject of the application.

560 (9) AFFIDAVIT REQUIREMENTS.—

561 (a) A qualified contractor performing a preapplication
 562 review must determine whether the application is in compliance
 563 with all applicable land development regulations, comprehensive
 564 plan regulations, ordinances, and codes of the governing
 565 jurisdiction. The qualified contractor shall work directly with
 566 the applicant to resolve any deficiencies. Upon making the
 567 determination that the application complies with all relevant
 568 land development regulations, comprehensive plan regulations,
 569 ordinances, and codes, the qualified contractor shall prepare an
 570 affidavit certifying that the following information is true and
 571 correct to the best of the qualified contractor's knowledge and
 572 belief:

573 1. The preapplication review was conducted by the affiant,
 574 who is duly authorized to perform a preapplication review
 575 pursuant to this section and holds the appropriate license or
 576 certificate.

577 2. The permits, plans, or plats, including final and
 578 preliminary, reviewed in the application, comply with all
 579 applicable land development regulations, comprehensive plan
 580 regulations, ordinances, and codes.

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581 (b) Such affidavit must bear a written or electronic
 582 signature and must be submitted electronically to the
 583 development services office.
 584 (10) AUTHORIZATION AND APPROVAL.—
 585 (a) Upon receipt of an application accompanied by an
 586 affidavit of the qualified contractor pursuant to subsection
 587 (9), the development services office must review and approve or
 588 deny such application.
 589 (b) Upon the denial of such application, the office must
 590 provide written notice to the applicant, specifically
 591 identifying any aspects of the application which do not comply
 592 with this section; applicable land development regulations;
 593 comprehensive plan regulations, ordinances, or codes; and the
 594 reasons the application was denied, as well as the specific code
 595 chapters and sections, within 10 business days after receipt of
 596 the application and affidavit. If the development services
 597 office does not provide written notice to the permit applicant
 598 within 10 business days, the application shall be deemed
 599 approved as a matter of law, and the development services office
 600 must issue the authorization or approval of the application by
 601 the following business day.
 602 (c) The development service office's approval or denial of
 603 an application may not be construed as an evaluation of the
 604 preapplication review conducted by the qualified contractor.
 605 (11) CONSTRUCTION.—
 606 (a) Notwithstanding any other law, charter provision,
 607 ordinance, regulation, policy, practice, or exercise of police
 608 or regulatory powers, a development services office or local
 609 government may not adopt, interpret, apply, condition, enforce,

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610 or otherwise give effect to any law, rule, ordinance, charter
 611 provision, resolution, procedure, policy, guidance, standard,
 612 qualification, fee, surcharge, contractual term, or
 613 administrative or quasi-judicial practice that, directly or
 614 indirectly, imposes any requirement, restriction, delay, review,
 615 approval, denial, condition, audit, inspection, or other barrier
 616 to an applicant's use of this section, or is more stringent
 617 than, augments, supplements, conflicts with, frustrates,
 618 circumvents, or has the effect of modifying, impairing, or
 619 nullifying the express terms, purposes, or operation of this
 620 section.
 621 (b) A local government may not invoke, construe, or rely
 622 upon any other provision of general law, special law, home rule
 623 authority, comprehensive plan policy, land development
 624 regulation; building, zoning, or subdivision requirement; or any
 625 public safety, health, welfare, or nuisance authority to expand,
 626 supplement, supersede, or diminish the rights, processes,
 627 timelines, approvals, or remedies established by this section,
 628 nor may any local government condition the acceptance,
 629 processing, or approval of an application authorized by this
 630 section in compliance with any additional or different
 631 requirements not expressly authorized herein.
 632 (c) A development services office or local government may
 633 establish a registration system to verify whether a qualified
 634 contractor, a qualified contractor firm, or a duly authorized
 635 representative working alongside such entities is in compliance
 636 with licensure requirements and all applicable insurance
 637 requirements for holding the professional license.
 638 (d) Any local provision or action inconsistent with this

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639 subsection is preempted, void, and unenforceable to the extent
 640 of the inconsistency, and this section shall control and be
 641 given full force and effect over any conflicting or more
 642 stringent provision of law, whether general, special, or local,
 643 including any charter or home rule provision, without regard to
 644 the order or time of enactment.

645 (12) DISCIPLINARY GUIDANCE.—When performing a
 646 preapplication review, a qualified contractor is subject to the
 647 disciplinary guidelines of the applicable professional board
 648 with jurisdiction over his or her license or certification under
 649 chapter 471, chapter 472, or chapter 481. Any complaint
 650 investigation or discipline that may arise out of a qualified
 651 contractor’s preapplication review shall be conducted by the
 652 applicable professional board.

653 (13) AUDIT PROCEDURES.—

654 (a) A development services office or local government may
 655 not audit the preapplication review of a qualified contractor
 656 operating within the local government’s jurisdiction until the
 657 development services office or local government has created
 658 standard auditing procedures for its internal inspection and
 659 review staff. Such procedures must include, but are not limited
 660 to, all of the following:

- 661 1. The purpose and scope of the audit.
 662 2. The audit criteria.
 663 3. A framework for audit processes and procedures for a
 664 qualified contractor to file an objection to such audit’s
 665 findings.
 666 4. A framework for documenting detailed findings of areas
 667 of noncompliance.

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668 (b) Such audit procedures must be publicly available
 669 online, and a printed version must be readily accessible in the
 670 development services office or local government buildings.

671 (c) The results of such audits must be made publicly
 672 available and must be updated at least every 6 months. The
 673 office’s audit processes must adhere to the office’s posted
 674 standard audit procedures. A qualified contractor or qualified
 675 contractor firm may not be audited more than four times a year,
 676 unless the development services office determines a condition of
 677 an application constitutes an immediate threat to public safety
 678 and welfare, which must be communicated in writing to the
 679 qualified contractor or qualified contractor firm.

680 (14) IMMUNITY.—The development services office, development
 681 services officials, and the local government shall be immune
 682 from liability to any person or party for any action or inaction
 683 by an applicant, a qualified contractor, or a qualified
 684 contractor firm or its duly authorized representative, in
 685 connection with a preapplication review as authorized in this
 686 act. Any qualified contractor or qualified contractor firm
 687 retained by the local government under contract to review any
 688 application filed with the local government pursuant to this
 689 section shall be considered an agent of the local government in
 690 determining the state insurance coverage and sovereign immunity
 691 protection applicability of ss. 284.31 and 768.28.

692 (15) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—
 693 Notwithstanding any other law, a county, a municipality, a
 694 school district, or an independent special district may use a
 695 qualified contractor to provide preapplication or application
 696 reviews for a public works project by the county, municipality,

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697 school district, or independent special district.

698 (16) CIVIL ACTIONS AUTHORIZED.—

699 (a) An applicant may bring a civil action for declaratory

700 or injunctive relief against a county or municipality for a

701 violation of this section. In any such action, the court shall

702 award the applicant its reasonable attorney fees and costs,

703 including reasonable appellate attorney fees and costs, if the

704 court determines that the applicant is the prevailing party. For

705 purposes of this paragraph, the term “prevailing party” means

706 the party that obtains an enforceable judgment, order, or

707 comparable court-sanctioned relief on the merits which

708 materially alter the legal relationship of the parties in that

709 party’s favor, including the granting of declaratory or

710 injunctive relief or the dismissal with prejudice of the

711 opposing party’s claims. The term does not include a party whose

712 objectives are achieved solely by the voluntary cessation of

713 challenged conduct absent a judicial determination or other

714 relief bearing the court’s imprimatur. If neither party prevails

715 on the significant issues, or if both parties prevail in part,

716 the court may determine that no party is the prevailing party

717 and may equitably apportion fees and costs.

718 (b) Attorney fees and costs and damages may not be awarded

719 pursuant to this subsection if:

720 1. The applicant provides the governing body of the county

721 or municipality written notice that it is in violation of this

722 section; and

723 2. The governing body of the county or municipality

724 complies with this section within 14 days or issues the

725 authorization or approval request within 14 days.

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726 Section 2. Paragraph (c) is added to subsection (1) of

727 section 177.071, Florida Statutes, to read:

728 177.071 Administrative approval of plats or replats by

729 designated county or municipal official.—

730 (1)

731 (c) The local government may not create or establish any

732 additional regulations or requirements that the applicant must

733 meet for the approval of a final plat. Local governments

734 requiring infrastructure assurances in connection with a final

735 plat approval shall designate the same administrative authority

736 as designated in paragraph (a) to receive and administratively

737 approve or accept the surety instrument. The local government

738 shall accept all commonly used forms of surety instruments or

739 alternative forms of financial assurances, including, but not

740 limited to, performance bonds, letters of credit, escrow

741 agreements, or cash escrow with the county.

742 Section 3. Paragraph (a) of subsection (1), paragraphs (a)

743 and (b) of subsection (2), paragraph (a) of subsection (3),

744 subsection (4), paragraphs (b) and (c) of subsection (6), and

745 subsection (8) of section 177.073, Florida Statutes, are

746 amended, paragraph (d) is added to subsection (2), and

747 subsection (11) is added to that section, to read:

748 177.073 Expedited approval of residential building permits

749 before a final plat is recorded.—

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

751 (a) “Applicant” means a homebuilder or developer who files

752 an application with the local governing body to identify the

753 percentage of planned homes, or the number of building permits,

754 that the local governing body must issue for a residential

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755 subdivision, planned unit development, or one or more phases in
 756 a multi-phased planned community, subdivision, or planned
 757 community.

758 (2) (a) By October 1, 2024, the governing body of a county
 759 that has 75,000 residents or more and any governing body of a
 760 municipality that has 10,000 residents or more and 25 acres or
 761 more of contiguous land that the local government has designated
 762 in the local government's comprehensive plan and future land use
 763 map as land that is agricultural or to be developed for
 764 residential purposes shall create a program to expedite the
 765 process for issuing building permits for residential
 766 subdivisions, planned unit developments, one or more phases of a
 767 community or subdivision, or planned communities in accordance
 768 with the Florida Building Code and this section before a final
 769 plat is recorded with the clerk of the circuit court. The
 770 expedited process must include an application for an applicant
 771 to identify the percentage of planned homes, ~~not to exceed 50~~
 772 ~~percent of the residential subdivision or a~~ planned community,
 773 or the number of building permits that the governing body must
 774 issue for the residential subdivision or planned community. The
 775 application or the local government's final approval may not
 776 alter or restrict the applicant from receiving the number of
 777 building permits requested, so long as the request does not
 778 exceed 50 percent of the planned homes of the residential
 779 subdivision or planned community or the number of building
 780 permits. This paragraph does not:

781 1. Restrict the governing body from issuing more than 50
 782 percent of the building permits for the residential subdivision
 783 or planned community.

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784 2. Apply to a county subject to s. 380.0552.

785 (b) Subject to the requirements under subsection (6) (b), a
 786 governing body that had a program in place before July 1, 2023,
 787 to expedite the building permit process, need only update its
 788 ~~their~~ program to approve an applicant's written application to
 789 issue up to 50 percent of the building permits for the
 790 residential subdivision, planned unit development, or planned
 791 community in order to comply with this section. This paragraph
 792 does not restrict a governing body from issuing more than 50
 793 percent of the building permits for the residential subdivision
 794 or planned community.

795 (d) If a governing body fails to adopt a program under
 796 paragraph (2) (a) or paragraph (2) (c), or fails to update or
 797 modify an existing program as required under paragraph (2) (b) by
 798 the applicable statutory deadline, the following will apply
 799 without further action or approval by the governing body and
 800 notwithstanding any conflicting local requirement:

801 1. The applicant shall have an unconditional, self-
 802 executing right to use a qualified contractor of the applicant's
 803 choosing to obtain up to 75 percent of the building permits for
 804 the residential subdivision, planned unit development, or
 805 planned community, including one or more phases thereof, before
 806 the final plat is recorded, provided the qualified contractor
 807 does not have a conflict of interest with the applicant. For the
 808 purpose of this paragraph, "conflict of interest" has the same
 809 meaning as in s. 112.312.

810 2. The governing body, local building official, and any
 811 local government staff may not condition, delay, limit,
 812 restrict, obstruct, or deny the applicant's use of a qualified

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813 contractor under this paragraph, including by imposing any
 814 application, review, approval, staffing, procurement,
 815 qualification, preapproval, or selection requirements on the
 816 qualified contractor other than those expressly required by
 817 state law and the Florida Building Code. Any ordinance,
 818 resolution, policy, practice, contract, or requirement to the
 819 contrary is preempted and void to the extent of the conflict
 820 with this paragraph.

821 3. The qualified contractor may perform all services within
 822 the scope of his or her licensure and qualifications which are
 823 necessary or incidental to obtaining such building permits,
 824 including preparing, reviewing, and submitting permit
 825 applications and supporting plans, specifications, and
 826 documents, and providing signed and sealed documents when
 827 required by law. The local building official shall accept such
 828 submissions when prepared and sealed by the qualified contractor
 829 as meeting any local requirement that the submission be prepared
 830 or reviewed by local government staff, and shall review and
 831 issue the permits in accordance with the Florida Building Code
 832 and applicable state law.

833 4. The governing body and the local building official may
 834 not require the applicant or the qualified contractor to use a
 835 local government registry, rotation, shortlist, or any other
 836 selection or vetting process, and may not require any written
 837 agreement, indemnification, fees, or other conditions specific
 838 to the use of a qualified contractor under this paragraph,
 839 except for standard building permit fees otherwise applicable to
 840 all building permit applications, and any fees expressly
 841 authorized by state law.

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842 5. The unconditional right provided by this paragraph
 843 becomes effective immediately upon the governing body's failure
 844 to meet the applicable deadlines in paragraphs (a) or (c),
 845 continues in effect unless and until the governing body has
 846 adopted or updated a program fully compliant with this section,
 847 and may not be limited, impaired, or applied retroactively to
 848 reduce the number or percentage of building permits the
 849 applicant may obtain or is eligible to obtain under this
 850 paragraph.

851 6. This paragraph does not limit or impair the authority of
 852 the local building official to enforce the Florida Building
 853 Code, the Florida Fire Prevention Code, or other applicable
 854 state laws of general application in reviewing and issuing
 855 building permits; however, the governing body and the local
 856 building official may not impose any additional local
 857 procedures, prerequisites, or substantive standards on the
 858 applicant or the qualified contractor which have the effect of
 859 conditioning, delaying, restricting, or denying the use of a
 860 qualified contractor as authorized by this paragraph.

861 (3) A governing body shall create:

862 (a) A two-step application process for the adoption of a
 863 preliminary plat, and for stabilized access roads that can
 864 support emergency vehicles, ~~inclusive of any plans,~~ in order to
 865 expedite the issuance of building permits under this section.
 866 The application must allow an applicant to identify the
 867 percentage of planned homes or the number of building permits
 868 that the governing body must issue for the residential
 869 subdivision, ~~or~~ planned community, planned unit development, or
 870 one or more phases of a multi-phased planned community or

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871 subdivision.

872 (4) (a) An applicant may use a private provider or qualified

873 contractor for land use approvals in the same manner as provided

874 in pursuant to s. 553.791 to expedite the application process

875 for any plans necessary to support the approval of a site plan,

876 preliminary or final plat, or building permits after a

877 preliminary plat is approved under this section.

878 (b) A governing body shall establish a registry of at least

879 six ~~three~~ qualified contractors whom the governing body may use

880 to supplement staff resources in ways determined by the

881 governing body for processing and expediting the review of an

882 application for a preliminary plat or any plans related to such

883 application. A qualified contractor on the registry who is hired

884 pursuant to this section to review an application, or any part

885 thereof, for a preliminary plat, or any part thereof, may not

886 have a conflict of interest with the applicant. For purposes of

887 this paragraph, the term "conflict of interest" has the same

888 meaning as in s. 112.312.

889 (c) If a governing body fails to establish or maintain the

890 registry required under paragraph (b), an applicant may, at its

891 sole discretion, retain a private provider or qualified

892 contractor of the applicant's choosing to process, review, and

893 expedite any application for a preliminary plat, or any plans

894 related to such application, provided that the selected private

895 provider or qualified contractor does not have a conflict of

896 interest with the applicant. For purposes of this paragraph, the

897 term "conflict of interest" has the same meaning as in s.

898 112.312. If a conflict of interest is identified after

899 selection, the applicant must promptly replace the private

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900 provider or qualified contractor with one who has no conflict of

901 interest, and the governing body must continue processing

902 without delay or prejudice.

903 (d) The governing body may not condition, delay, or deny

904 the applicant's use of such private provider or qualified

905 contractor, and shall accept, process, and act upon reviews,

906 approvals, recommendations, or certifications submitted by the

907 private provider or qualified contractor in the same manner and

908 within the same timeframes as if performed by the governing

909 body's own staff, or by a contractor on the registry. The

910 governing body may verify credentials, require standard

911 submittal formats, and conduct ministerial compliance checks,

912 but may not impose additional requirements that have the effect

913 of frustrating, negating, or impeding the applicant's right to

914 use a private provider or qualified contractor under this

915 paragraph. The applicant shall be responsible for all fees and

916 costs associated with the private provider or qualified

917 contractor. Any ordinance, resolution, policy, practice,

918 contract, or requirement to the contrary is preempted and void

919 to the extent of conflict with this paragraph.

920 (6) The governing body must issue the number or percentage

921 of building permits requested by an applicant in accordance with

922 the Florida Building Code and this section, provided the

923 residential buildings or structures are unoccupied and all of

924 the following conditions are met:

925 (b) The applicant provides proof to the governing body that

926 the applicant has provided a copy of the approved preliminary

927 plat, along with the approved plans, to the relevant electric,

928 gas, water, and wastewater utilities. For purposes of this

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929 paragraph, "approved plans" means plans approved for design and
 930 permit review and does not include, and may not be construed to
 931 require or imply, any certification, attestation, or
 932 confirmation of the completion of construction of any
 933 subdivision or planned community infrastructure, or improvements
 934 depicted in, referenced by, or required under such plans, except
 935 for the construction of the minimum access and roadway
 936 improvements required by the Florida Fire Prevention Code for
 937 fire department access and operations, such as a stabilized
 938 roadway for emergency access. No other subdivision or planned
 939 community infrastructure or improvements may be required to be
 940 constructed as a condition of permit issuance or approval.

941 1. A local government may not condition, delay, withhold,
 942 or deny the issuance of any building permit authorized under
 943 this section on:

944 a. The actual completion, substantial completion, or
 945 physical installation of any subdivision or planned community
 946 infrastructure, or improvements identified in the approved
 947 preliminary plat or approved plans; or

948 b. The submission, acceptance, or approval of any
 949 certification of completion or similar documentation, including,
 950 but not limited to, certificates of completion, substantial
 951 completion, engineer's or architect's certifications of
 952 completion, as-built or record drawings, pressure or compaction
 953 test results, utility acceptance letters, service availability
 954 letters, or similar confirmations of finished construction or
 955 readiness for service.

956 2. This prohibition applies notwithstanding any ordinance,
 957 resolution, policy, practice, development order, permit

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958 condition, concurrency or proportionate-share requirement,
 959 development agreement, interlocal agreement, utility policy or
 960 standard, or any other local requirement to the contrary.

961 3. This paragraph does not prohibit a local government from
 962 requiring documentation strictly necessary to demonstrate
 963 compliance with the Florida Fire Prevention Code as a condition
 964 of issuing building permits; however, such documentation may not
 965 require the physical completion of the subdivision or planned
 966 community infrastructure, or improvements beyond what is
 967 expressly required to satisfy the Florida Fire Prevention Code.

968 (c) The applicant holds a valid performance bond for up to
 969 130 percent of the necessary improvements, as defined in s.
 970 177.031(9), that have not been completed upon submission of the
 971 application under this section. For purposes of a master planned
 972 community as defined in s. 163.3202(5)(b), a valid performance
 973 bond is required on a phase-by-phase basis. For purposes of this
 974 section, a local government may waive the bonding requirement in
 975 this paragraph through its program or on a case-by-case basis
 976 upon request of the applicant.

977 (8) For purposes of this section, an applicant has a vested
 978 right in a preliminary plat that has been approved by a
 979 governing body for the earlier of at least 5 years or if all of
 980 the following conditions are met:

981 (a) The applicant relies in good faith on the approved
 982 preliminary plat or any amendments thereto.

983 (b) The applicant incurs obligations and expenses,
 984 commences construction of the residential subdivision or planned
 985 community, and is continuing in good faith with the development
 986 of the property.

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987 (11)(a) Notwithstanding any other law, this section is an
 988 express and exclusive preemption of the regulation of the
 989 activities governed by this section to the state. A county,
 990 municipality, special district, or other political subdivision
 991 may not create, adopt, enact, amend, interpret, implement,
 992 condition, deny, delay, or otherwise regulate any aspect of the
 993 processes, approvals, permits, plans, or activities authorized
 994 by or arising under this section in any manner that is
 995 inconsistent with, more stringent than, or in addition to the
 996 requirements established by this section or an applicant's
 997 rights and approvals under this section. A local government may
 998 not impose, as a condition of any approval or permit authorized
 999 by this section, any requirement, standard, study, report,
 1000 review, timing or sequencing condition, development order
 1001 condition, performance measure, level-of-service or concurrency
 1002 determination, exaction, conformity or consistency
 1003 determination, or other obligation derived from or contained in
 1004 the local government's charter, ordinances, codes, policies,
 1005 procedures, resolutions, administrative practices, comprehensive
 1006 plan, future land use map, land development regulations, or any
 1007 related manual, guideline, or technical standard, if such
 1008 requirement would alter, restrict, delay, add to, or otherwise
 1009 conflict with the provisions of this section or the approvals
 1010 contemplated herein. Any ordinance, resolution, policy,
 1011 practice, procedure, plan provision, development order
 1012 condition, or other local requirement that purports to regulate
 1013 matters preempted by this subsection, or that is inconsistent
 1014 with or more stringent than this section, is expressly
 1015 preempted, superseded, and void to the extent of the conflict.

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1016 (b) Notwithstanding any other law, in reviewing,
 1017 processing, or acting on any application for a building permit
 1018 under this section, a local government, including its
 1019 development services office and local building official, may not
 1020 use, enforce, or apply any local ordinance, regulation, policy,
 1021 condition, practice, or criterion relating to environmental
 1022 protection or natural resources that is substantially similar
 1023 to, duplicative of, or more stringent than a state regulatory
 1024 program adopted, implemented, or enforced by a state agency
 1025 governing the same activity or resource, and shall instead rely
 1026 upon the applicable state program's standards, approvals,
 1027 permits, and conditions as determinative of compliance for such
 1028 environmental or natural resource matters. This paragraph does
 1029 not apply to local floodplain management ordinances adopted to
 1030 comply with or participate in the National Flood Insurance
 1031 Program, nor does it prohibit a local government from doing any
 1032 of the following:

- 1033 1. Enforcing the Florida Building Code, Florida Fire
- 1034 Prevention Code, or other state preempted life-safety standards.
- 1035 2. Implementing a state environmental or natural resource
- 1036 program pursuant to an express delegation, interlocal agreement,
- 1037 or contract that requires local implementation of state
- 1038 standards without imposing requirements more stringent than the
- 1039 delegated state program.
- 1040 3. Applying neutral, generally applicable administrative
- 1041 procedures, timelines, and submittal requirements necessary to
- 1042 process building permits which do not establish substantive
- 1043 environmental or natural resource standards in addition to or
- 1044 more stringent than those of the state program. Any conflicting

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1045 local provision is preempted and of no force or effect to the
1046 extent of the conflict.

1047 Section 4. 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 20, 2026

I respectfully request that **Senate Bill #1138**, relating to Qualified Contractors, be placed on the:

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

A handwritten signature in black ink, appearing to read "R. Massullo, Jr.", written in a cursive style.

Senator Ralph E. Massullo, Jr.
Florida Senate, District 11

The Florida Senate

APPEARANCE RECORD

2-10-26

Meeting Date

1138

Bill Number or Topic

Judiciary
Committee

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

Amendment Barcode (if applicable)

Name Daniel Martine Z Phone 305-240-2917

Address 107 E College Ave Email DMartinez@AFP HQ.org
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Americans for Prosperity

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

1138

Bill Number or Topic

Feb 10, 2026

Meeting Date

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Judiciary

Committee

Amendment Barcode (if applicable)

Name Brendan Burke

Phone 727 512 2469

Address 1319 Thomaswood Dr
Street

Email bburke@fhba.com

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 Home Builders Association

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

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S-001 (08/10/2021)

2/6/26

Meeting Date

Judiciary

Committee

Name Adam Basford

Phone 8502247173

Address 516 N Adams St

Email abasford@aif.com

Street

Tallahassee

FL

32301

City

State

Zip

The Florida Senate

APPEARANCE RECORD

1138

Bill Number or Topic

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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:

Associated Industries 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)

02/10/20

Meeting Date

The Florida Senate
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1138

Bill Number or Topic

Judiciary
Committee

Amendment Barcode (if applicable)

Name Amina Spanic Phone _____

Address _____
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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The Florida Senate

APPEARANCE RECORD

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02/10/24

Meeting Date

Judiciary

Committee

1138

Bill Number or Topic

292056

Amendment Barcode (if applicable)

Name

Amina Spalio

Phone

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

X - Amendment

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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The Florida Senate

APPEARANCE RECORD

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1138

Bill Number or Topic

292056

Amendment Barcode (if applicable)

2/10/20

Meeting Date

Judiciary

Committee

Name David Cruz

Phone 701-3676

Address P.O. Box 1757

Email DCruz@fllcities.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:

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 1338

INTRODUCER: Senator Burton

SUBJECT: Charitable Giving

DATE: February 9, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1338 creates the “Safeguarding Endowment Gifts Act,” which provides legal recourse to individual charitable donors when their giving restrictions are not followed by a recipient charitable organization according to an endowment agreement. An aggrieved donor must notify the charity of the issue. If the issue is unresolved after 90 days, the donor may file an action to enforce the endowment agreement. The court may determine an appropriate remedy but may not order that the donated property be returned to the donor. A charity unsure about its obligations regarding a donor restriction may ask the court for clarification.

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

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

II. Present Situation:

Charitable Giving – In General

Charitable giving is common in society, as is the tendency of donors to want to limit the use of their donation to a particular use. The United States leads the world in charitable giving as a percentage of GDP.¹ Limiting the use of donated property according to the donor’s intent has long been a feature of the common law on trusts and is a primary focus of the state as it encourages charitable giving.² Some of that common law has been codified in Florida.

¹ Philanthropy Roundtable, *Statistics on U.S. Generosity*, <https://www.philanthropyroundtable.org/almanac/statistics-on-u-s-generosity/> (last visited February 5, 2026).

² Section 736.1210, F.S.

The Florida Trust Code

A trust is allowed to be created for a charitable purpose.³ The settlor of a trust expresses that intent and purpose in the terms of the trust.⁴ The settlor of the trust may enforce the terms of the trust.⁵ Where judicial modification of the terms of a trust is allowed, the court must do so in a manner that best conforms to the intent of the settlor.⁶ A court reforming the terms of the trust or modifying the terms of a trust must follow the intent of the settlor.⁷ The intent of the settlor is the primary focus when determining the legal effect of a trust.⁸ Honoring the settlor's intent effectuates the state intent to preserve, foster, and encourage giving to charitable institutions.⁹

Part XII of the Florida Trust Code implies that a charitable trust must follow the donor's intent by regulating the power of the trustee to amend the trust instrument¹⁰ and the power of a circuit court to allow deviation from the donor's intent.¹¹ Florida has rejected the "benefit-of-the-beneficiary" test.¹²

The Florida Uniform Prudent Management of Institutional Funds Act (FUPMIFA)¹³

The FUPMIFA applies to a nonprofit corporation. It governs how a charitable institution in Florida can manage, invest, and spend donor restricted endowment funds. The act is based on the Prudent Management of Institutional Funds Act created by the Uniform Law Commission. The uniform act has been adopted by 49 states.¹⁴

The uniform act provides guidance and authority to charitable organizations concerning the management and investment of funds held by those organizations, and imposes additional duties on those who manage and invest charitable funds. These duties provide additional protection for charities and protects the interests of donors who want to see their contributions used wisely.¹⁵

While the act gives significant guidance on the investment and management of funds, there is relatively little regulation of whether a fund is fulfilling the charitable purpose for which it was created. The act requires consent of the donor to release or modify a restriction on the use of the

³ Section 736.0405(1), F.S.

⁴ Section 736.0103(24), F.S.

⁵ Section 736.0405(3), F.S.

⁶ Section 736.04115(2)(a), F.S.

⁷ Sections 736.0415 and 736.0416, F.S.

⁸ Section 736.1101, F.S.

⁹ Section 736.1210, F.S.

¹⁰ Section 736.1206, F.S.

¹¹ Section 736.1207, F.S.

¹² Chapter 2018-35, Laws of Fla.

¹³ Section 617.2104, F.S.

¹⁴ Uniform Law Commission, *Prudent Management of Institutional Funds Act*, <https://www.uniformlaws.org/committees/community-home?communitykey=043b9067-bc2c-46b7-8436-07c9054064a3> (last visited Feb. 5, 2026).

¹⁵ *Prefatory Note*, Uniform Prudent Management of Institutional Funds Act.

gift,¹⁶ allows limited modification where consent is unavailable,¹⁷ and provides for modification by the circuit court in limited circumstances.¹⁸

III. Effect of Proposed Changes:

The Safeguarding Endowment Gifts Act

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

The bill creates the following definitions:

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

¹⁶ Section 617.2104(6)(a), F.S.

¹⁷ Section 617.2104(6)(b), F.S.

¹⁸ Sections 617.2104(6)(d) and (6)(e), F.S.

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

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

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

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

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

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

- Affect the authority of the Attorney General to enforce any restriction in an endowment agreement;
- Limit the application of the judicial power of *cy pres*;¹⁹ or
- Alter the right of an institution to modify a restriction on the management, investment, purpose, or use of an endowment fund in a manner permitted by the endowment agreement and by the Florida Uniform Prudent Management of Institutional Funds Act.²⁰

¹⁹ Section 736.0413, F.S., authorizes courts to apply the doctrine of “*cy pres*” if a particular charitable purpose becomes unlawful, impracticable, impossible to achieve or wasteful. The doctrine may be applied to modify or terminate the trust by directing that the trust property be applied or distributed, in whole or in part, in a manner consistent with the settlor's charitable purposes. The judicial doctrine of “*cy pres*” comes from the Old French “*cy près comme possible*,” meaning “as near as possible.” See Christopher J. Ryan, Jr. (2023), *An Historical and Empirical Analysis of the Cy- près Doctrine*, ACTEC Law Journal, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4176994 (last visited Jan. 27, 2026).

²⁰ Section 617.2104, F.S., is the Florida Uniform Prudent Management of Institutional Funds Act and provides a framework for managing and investing institutional funds. The term “institutional fund” means a fund held by an institution exclusively

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

The Charity Protection Act

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

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

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

for charitable purposes, but the term does not include: (1) program related assets; (2) a fund held for an institution by a trustee that is not an institution; (3) a fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund; or (4) a fund managed or administered by the State Board of Administration pursuant to its constitutional statutory authority.

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

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

It is unclear why the bill places the restrictions created in section 1 of the bill into chapter 496, F.S. That chapter regulates the act of soliciting funds for a charitable purpose. Section 1 of the bill regulates corporations that are governed by chapter 617, F.S. The Legislature may wish to amend the bill to place section 1 into chapter 617, F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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

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

None.

B. Amendments:

None.

By Senator Burton

12-01082A-26

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

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

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

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

48 496.432 Safeguarding Endowment Gifts Act.—

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

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

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

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

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

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

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

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

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

87 (g) "Legal representative" means the administrator or

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

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

99 (3) PROTECTIONS AFFORDED.-

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

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

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117 judgment awarding damages to the donor or donor representative.
 118 (c) If a charitable organization is unable to fulfill a
 119 term in the endowment agreement, the charitable organization
 120 must notify the donor, or the donor's legal representative,
 121 within 30 days after discovering it is unable to fulfill the
 122 terms and offer an alternative solution that closely matches the
 123 initial term in the endowment agreement.
 124 (d) A charitable organization may obtain a judicial
 125 declaration of the rights and duties expressed in an endowment
 126 agreement containing donor restrictions as to all of the actions
 127 the endowment agreement contemplates, including, but not limited
 128 to, the interpretation, performance, or enforcement of the
 129 agreement, and a determination of its validity. The charitable
 130 organization shall seek a judicial declaration in any suit
 131 brought under this section, or by filing a complaint.
 132 (e) If the court determines that a charitable organization
 133 violated a donor-imposed restriction in an endowment agreement,
 134 the court may order one or more remedies consistent with the
 135 charitable purposes expressed in the endowment agreement. The
 136 court may not order the return of donated funds to the donor or
 137 the donor's legal representative.
 138 (f) This act does not affect the authority of the Attorney
 139 General to enforce any restriction in an endowment agreement;
 140 limit the application of the judicial power of cy pres; or alter
 141 the right of an institution to modify a restriction on the
 142 management, investment, purpose, or use of an endowment fund in
 143 a manner permitted by the endowment agreement and by the Florida
 144 Uniform Prudent Management of Institutional Funds Act created in
 145 s. 617.2104.

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146 (4) SEVERABILITY.—If any provision of this section or its
 147 application to any person or circumstance is held invalid, the
 148 invalidity does not affect other provisions or applications of
 149 the section which can be given effect without the invalid
 150 provision or application, and to this end the provisions of this
 151 section are declared severable.
 152 Section 2. Section 496.433, Florida Statutes, is created to
 153 read:
 154 496.433 Charity Protection Act.—
 155 (1) LEGISLATIVE FINDINGS.—The Legislature finds that it is
 156 necessary to minimize burdens on the charitable sector and to
 157 create a grantmaking environment centered on effectiveness and
 158 fiscal impact on charitable organizations.
 159 (2) PROTECTIONS AFFORDED.—
 160 (a) Except where specifically required or authorized by
 161 federal law, a state agency or state official may not impose any
 162 annual filing or reporting requirements on an organization
 163 regulated or specifically exempted from regulation under this
 164 chapter which are more burdensome than the requirements
 165 authorized by Florida law.
 166 (b) This subsection does not apply to state grants or
 167 contracts or to fraud investigations.
 168 (c) This subsection does not restrict enforcement actions
 169 against specific nonprofit organizations.
 170 Section 3. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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

SENATOR COLLEEN BURTON

12th District

January 29, 2026

The Honorable Clay Yarborough
308 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Yarborough,

I respectfully request SB 1338 Charitable Giving be placed on the Judiciary agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Tom Cibula, Staff Director
Lisa Larson, Committee Administrative Assistant

REPLY TO:

1375 Havendale Blvd., Winter Haven, FL 33881 (863) 413-1529
408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 1434

INTRODUCER: Judiciary Committee and Senator Calatayud

SUBJECT: Infill Redevelopment

DATE: February 11, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1434 creates the “Infill Redevelopment Act,” which preempts certain local land development regulations and oversight for “qualifying parcels” to promote infill redevelopment in urban areas.

Qualifying parcels are plots of land at least 5 acres in size located adjacent to other parcels zoned for residential uses in certain counties. They must also be environmentally impacted, which for purposes of the bill means contaminants or pollutants have been detected on the land above certain thresholds or the land has been designated a brownfield area under state law.

Under the bill, local governments must allow, using an administrative approval process, a qualifying parcel to be developed with residential uses up to either the average density of all applicable zoning districts within the same jurisdiction, or 25 dwelling units per acre, whichever is lower.

The bill includes additional requirements for qualifying parcels that have recreational facilities on them (such as golf courses or recreational areas adjacent to single family homes on all sides) and provides a framework for the sale of such properties to adjacent property owners if they wish to preserve their recreational use.

The bill applies to development applications submitted pursuant to the bill’s provisions on or after its effective date. A local government may not adopt or enforce a local law, an ordinance, or

a regulation that restricts, prohibits, or otherwise limits the development of a qualifying parcel in accordance with the bill.

The bill takes effect upon becoming a law.

II. Present Situation:

Growth Management and Comprehensive Planning

The Community Planning Act directs counties and municipalities to plan for future development by adopting comprehensive plans.¹ Each local government must maintain a comprehensive plan to guide future development.²

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.³ A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

Comprehensive plans lay out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. They are made up of 10 required elements, each laying out regulations for different facets of development.⁴

The 10 required elements consider and address capital improvements; future land uses; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Other plans and programs may be added as optional elements to a comprehensive plan.⁵

The Future Land Use Element

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.⁶ Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.⁷ The proposed distribution, location, and extent of the various categories of land use must be shown on a land

¹ Section 163.3167(1), F.S.

² Section 163.3167(2), F.S.

³ Section 163.3194(3), F.S.

⁴ Section 163.3177(3) and (6), F.S.

⁵ *Id.*

⁶ Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.

⁷ Section 163.3177(6)(a)1., F.S.

use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.⁸

A comprehensive plan's future land use element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.⁹

Infill Development

The Growth Policy Act,¹⁰ establishes a framework for urban infill and redevelopment for promoting and sustaining urban cores. Under the act, "urban infill and redevelopment area" means an area or areas designated by a local government where:

- Public services such as water and wastewater, transportation, schools, and recreation are already available or are scheduled to be provided in an adopted 5-year schedule of capital improvements.
- The area, or one or more neighborhoods within the area, suffers from pervasive poverty, unemployment, and general distress as defined by state law.¹¹
- The area exhibits a proportion of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete which is higher than the average for the local government.
- More than 50 percent of the area is within quarter mile of a transit stop, or a sufficient number of transit stops will be made available concurrent with the designation.
- The area includes or is adjacent to community redevelopment areas, brownfields, enterprise zones, or Main Street programs, or has been designated by the state or Federal Government as an urban redevelopment, revitalization, or infill area under empowerment zone, enterprise community, or brownfield showcase community programs or similar programs.¹²

The act authorizes local governments to designate urban infill and redevelopment areas within their jurisdictions for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core.¹³ To designate an urban infill and redevelopment area, local governments must prepare and adopt, based on specified criteria, a comprehensive, community-based redevelopment plan. The plan must address land use, housing (including affordable housing), transportation, infrastructure, public safety, and economic development, and must be developed through a collaborative process involving residents, businesses, and other stakeholders.¹⁴ Once designated, urban infill and redevelopment areas may issue revenue bonds, employ tax increment financing, and use state and federal funding mechanisms to support redevelopment activities.¹⁵

⁸ Section 163.3177(6)(a)2., F.S.

⁹ Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215*, 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993)).

¹⁰ Section 163.2511(1), F.S. (providing that ss. 163.2511-163.2520, F.S., may be cited as the "Growth Policy Act").

¹¹ See s. 290.0058, F.S. (providing how to determine whether an area suffers from pervasive poverty, unemployment, or general distress).

¹² Section 163.2514(2), F.S.

¹³ Section 163.2517(1), F.S.

¹⁴ See generally s. 163.2517, F.S.

¹⁵ Section 163.2520, F.S.

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.¹⁶

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.¹⁷ Local governments are encouraged to use innovative land development regulations¹⁸ and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.¹⁹ Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.²⁰

Classification of Agricultural Lands

State property appraisers must classify for ad valorem tax assessment purposes all lands within their counties as agricultural or nonagricultural.²¹ Only lands that are used primarily for bona fide agricultural purposes may be classified agricultural.²²

“Bona fide agricultural purposes” means good faith commercial agricultural use of the land.²³ “Agricultural purposes” includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture as defined in state law; algaculture; sod farming; and all forms of farm products as defined in state law; and farm production.²⁴

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.²⁵ Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law and approved by a vote of the electors.²⁶ Municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions, provide municipal services, and exercise any power for municipal purposes, except as otherwise prohibited by law.²⁷

¹⁶ Section 163.3164(26), F.S.

¹⁷ Section 163.3202(1), F.S.

¹⁸ Section 163.3202(3), F.S.

¹⁹ Sections 125.01055 and 166.04151, F.S.

²⁰ See ss. 163.3161(6) and 163.3194(1)(a), F.S.

²¹ Section 193.461(1), F.S.

²² Section 193.461(3)(b), F.S.

²³ *Id.*

²⁴ Section 193.461(5), F.S.

²⁵ FLA. CONST. art. VIII, s. 1(f).

²⁶ FLA. CONST. art. VIII, s. 1(g).

²⁷ FLA. CONST. art. VIII, s. 2(b); see also s. 166.021(1), F.S.

Preemption

An ordinance may be declared invalid on the grounds that it is inconsistent with the State Constitution or Florida Statutes. Inconsistency may be found if a local ordinance is either preempted by or in conflict with the State Constitution or Florida Statutes.²⁸ Preemption means that a local government is precluded from exercising authority in a particular area, while conflict exists if a municipality has the right to act but such action frustrates the purpose of the state regulation.²⁹ Express preemption refers to instances where the Legislature has directly written into law that the state intends to occupy a field of law, prohibiting local governments from taking action in that field.³⁰

Comprehensive Environmental Response, Compensation, and Liability Act of 1980

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)³¹ is informally known as Superfund.³² Thousands of contaminated sites exist nationally due to hazardous waste being dumped, left out in the open, or otherwise improperly managed. These sites include manufacturing facilities, processing plants, landfills, and mining sites.³³

CERCLA created a tax on the chemical and petroleum industries and required that the money collected be used to clean up hazardous waste sites throughout the country.³⁴ Superfund allows the U.S. Environmental Protection Agency (EPA) to clean up contaminated sites. It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.³⁵

The first step in the process is determining whether a site requires cleanup before reuse. A series of tests and investigations are used to determine whether a site has a “recognized environmental condition,” defined as:

- The presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment;
- The likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or
- The presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.³⁶

²⁸ See *City of Jacksonville v. American Environmental Services Inc.*, 699 So. 2d 255, 256 (Fla. 1st DCA 1997).

²⁹ See *id.*

³⁰ See, e.g., s. 790.33, F.S. (expressly preempting the regulation of firearms and ammunition).

³¹ 42 U.S.C. ss. 9601 et seq.

³² U.S. Environmental Protection Agency (U.S. EPA), *Superfund: CERCLA Overview*, <https://www.epa.gov/superfund/superfund-cercla-overview> (last visited Feb. 5, 2026).

³³ U.S. EPA, *What is Superfund?*, <https://www.epa.gov/superfund/what-superfund> (last visited Feb. 5, 2026).

³⁴ U.S. EPA, *Superfund: CERCLA Overview*, <https://www.epa.gov/superfund/superfund-cercla-overview> (last visited Feb. 5, 2026).

³⁵ U.S. EPA, *What is Superfund?*, <https://www.epa.gov/superfund/what-superfund> (last visited Feb. 5, 2026).

³⁶ ASTM International, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, s. 1.1.1 (Dec. 21, 2021), <https://store.astm.org/e1527-21.html>; Partner Engineering and Science, *Recognized Environmental Condition (REC)*, available at <https://www.partneresi.com/resources/glossary/recognized-environmental-condition-rec/> (last visited Jan. 26, 2026).

Federal law provides that environmental condition investigations must be documented in a written report prepared by an environmental professional.³⁷ These reports often take the form of a Phase I Environmental Site Assessment.³⁸ A Phase I Environmental Site Assessment uses existing information to help understand the property conditions by examining current and historical uses of the site and potential threats to human health or the environment. When a potential owner conducts an investigation in compliance with Federal law, he or she may have a defense to liability if contamination is later discovered.³⁹

Brownfields Program Overview

Many areas in Florida contain sites with actual or perceived environmental contamination that may present a significant barrier to redevelopment.⁴⁰ The Florida Brownfields Redevelopment Act⁴¹ was adopted by the Legislature in 1997 to provide incentives for local governments and individuals to voluntarily clean up and redevelop brownfield sites. Participation in the program results in environmental cleanup, protection of public health, reuse of infrastructure, economic redevelopment and job creation.⁴²

Local governments support the use of the tools and incentives provided by the program by designating brownfield areas for cleanup and revitalization.⁴³ A brownfield area designation can also be proposed by other persons, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, and not-for-profit corporations.⁴⁴

Upon designation, properties within a brownfield area have met the first requirement for participation in the program.⁴⁵ These properties may participate in economic incentives that are linked to a brownfield site rehabilitation agreement (also known as a “BSRA”), including the job bonus tax refund or refunds on sales and use tax paid on the purchase of building materials used in a mixed-use project or housing project. If contamination is known or suspected, the local government may designate an area and identify the person responsible for brownfield site rehabilitation. This entitles the identified person to negotiate a BSRA with the Department of Environmental Protection.⁴⁶

³⁷ 40 C.F.R. s. 312.21(c).

³⁸ See U.S. EPA, *Assessing Brownfield Sites - EPA 560F20175* (Jun. 2020), available at https://www.epa.gov/sites/default/files/2020-07/documents/assessing_brownfield_sites.pdf (explaining that performing a Phase I Environmental Site Assessment pursuant to ASTM International Standards E1527-13 prior to owning a property is often equivalent to conducting all appropriate inquiries).

³⁹ *Id.* (citing 40 C.F.R. pt. 312).

⁴⁰ Fla. Department of Environmental Protection (DEP), *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24*, 4 (Aug. 2024) [“Brownfields”], available at <https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf> (last visited Feb. 5, 2026).

⁴¹ Chapter 97-277, s. 1, Laws of Fla. (codifying ss. 376.77-376.85, F.S.).

⁴² Brownfields, *supra* note 40, at 4.

⁴³ *Id.* at 5.

⁴⁴ Section 376.80(1)(b)2. and (2)(c), F.S.

⁴⁵ Brownfields, *supra* note 40, at 5.

⁴⁶ *Id.*

III. Effect of Proposed Changes:

The bill creates s. 163.2525, F.S., which preempts certain local land development regulations and oversight for “qualifying parcels” to promote infill redevelopment in urban areas.

Short Title

The bill provides that s. 163.2525, F.S., may be cited as the “Infill Redevelopment Act.”

Legislative Findings

The bill includes the following legislative findings in the act:

- Florida’s urban areas lack sufficient land for the development of additional residential uses, which has led to a shortage of supply.
- Parcels of land within or near urban areas are difficult to develop or redevelop because of environmental issues and local regulations.
- Facilitating the expedited permitting of such parcels, particularly in areas in which multiple local governments have jurisdiction over significant areas, serves important public interests in remediating environmentally challenged land and increasing the housing supply.

Definitions

Under the bill:

- “Adjacent to” means located next to another parcel of land or portion thereof, including where the parcels are separated only by a roadway, railroad, or other public or private right-of-way or easement.
- “Density” means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.⁴⁷
- “Designated agricultural land” means a parcel of land within a zoning district that allows for agricultural uses such as farming, raising livestock, or aquaculture as the main permitted uses and which land is classified as agricultural land under state law.⁴⁸ The term does not include a property within an interim or default zoning district.

The bill defines “environmentally impacted land” to mean a parcel of land:

- Upon any portion of which a contaminant or pollutant has been detected above the applicable local, state, or federal residential cleanup target levels from Phase II environmental site assessment activities; or
- Any portion of which is located in a brownfield area designated pursuant to state law.⁴⁹

Additionally, under the bill:

- “Local government” means a county, municipality, special district, or political subdivision of the state.

⁴⁷ The bill incorporates by reference the definition of “density” found in s. 163.3164(13), F.S.

⁴⁸ See s. 193.461, F.S.

⁴⁹ See s. 376.80, F.S.

- “Parcel of land” means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.⁵⁰
- “Qualifying parcel” means a parcel of land to which the bill applies as described below.
- “Recreational facilities” means one or more parcels of land any portion of which was previously used as a golf course, tennis court, swimming pool, or clubhouse, or another similar use.
- “Townhouse” means a single-family dwelling unit that is constructed in a series or group of attached units with property lines separating such units.
- “Urban growth boundary” means a boundary established by a comprehensive plan or land development regulation beyond which the provision of urban services or facilities is limited. The term includes, but is not limited to, urban development boundaries and urban service boundaries.

Qualifying Parcels

The bill provides that except as provided below, the bill applies to environmentally impacted land consisting of at least 5 acres adjacent to a parcel of land within the same jurisdiction which is zoned for residential uses as of right and which is within a county that meets both of the following requirements:

- The county has a population of more than 1.475 million people according to the most recent decennial census.
- There are at least 15 municipalities within the county.⁵¹

The bill does not apply to any of the following:

- Designated agricultural land.
- Land owned or operated by a local government for public park purposes.
- Land outside an urban growth boundary.
- Land within one-quarter mile of a military installation.⁵²

Development Regulations

The bill provides that notwithstanding any local law, ordinance, or regulation, a local government must permit a qualifying parcel to be developed with residential uses.

Additionally, to ensure compatibility with the character of the local community, the density of development authorized under the bill may not exceed the lower of:

- The average density of all zoning districts within the same jurisdiction which are applicable to parcels adjacent to the qualifying parcel and which allow residential uses as of right; or
- 25 dwelling units per acre.

⁵⁰ The bill incorporates by reference the definition of “parcel of land” found in s. 163.3164(37), F.S.

⁵¹ Only Miami-Dade, Broward, and Palm Beach counties currently satisfy these criteria.

⁵² See s. 163.3175(2), F.S.

The intensity of development must comply with the standards applicable to any parcel adjacent to the qualifying parcel.

Subdivision Approval

Under the bill, a local government must administratively approve an application for the subdivision of a qualifying parcel if the application satisfies the requirements of ch. 177, F.S.⁵³ A local government may not use the subdivision process to restrict development below the density and intensity authorized under the bill.

Buffer Requirements

The bill provides that if a qualifying parcel is adjacent to single-family homes or townhouses on all sides, the developer must provide a buffer of at least 20 feet between the new development and the single-family homes or townhouses. The buffer area must be measured from lot line to lot line and must be maintained as open space or improved with passive recreational facilities accessible to the community. For purposes of this provision, swales and water retention areas are considered open space.

Recreational Facilities

The bill provides that if a qualifying parcel includes recreational facilities or areas reserved for recreational use and such recreational facilities or areas are adjacent to single-family homes on all sides, the developer must do all of the following:

- Establish that such facilities or areas, or portions of them, located on the qualifying parcel have not been in operation or in use for a period of at least 12 consecutive months.
- Pay double the applicable parks or recreational facilities impact fee that would otherwise apply to the proposed development, to compensate for the loss of open or recreational space.
- Provide written notice delivered by certified mail to all owners of property adjacent to the recreational facilities or areas, which notice includes the following information:
 - That the developer intends to develop the parcel in accordance with the bill.
 - That the adjacent property owners may elect to purchase some or all of the parcel containing recreational facilities or areas for the purpose of maintaining them as recreational areas or open space within 90 days after the date the notice is mailed.
 - The price at which the adjacent property owners may purchase the property.

Property owners who receive the required notice and wish to exercise the option to purchase some or all of the parcel containing the recreational facilities or areas must exercise the option and close on the property within 90 days after the notice is mailed or forfeit the option. At closing, the property must be subject to a recorded deed restriction or restrictive covenant that requires the property to be maintained as a recreational area or open space for at least 30 years.

The parcel or the portion of the parcel containing recreational facilities or areas must be offered to the property owners for purchase at a price that may not exceed the greater of:

- An amount equal to the price paid by the property owner plus 10 percent; or

⁵³ Chapter 177, F.S., governs land boundaries including platting.

- An amount equal to a bona fide offer to purchase the property received by the property owner within the last 12 months plus 10 percent.

Development Applications

Under the bill, the proposed development of a qualifying parcel which complies with the requirements of the bill must be administratively approved, and no further action by the governing body of a local government is required.

However, a local government may administratively require a proposed development to comply with local regulations relating to architectural design if review by a board is not required and if such regulations:

- Would apply, and are generally applicable, to comparable residential development within the jurisdiction; and
- Do not limit the density or intensity of development below that authorized by the bill.

A developer must establish consistency with applicable concurrency requirements consistent with when local regulations would require it for a comparable residential development within its jurisdiction.

Each local government must maintain on its website a policy containing procedures and expectations for administrative approval under the bill.

Application, Preemption, and Construction

The bill applies to development applications submitted pursuant to the bill's provisions on or after its effective date. A local government may not adopt or enforce a local law, an ordinance, or a regulation that restricts, prohibits, or otherwise limits the development of a qualifying parcel in accordance with the bill. The new statute must be liberally construed to effectuate its intent.

Division of Law Revision

The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in the bill with the date it becomes a law.

Effective Date

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:

The bill will make it more cost effective for property owners to redevelop certain “qualifying” infill parcels in urban areas by streamlining the approval process.

C. Government Sector Impact:

By requiring the administrative approval of certain “qualifying” urban infill redevelopment projects, the bill will reduce the time and cost spent by local government staff reviewing and approving such projects.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Retroactive Application

None.

VIII. Statutes Affected:

This bill creates section 163.2525 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 10, 2026:

The committee substitute:

- Revises the definition of “designated agricultural land” to remove the exclusion of properties within interim or default zoning districts.
- Revises the definition of “environmentally impacted land” to only include properties having either contaminants or pollutants above local, state, or federal residential clean-up target levels from Phase II environmental site assessment activities or a brownfield designation under state law.
- Deletes the definition of “intensity.”
- Revises the eligibility criteria for “qualifying parcels” by requiring them to be adjacent to a parcel zoned for residential uses, increasing the number of municipalities that must be present in the county from 10 to 15, and excluding land that is or was owned at any time within the prior 15 years by a public utility as defined in state law.
- Requires local governments to allow qualifying parcels to be developed with residential uses.
- Revises the density and intensity restrictions on qualifying parcels by limiting the average density on them to the average density of all zoning districts within the same jurisdiction which are applicable to adjacent parcels allowing residential uses as of right or 25 dwelling units per acre, whichever is lower.
- Requires the intensity of development to comply with the standards applicable to adjacent parcels.
- Deletes density, height, lot size, setback, and parking restrictions.
- Requires local governments to “administratively” approve, not merely approve, applications for the subdivision of qualifying parcels.
- Reduces the required buffer between new developments on qualifying parcels and existing single-family homes and townhomes from 30 feet to 20 feet.
- Provides that swales and water retention areas must be considered open space.
- Revises application review requirements for qualifying parcels by allowing local governments to administratively require proposed developments to comply with local regulations relating to architectural design under certain conditions.
- Requires developers to establish consistency with applicable concurrency requirements consistent with comparable residential developments within the jurisdiction.
- Eliminates the provision in the bill providing for retroactive application to laws that are contrary to the bill.
- Revises the preemption provision in the bill to expressly preempt local governments from adopting or enforcing any laws that restrict or limit the development of qualifying parcels in accordance with the bill.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
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	.	
	.	

The Committee on Judiciary (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 163.2525, Florida Statutes, is created
to read:

163.2525 Infill Redevelopment Act.—

(1) SHORT TITLE.—This section may be cited as the “Infill
Redevelopment Act.”

(2) LEGISLATIVE FINDINGS.—The Legislature finds that this



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11 state's urban areas lack sufficient land for the development of
12 additional residential uses, which has led to a shortage of
13 supply; that parcels of land within or near urban areas are
14 difficult to develop or redevelop because of environmental
15 issues and local regulations; and that facilitating the
16 expedited permitting of such parcels, particularly in areas in
17 which multiple local governments have jurisdiction, serves
18 important public interests in remediating environmentally
19 challenged land and increasing the supply of housing.

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

21 (a) "Adjacent to" means located next to another parcel of
22 land or portion thereof, including where the parcels are
23 separated only by a roadway, railroad, or other public or
24 private right-of-way or easement.

25 (b) "Density" has the same meaning as in s. 163.3164.

26 (c) "Designated agricultural land" means a parcel of land
27 within a zoning district that allows for agricultural uses such
28 as farming, raising livestock, or aquaculture as the main
29 permitted uses and which land is classified as agricultural land
30 under s. 193.461.

31 (d) "Environmentally impacted land" means a parcel of land:

32 1. Upon any portion of which a contaminant or pollutant has
33 been detected above the applicable local, state, or federal
34 residential cleanup target levels from Phase II environmental
35 site assessment activities; or

36 2. Any portion of which is located in a brownfield area
37 designated pursuant to s. 376.80.

38 (e) "Local government" means a county, municipality,
39 special district, or political subdivision of the state.



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40 (f) "Parcel of land" has the same meaning as in s.
41 163.3164.

42 (g) "Qualifying parcel" means a parcel of land to which
43 this section applies under subsection (4).

44 (h) "Recreational facilities" means one or more parcels of
45 land any portion of which was previously used as a golf course,
46 tennis court, swimming pool, or clubhouse, or another similar
47 use.

48 (i) "Townhouse" means a single-family dwelling unit that is
49 constructed in a series or group of attached units with property
50 lines separating such units.

51 (j) "Urban growth boundary" means a boundary established by
52 a comprehensive plan or land development regulation beyond which
53 the provision of urban services or facilities is limited. The
54 term includes, but is not limited to, urban development
55 boundaries and urban service boundaries.

56 (4) QUALIFYING PARCELS.—

57 (a) Except as provided in paragraph (b), this section
58 applies to environmentally impacted land consisting of at least
59 5 acres adjacent to a parcel of land within the same
60 jurisdiction which is zoned for residential uses as of right and
61 which is within a county that meets both of the following
62 requirements:

63 1. The county has a population of more than 1.475 million
64 people according to the most recent decennial census.

65 2. There are at least 15 municipalities within the county.

66 (b) This section does not apply to any of the following:

67 1. Designated agricultural land.

68 2. Land owned or operated by a local government for public



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69 park purposes.

70 3. Land outside an urban growth boundary.

71 4. Land within one-quarter mile of a military installation
72 identified in s. 163.3175(2).

73 5. Land that is owned, or that was owned at any time within
74 the 15 years preceding the effective date of this act, by a
75 public utility as defined in s. 366.02.

76 (5) DEVELOPMENT REGULATIONS.—Notwithstanding any local law,
77 ordinance, or regulation, a local government shall permit a
78 qualifying parcel to be developed with residential uses. To
79 ensure compatibility with the character of the local community,
80 the density of development authorized under this section may not
81 exceed the average density of all zoning districts within the
82 same jurisdiction which are applicable to parcels adjacent to
83 the qualifying parcel and which allow residential uses as of
84 right or 25 dwelling units per acre, whichever is lower. The
85 intensity of development must comply with the standards
86 applicable to any parcel adjacent to the qualifying parcel.

87 (6) SUBDIVISION APPROVAL.—A local government must
88 administratively approve an application for the subdivision of a
89 qualifying parcel if the application satisfies the requirements
90 of chapter 177. A local government may not use the subdivision
91 process to restrict development below the density and intensity
92 authorized under subsection (5).

93 (7) BUFFER FROM RESIDENTIAL USES.—If a qualifying parcel is
94 adjacent to single-family homes or townhouses on all sides, the
95 developer must provide a buffer of at least 20 feet between the
96 new development and the single-family homes or townhouses. The
97 buffer area must be measured from lot line to lot line and must



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98 be maintained as open space or improved with passive
99 recreational facilities accessible to the community. For
100 purposes of this subsection, swales and water retention areas
101 are considered open space.

102 (8) RECREATIONAL FACILITIES.—

103 (a) If a qualifying parcel includes recreational facilities
104 or areas reserved for recreational use and such recreational
105 facilities or areas are adjacent to single-family homes on all
106 sides, the developer must do all of the following:

107 1. Establish that such facilities or areas, or portions
108 thereof, located on the qualifying parcel have not been in
109 operation or in use for a period of at least 12 consecutive
110 months.

111 2. Pay double the applicable parks or recreational
112 facilities impact fee that would otherwise apply to the proposed
113 development, to compensate for the loss of open or recreational
114 space.

115 3. Provide written notice delivered by certified mail to
116 all owners of property adjacent to the recreational facilities
117 or areas, which notice includes all of the following
118 information:

119 a. That the developer intends to develop the parcel in
120 accordance with this section.

121 b. That the adjacent property owners may elect to purchase
122 the parcel or portion thereof containing recreational facilities
123 or areas for the purpose of maintaining the parcel, or portions
124 thereof, as recreational areas or open space within 90 days
125 after the date the notice is mailed.

126 c. The price at which the adjacent property owners may



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127 purchase the property.

128 (b) Property owners who receive the notice required under
129 subparagraph (a)3. and wish to exercise the option to purchase
130 the parcel or portion thereof containing the recreational
131 facilities or areas must exercise the option and close on the
132 property, and accept a deed restriction or record a restrictive
133 covenant requiring the property to be maintained as a
134 recreational area or open space for at least 30 years, within 90
135 days after the notice is mailed or forfeit the option. The
136 parcel or portion thereof must be offered to such property
137 owners for purchase at a price that may not exceed the greater
138 of:

139 1. An amount equal to the price paid by the property owner
140 plus 10 percent; or

141 2. An amount equal to a bona fide offer to purchase the
142 property received by the property owner within the last 12
143 months plus 10 percent.

144 (9) DEVELOPMENT APPLICATIONS.—The proposed development of a
145 qualifying parcel which complies with the requirements of this
146 section must be administratively approved, and no further action
147 by the governing body of a local government is required.

148 However, a local government may administratively require a
149 proposed development to comply with local regulations relating
150 to architectural design if review by a board is not required and
151 if such regulations would apply, and are generally applicable,
152 to comparable residential development within the jurisdiction
153 and do not limit the density or intensity of development below
154 that authorized by this section. A developer must establish
155 consistency with applicable concurrency requirements at such



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156 time as local regulations would require for a comparable
157 residential development within its jurisdiction. Each local
158 government shall maintain on its website a policy containing
159 procedures and expectations for administrative approval under
160 this subsection.

161 (10) APPLICATION, PREEMPTION, AND CONSTRUCTION.—This
162 section applies to development applications submitted pursuant
163 to this section on or after the effective date of this act. A
164 local government may not adopt or enforce a local law, an
165 ordinance, or a regulation that restricts, prohibits, or
166 otherwise limits the development of a qualifying parcel in
167 accordance with this section. This section shall be liberally
168 construed to effectuate its intent.

169 Section 2. The Division of Law Revision is directed to
170 replace the phrase “the effective date of this act” wherever it
171 occurs in this act with the date this act becomes a law.

172 Section 3. This act shall take effect upon becoming a law.

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

175 And the title is amended as follows:

176 Delete everything before the enacting clause
177 and insert:

178 A bill to be entitled
179 An act relating to infill redevelopment; creating s.
180 163.2525, F.S.; providing a short title; providing
181 legislative findings; defining terms; providing
182 applicability; requiring that a local government
183 permit qualifying parcels to be developed with
184 residential uses; limiting the density of certain



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185 development for a specified purpose; requiring the
186 intensity of certain development to comply with
187 certain standards; requiring a local government to
188 administratively approve an application for the
189 subdivision of a qualifying parcel under certain
190 circumstances; prohibiting a local government from
191 using the subdivision process to restrict development
192 in a certain manner; requiring developers of
193 qualifying parcels to maintain a specified buffer
194 between new developments and single-family homes and
195 townhouses under certain circumstances; providing
196 requirements for such buffer areas; providing
197 construction; requiring developers of qualifying
198 parcels to establish that certain recreational
199 facilities and areas reserved for recreational use
200 have not been in operation or use for a certain
201 timeframe; requiring developers of such parcels to pay
202 double the parks and recreation facilities impact fees
203 for a certain purpose and provide certain written
204 notice to property owners; providing requirements for
205 the written notice; requiring that property owners who
206 receive such written notice and wish to exercise an
207 option to purchase certain parcels or portions thereof
208 meet specified requirements within a specified
209 timeframe or forfeit the option; limiting the price at
210 which such parcels or portions of parcels may be
211 offered to the property owners for purchase; requiring
212 the administrative approval of certain proposed
213 developments; authorizing a local government to



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214 administratively require compliance with architectural
215 design regulations under certain circumstances;
216 requiring a developer to establish consistency with
217 applicable concurrency requirements; requiring each
218 local government to maintain a certain policy on its
219 website; providing applicability; prohibiting a local
220 government from adopting or enforcing certain local
221 laws, ordinances, or regulations; requiring liberal
222 construction of certain provisions; providing a
223 directive to the Division of Law Revision; providing
224 an effective date.

By Senator Calatayud

38-00569C-26

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1 A bill to be entitled
 2 An act relating to infill redevelopment; creating s.
 3 163.2525, F.S.; providing a short title; providing
 4 legislative findings; defining terms; providing
 5 applicability; requiring a local government to permit
 6 the development of certain qualifying parcels up to a
 7 certain density and intensity; requiring a local
 8 government to permit the development of a qualifying
 9 parcel with single-family homes or townhouses under
 10 certain circumstances; prohibiting a local government
 11 from imposing certain restrictions or requirements on
 12 the development of certain qualifying parcels;
 13 requiring a local government to approve an application
 14 for the subdivision of a qualifying parcel under
 15 certain circumstances; prohibiting a local government
 16 from using the subdivision process to restrict
 17 development in a certain manner; requiring developers
 18 of qualifying parcels to maintain a specified buffer
 19 between new developments and single-family homes and
 20 townhouses under certain circumstances; providing
 21 requirements for such buffer areas; requiring
 22 developers of qualifying parcels to establish that
 23 certain recreational facilities and areas reserved for
 24 recreational use have not been in operation or use for
 25 a certain timeframe, to pay double the parks and
 26 recreational facilities impact fees for a certain
 27 purpose, and to provide certain written notice to
 28 certain property owners; requiring property owners who
 29 receive such written notice to exercise an option to

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30 purchase certain parcels or portions thereof within a
 31 specified timeframe or forfeit the option; limiting
 32 the price at which such parcels or portions of parcels
 33 may be offered to the property owners for purchase;
 34 requiring the administrative approval of certain
 35 proposed developments; requiring each local government
 36 to maintain a certain policy on its website; providing
 37 applicability; providing construction; prohibiting a
 38 local government from adopting or enforcing certain
 39 local laws, ordinances, or regulations; providing an
 40 effective date.

41
 42 Be It Enacted by the Legislature of the State of Florida:

43

44 Section 1. Section 163.2525, Florida Statutes, is created
 45 to read:

46 163.2525 Infill Redevelopment Act.—

47 (1) SHORT TITLE.—This section may be cited as the "Infill
 48 Redevelopment Act."

49 (2) LEGISLATIVE FINDINGS.—The Legislature finds that this
 50 state's urban areas lack sufficient land for the development of
 51 additional residential uses, which has led to a shortage of
 52 supply; that parcels of land within or near urban areas are
 53 difficult to develop or redevelop because of environmental
 54 issues and local regulations; and that facilitating the
 55 expedited permitting of such parcels, particularly in areas in
 56 which multiple local governments have jurisdiction over
 57 significant areas, serves important public interests in
 58 remediating environmentally challenged land and increasing the

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59 supply of housing.

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

61 (a) “Adjacent to” means located next to another parcel of
 62 land or portion thereof, including where the parcels are
 63 separated only by a roadway, railroad, or other public or
 64 private right-of-way or easement.

65 (b) “Density” has the same meaning as in s. 163.3164.

66 (c) “Designated agricultural land” means a parcel of land
 67 within a zoning district that allows for agricultural uses such
 68 as farming, raising livestock, or aquaculture as the main
 69 permitted uses and which land is classified as agricultural land
 70 under s. 193.461. The term does not include a property within an
 71 interim or default zoning district.

72 (d) “Environmentally impacted land” means one or more
 73 parcels of land any portion of which:

74 1. Contains a recognized environmental condition or a
 75 controlled recognized environmental condition based on an
 76 environmental site assessment report prepared:

77 a. By a qualified environmental professional in accordance
 78 with:

79 (I) ASTM E1527-21 Standard Practice for Environmental Site
 80 Assessments: Phase I Environmental Site Assessment Process; or

81 (II) ASTM E2247-23 Standard Practice for Environmental Site
 82 Assessments: Phase I Environmental Site Assessment Process for
 83 Forestland or Rural Property; or

84 b. For compliance with the bona fide prospective purchaser,
 85 contiguous property owner, or other applicable defenses set
 86 forth in the Comprehensive Environmental Response, Compensation,
 87 and Liability Act, 42 U.S.C. ss. 9601 et seq., as amended;

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88 2. Is the subject of environmental assessment,
 89 investigation, cleanup, or site rehabilitation requirements
 90 pursuant to chapter 376, chapter 403, or local environmental
 91 ordinances or regulations, including, but not limited to, state
 92 brownfield, petroleum, or drycleaner site cleanup laws and
 93 programs under chapter 376 or chapter 403; or

94 3. Is located in a brownfield area designated pursuant to
 95 s. 376.80.

96 (e) “Intensity” has the same meaning as in s. 163.3164 and
 97 includes, but is not limited to, measurements pertaining to lot
 98 area, lot coverage, lot size, setbacks, height, and floor area
 99 ratio.

100 (f) “Local government” means a county, municipality,
 101 special district, or political subdivision of the state.

102 (g) “Parcel of land” has the same meaning as in s.
 103 163.3164.

104 (h) “Qualifying parcel” means a parcel of land to which
 105 this section applies under subsection (4).

106 (i) “Recreational facilities” means one or more parcels of
 107 land any portion of which was previously used as a golf course,
 108 tennis court, swimming pool, or clubhouse, or another similar
 109 use.

110 (j) “Townhouse” means a single-family dwelling unit that is
 111 constructed in a series or group of attached units with property
 112 lines separating such units.

113 (k) “Urban growth boundary” means a boundary established by
 114 a comprehensive plan or land development regulation beyond which
 115 the provision of urban services or facilities is limited. The
 116 term includes, but is not limited to, urban development

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117 boundaries and urban service boundaries.

118 (4) QUALIFYING PARCELS.—

119 (a) Except as provided in paragraph (b), this section
 120 applies to environmentally impacted land consisting of at least
 121 5 acres which is within a county that meets both of the
 122 following requirements:

123 1. The county has a population of more than 1.475 million
 124 people according to the most recent decennial census.

125 2. There are at least 10 municipalities within the county.

126 (b) This section does not apply to any of the following:

127 1. Designated agricultural land.

128 2. Land owned or operated by a local government for public
 129 park purposes.

130 3. Land outside an urban growth boundary.

131 4. Land within one-quarter mile of a military installation
 132 identified in s. 163.3175(2).

133 (5) DEVELOPMENT REGULATIONS.—Notwithstanding any local law,
 134 ordinance, or regulation to the contrary:

135 (a) A local government shall permit a qualifying parcel to
 136 be developed up to the highest density and intensity allowed in
 137 any adjacent zoning district within the same jurisdiction which
 138 permits residential uses as of right.

139 (b) If a qualifying parcel is not adjacent to a zoning
 140 district that permits residential uses as of right, the local
 141 government must permit the development of the qualifying parcel
 142 with single-family homes or townhouses. For such a qualifying
 143 parcel, the local government may not do any of the following:

144 1. Restrict density to less than 30 units per acre.

145 2. Restrict height to below 40 feet.

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146 3. Require lot sizes larger than 1,250 square feet.

147 4. Require front and rear setbacks of more than 10 feet.

148 5. Require any side setbacks.

149 6. Require more than one parking space per dwelling.

150 (6) SUBDIVISION APPROVAL.—A local government must approve
 151 an application for the subdivision of a qualifying parcel if the
 152 application satisfies the requirements of chapter 177. A local
 153 government may not use the subdivision process to restrict
 154 development below the density and intensity authorized under
 155 subsection (5).

156 (7) BUFFER REQUIREMENTS.—If a qualifying parcel is adjacent
 157 to single-family homes or townhouses on all sides, the developer
 158 must provide a buffer of at least 30 feet, measured from lot
 159 line to lot line, between the new development and the single-
 160 family homes or townhouses. The buffer area must be maintained
 161 as open space or improved with passive recreational facilities
 162 accessible to the community.

163 (8) RECREATIONAL FACILITIES.—

164 (a) If a qualifying parcel includes recreational facilities
 165 or areas reserved for recreational use and such recreational
 166 facilities or areas are adjacent to single-family homes on all
 167 sides, the developer must do all of the following:

168 1. Establish that such facilities or areas, or portions
 169 thereof, located on the qualifying parcel have not been in
 170 operation or in use for a period of at least 12 consecutive
 171 months.

172 2. Pay double the applicable parks or recreational
 173 facilities impact fee that would otherwise apply to the proposed
 174 development, to compensate for the loss of open or recreational

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175 space.
 176 3. Provide written notice delivered by certified mail to
 177 all owners of property adjacent to the recreational facilities
 178 or areas, which notice includes all of the following
 179 information:
 180 a. That the developer intends to develop the parcel in
 181 accordance with this section.
 182 b. That the adjacent property owners may elect to purchase
 183 the parcel or portion thereof containing recreational facilities
 184 or areas for the purpose of maintaining the parcel, or portions
 185 thereof, as recreational areas or open space within 90 days
 186 after the date the notice is mailed.
 187 c. The price at which the adjacent property owners may
 188 purchase the property.
 189 (b) Property owners who receive the notice required under
 190 subparagraph (a)3. and wish to exercise the option to purchase
 191 the parcel or portion thereof containing the recreational
 192 facilities or areas must exercise the option and close on the
 193 property, subject to a recorded deed restriction or restrictive
 194 covenant that requires the property to be maintained as a
 195 recreational area or open space for at least 30 years, within 90
 196 days after the notice is mailed or forfeit the option. The
 197 parcel or portion thereof must be offered to such property
 198 owners for purchase at a price that may not exceed the greater
 199 of:
 200 1. An amount equal to the price paid by the property owner
 201 plus 10 percent; or
 202 2. An amount equal to a bona fide offer to purchase the
 203 property received by the property owner within the last 12

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204 months plus 10 percent.
 205 (9) DEVELOPMENT APPLICATIONS.—The proposed development of a
 206 qualifying parcel which complies with the requirements of
 207 subsection (5) must be administratively approved, and no further
 208 action by the governing body of a local government is required.
 209 Each local government shall maintain on its website a policy
 210 containing procedures and expectations for administrative
 211 approval under this subsection.
 212 (10) APPLICATION AND CONSTRUCTION.—This section applies
 213 retroactively to any local law, ordinance, or regulation that is
 214 contrary to this section or its intent and must be liberally
 215 construed to effectuate its intent.
 216 (11) PREEMPTION.—A local government may not adopt or
 217 enforce a local law, an ordinance, or a regulation that applies
 218 or has the effect of applying a more restrictive or burdensome
 219 requirement or procedure to the development of a qualifying
 220 parcel which is administratively approved pursuant to this
 221 section. Any such law, ordinance, or regulation contrary to this
 222 section is void.
 223 Section 2. This act shall take effect upon becoming a law.

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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 #1434**, relating to Infill Redevelopment, be placed on the:

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

A handwritten signature in cursive script that reads "Alexis Calatayud".

Senator Alexis Calatayud
Florida Senate, District 38

The Florida Senate

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2-10-26

Meeting Date

1434

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Daniel Martinez Phone 305-240-2917

Address 107 E College Ave Street Email DMarinez@AFPFLA.org

Tallahassee FL 32301 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:

Americans for Prosperity

[] 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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Meeting Date

Judiciary

Committee

1434

Bill Number or Topic

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)

2/6/26

Meeting Date

The Florida Senate
APPEARANCE RECORD

1434

Bill Number or Topic

Judiciary

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Committee

Amendment Barcode (if applicable)

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Email **abasford@aif.com**

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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:

Associated Industries 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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 1506

INTRODUCER: Senator Yarborough

SUBJECT: Civil Litigation

DATE: February 9, 2026

REVISED: _____

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

I. Summary:

SB 1506 amends s. 768.74, F.S., the remittitur and additur statute. This statute allows a court, upon a motion from a party, to evaluate whether an award of money damages to a plaintiff is excessive or inadequate in light of the facts and circumstances presented at trial. If the court determines that the damages awarded are excessive or inadequate, the court must order a remittitur/reduced amount of damages or additur/increased amount of damages, as appropriate, and offer the adversely affected party the option of a new trial on damages.

The changes to the remittitur and additur statute will more clearly authorize courts to find that an award is excessive or inadequate based on the use of unsubstantiated anchoring. “Unsubstantiated anchoring” occurs when plaintiff or defense trial counsel references arbitrary values or things that have no rational connection to the facts of the case, aiming to influence the jury’s verdict.

Under the bill, in addition to criteria already listed in s. 768.74, F.S., the court must consider:

- Whether there is a rational, nonarbitrary connection grounded in the evidence between the injuries suffered and the amount of an award of noneconomic damages; and
- Whether the amount of an award of noneconomic damages resulted from references to objects or values that did not have a rational connection to the facts of the case.

The bill applies to causes of action pending on or after July 1, 2026.

The bill takes effect July 1, 2026.

II. Present Situation:

Florida's Civil Justice System

The main purpose of Florida's civil justice system is to properly and fairly redress civil wrongs caused throughout the state, whether such wrongs are in the form of tortious conduct, breaches of contract, or other non-criminal harm for which the law provides a remedy. The civil justice system accomplishes this goal by providing a neutral court system empowered to decide the amount of monetary damages required to make each wronged person whole again.

A functioning civil justice system, when it operates justly:

- Provides a fair and equitable forum to resolve disputes.
- Discourages persons from resorting to self-help methods to redress wrongs.
- Appropriately compensates legitimately harmed persons.
- Shifts losses to responsible parties.
- Provides incentives to prevent future harm.
- Deters undesirable behavior.¹

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:

- Intentional torts, 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 the injury.²

Negligence

Duty of Care

The first of the four elements a plaintiff must show to prevail in a negligence action is that the defendant owed the plaintiff a “duty of care” to do something or refrain from doing something. The existence of a legal duty is a threshold requirement that, if satisfied, “merely opens the courthouse doors.”³ Whether a duty sufficient to support a negligence claim exists is a matter of law⁴ determined by the court.⁵ A duty may arise from various sources, including:

¹ Cf. 74 AM. JUR. 2D *Torts* s. 2.

² See *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508, 513-14 (Fla. 2020).

³ *Kohl v. Kohl*, 149 So. 3d 127, 135 (Fla. 4th DCA 2014) (internal citation omitted).

⁴ A matter of law is a matter determined by the court, unlike a matter of fact, which must be determined by the jury. Matters of law include issues regarding a law's application or interpretation, issues regarding what the relevant law is, and issues of fact reserved for judges to resolve. Cornell Law School, Legal Information Institute, *Question of Law*, https://www.law.cornell.edu/wex/question_of_law (last visited Jan. 29, 2026); Cornell Law School, Legal Information Institute, *Question of Fact*, https://www.law.cornell.edu/wex/Question_of_fact (last visited Jan. 29, 2026).

⁵ *Kohl*, 149 So. 3d at 135; *Goldberg v. Fla. Power & Light Co.*, 899 So. 2d 1105, 1110 (Fla. 2005).

- Legislative enactments or administrative regulations.
- Judicial interpretations of such enactments or regulations.
- Other judicial precedent.
- The general facts of the case.⁶

In determining whether a duty arises from the general facts of a case, courts look to whether the defendant's conduct foreseeably created a "zone of risk" that posed a general threat of harm to others—that is, whether there was a likelihood that the defendant's conduct would result in the type of injury suffered by the plaintiff.⁷ The zone of risk defines the scope of the defendant's legal duty, which is typically to either lessen the risk or ensure that sufficient precautions are taken to protect others from the harm the risk poses.⁸ However, it is not enough that a risk merely exists or that a particular risk is foreseeable; rather, the defendant's conduct must create or control the risk before liability may be imposed.⁹

Breach of the Duty of Care

The second element a plaintiff must prove is that the defendant "breached," or failed to discharge, the duty of care. Whether a breach occurred is generally a matter of fact for the jury to determine.¹⁰

Causation

The third element a plaintiff must prove is that the defendant's breach of the duty of care "proximately caused" the plaintiff's injury. Whether or not proximate causation exists is generally a matter of fact for the jury to determine.¹¹ Florida follows the "more likely than not" standard in proving causation; thus, the inquiry for the factfinder is whether the defendant's negligence probably caused the plaintiff's injury.¹² In making such a determination, the factfinder must analyze whether the injury was a foreseeable consequence of the danger created by the defendant's negligent act or omission.¹³ It is not required that the defendant's conduct be the exclusive cause, or even the primary cause, of the plaintiff's injury suffered; instead, the plaintiff must only show that the defendant's conduct substantially caused the injury.¹⁴

Damages

The final element a plaintiff must show to prevail in a negligence action is that the plaintiff suffered some harm, or "damages." Actual damages, also called compensatory damages, are damages the plaintiff actually suffered as the result of the injury.¹⁵ Juries award compensatory

⁶ *Goldberg*, 899 So. 2d at 1110 (citing *Clay Elec. Co-op., Inc. v. Johnson*, 873 So. 2d 1182 (Fla. 2003)).

⁷ *Kohl*, 149 So. 3d at 135 (citing *McCain v. Fla. Power Corp.*, 593 So. 2d 500 (Fla. 1992); *Whitt v. Silverman*, 788 So. 2d 210 (Fla. 2001)).

⁸ *Kohl*, 149 So. 3d at 135; *Whitt*, 788 So. 2d at 216-17.

⁹ *Bongiorno v. Americorp, Inc.*, 159 So. 3d 1027, 1029-30 (Fla. 5th DCA 2015) (citing *Demelus v. King Motor Co. of Fort Lauderdale*, 24 So. 3d 759 (Fla. 4th DCA 2009)).

¹⁰ *Wallace v. Dean*, 3 So. 3d 1035, 1046 fn. 18 (Fla. 2009).

¹¹ *Sanders v. ERP Operating Ltd. P'ship*, 157 So. 3d 273, 277 (Fla. 2015).

¹² *Ruiz v. Tenent Hialeah Healthsystem, Inc.*, 260 So. 3d 977, 981 (Fla. 2018).

¹³ *Id.* at 981-982.

¹⁴ *Id.* at 982.

¹⁵ *Birdsall v. Coolidge*, 93 U.S. 64, 64 (1876).

damages to compensate an injured person for a defendant's negligent acts.¹⁶ Compensatory damages consist of both:

- "Economic damages," which typically consist of financial losses that can be easily quantified, such as lost wages, the cost to replace damaged property, or the cost of medical treatment; and
- "Non-economic damages," which typically consist of nonfinancial losses that cannot be easily quantified, such as pain and suffering, inconvenience, physical impairment, mental anguish, disfigurement, and loss of the capacity to enjoy life.¹⁷

In certain limited situations, a court may also award "punitive damages," the purpose of which is to punish a defendant for bad behavior and deter future bad conduct, rather than to compensate the plaintiff for a loss.¹⁸

Excessiveness or Inadequacy of Damages Award

It is the responsibility of the court, on proper motion, to review the amount of a damages award to determine whether the amount is excessive or inadequate in light of the facts and circumstances that were presented to the trier of fact.¹⁹

Bearing in mind the Legislature's intent that awards of damages be subject to close scrutiny by the courts and that all such awards be adequate and not excessive,²⁰ the courts must consider the following criteria in determining whether a verdict in an action for damages based on either tort or contract²¹ is inadequate or excessive:

- Whether the amount awarded is indicative of prejudice, passion, or corruption on the part of the trier of fact;
- Whether it appears that the trier of fact ignored the evidence in reaching a verdict or misconceived the merits of the case relating to the amount of damages recoverable;
- Whether the trier of fact took improper elements of damages into account or arrived at the amount of damages by speculation and conjecture;
- Whether the amount awarded bears a reasonable relation to the amount of damages proved and the injury suffered; and
- Whether the amount awarded is supported by the evidence and is such that it could be adduced in a logical manner by reasonable persons.²²

¹⁶ *St. Regis Paper Co. v. Watson*, 428 So. 2d 243, 247 (Fla. 1983).

¹⁷ *Cf.* s. 766.202(3), (8), F.S.

¹⁸ "Exemplary or punitive damages are generally defined as damages which are given as an enhancement of actual or compensatory damages, when the acts complained of have been committed with malice, moral turpitude, wantonness, willfulness, outrageous aggravation, or with reckless indifference to the rights of others. Punitive damages go beyond the actual damages suffered and are imposed as a punishment of the defendant and as a deterrent to others." 17 FLA. JUR. 2D *Damages* s. 116; *see also* ss. 768.72, 768.725, and 768.73, F.S. (providing standards and requirements for awarding punitive damages).

¹⁹ Section 768.74(1), F.S.

²⁰ Section 768.74(3), F.S.

²¹ Section 768.71(1), F.S.

²² Section 768.74(5), F.S.

If the court finds that the amount awarded is excessive or inadequate, it must order a remittitur or additur,²³ as the case may be,²⁴ and if the party adversely affected by the remittitur or additur does not agree, the court must order a new trial in the cause on the issue of damages only.²⁵ Conclusory justifications for remittitur without articulated factual basis are insufficient. The record must affirmatively show the impropriety of the verdict or there must be an independent determination by the trial judge that the jury was influenced by considerations outside the record.²⁶ Similarly, an order for a new trial is deficient if it does not contain reference to the record in support of the conclusion that additur of the jury award is necessary to cure the inadequacy of the verdict.²⁷

Anchoring Tactics

The use of anchoring tactics in litigation is a “well-known, much discussed practice among plaintiff- and defense-oriented attorneys and legal organizations.”²⁸ In most states, courts permit personal injury lawyers to suggest a specific sum or offer a method of calculating damages as part of closing arguments to a jury. These suggested damages, known as “anchors,” are an “arbitrary but psychologically powerful, baseline for jurors who are struggling with assigning a monetary value to pain and suffering.”²⁹

In the context of a jury trial, the anchoring effect suggests that the jury’s final award may sometimes be unduly affected by a large initial presentation of damages. Accordingly, a jury may rely on a plaintiff’s initial “anchoring value” to set the award’s range and then reach a final award by “discounting.”³⁰

“Unsubstantiated anchoring” occurs when trial counsel references values or things that have no rational connection to the case, aiming to influence the jury’s verdict.³¹ In *Gregory v. Chohan*,³² the Texas Supreme Court discussed and rejected unsubstantiated anchoring for noneconomic damages.

Chohan involved a wrongful death action in which plaintiff’s counsel argued in closing that the amount of the plaintiff’s noneconomic damages was analogous to a \$71 million Boeing F-18

²³ “Remittitur” means “it is remitted” or “sent back” and “additur” means “it is added” in Latin. Remittitur refers to a judge reducing an excessive jury award, whereas additur refers to a judge increasing an inadequate jury award.

²⁴ Section 768.74(2), F.S.

²⁵ Section 768.74(4), F.S.

²⁶ *School Bd. of Broward County v. Pierce Goodwin Alexander & Linville*, 137 So. 3d 1059, 1069-70 (Fla. 4th DCA 2014).

²⁷ *Bluth v. Blake*, 128 So. 3d 242, 246 (Fla. 4th DCA 2013).

²⁸ Eric R. Passeggio and Chris Turney, *Noneconomic Damages: Anchoring a Verdict Without Angering the Court*, FOR THE DEFENSE (Sept. 2023), at 15, available at https://www.sulloway.com/wp-content/uploads/2023/11/DRI_Anchoring-a-Verdict-Without-Angering-the-Court.pdf.

²⁹ Mark A. Behrens, Cary Silverman, Christopher E. Appel, *Summation Anchoring: Is It Time to Cast Away Inflated Requests for Noneconomic Damages*, 44 AM. J. TRIAL ADVOC. 321-22 (citing Kathleen Flynn Peterson et al., *Dropping the Anchor*, TRIAL, Apr. 2017, at 34, 34)).

³⁰ *Hodge v. State Farm Mut. Auto. Ins., Co.*, 84 N.W.2d 238, 56 (Mich. 2016) (Markman, J. Concurring) (citations omitted)

³¹ Tort Trial and Insurance Practice Section, American Bar Association, *Unsubstantiated Anchoring as Improper Jury Argument* (Mar. 18, 2025), https://www.americanbar.org/groups/tort_trial_insurance_practice/resources/brief/2025-winter/unsubstantiated-anchoring-improper-jury-argument/ (citing and quoting *Gregory v. Chohan*, 670 S.W. 3d 546, 557 (Tex. 2023)).

³² 670 S.W. 3d 546 (Tex. 2023).

fighter jet and a \$186 million painting by Mark Rothko.³³ The court held that “[u]nsubstantiated anchors like those employed here have nothing to do with the emotional injuries suffered by the plaintiff and cannot rationally connect the extent of the injuries to the amount awarded.”³⁴ Because the “only arguments provided to justify an amount of damages were impermissible appeals to irrelevant considerations, such as fighter jets,” the court reversed and remanded the case, concluding that there was no evidence to support the amount of noneconomic damages awarded by the jury.³⁵

The court suggested that instead of relying on “unsubstantiated anchors and unexamined ratios,” parties should consider relying on “direct evidence supporting quantification of an amount of damages, such as evidence of the likely financial consequences of severe emotional disruption in the plaintiff’s life” or an amount of money that “would enable plaintiff to better deal with grief or restore his emotional health.”³⁶ The court explained that the examples it offered were not intended to suggest that “in all cases there must be direct evidence of a quantifiable amount of damages,” but merely to reiterate the “requirement that the amount of damages must have a rational basis grounded in evidence.”³⁷

III. Effect of Proposed Changes:

The bill amends s. 768.74, F.S., the remittitur and additur statute. This statute authorizes a court, upon motion by a party, to review an award of damages for excessiveness or inadequacy. If the court finds that the award is excessive or inadequate based on the facts and circumstances, the statute requires the court to order, as appropriate, a remittitur which is a reduced award or an additur which is an increased award. An adversely effected party, however, must then be given the option of a new trial on damages

Under the bill, in addition to existing criteria listed in the remittitur and additur statute, the court must consider:

- Whether there is a rational, nonarbitrary connection grounded in the evidence between the injuries suffered and the amount of an award of noneconomic damages; and
- Whether the amount of an award of noneconomic damages resulted from references to objects or values that did not have a rational connection to the facts of the case.

The new criteria make clear that awards of noneconomic damages based on unsubstantiated anchoring by plaintiff or defense counsel at trial may be grounds for remittitur or additur.

The bill applies to causes of action pending on or after July 1, 2026.

For the purpose of incorporating the amendment made by the bill to s. 768.74, F.S., the bill also reenacts ss. 400.0238(1)(d), 429.298(1)(d), 768.73(1)(d), and 768.735(2)(c), F.S.

The bill takes effect July 1, 2026.

³³ *Id.* at 557.

³⁴ *Id.* at 558.

³⁵ *Id.* at 563-65.

³⁶ *Id.* at 560.

³⁷ *Id.*

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 section 768.74 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 400.0238, 429.298, 768.73, and 768.735.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Yarborough

4-01475A-26

20261506__

A bill to be entitled

An act relating to civil litigation; amending s. 768.74, F.S.; revising the criteria that the court must consider in determining whether an award of money damages is excessive or inadequate; making technical changes; providing applicability; reenacting ss. 400.0238(1)(d), 429.298(1)(d), 768.73(1)(d), and 768.735(2)(c), F.S., relating to punitive damages, respectively, to incorporate the amendment made to s. 768.74, F.S., in references thereto; providing an effective date.

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

Section 1. Section 768.74, Florida Statutes, is amended to read:

768.74 Remittitur and additur.—

(1) In any action to which this part applies in which ~~wherein~~ the trier of fact determines that liability exists on the part of the defendant and a verdict is rendered which awards money damages to the plaintiff, ~~it shall be the responsibility of the court~~ must, upon proper motion, ~~to~~ review the amount of ~~the such~~ award to determine whether the if ~~such~~ amount is excessive or inadequate in light of the facts and circumstances that which were presented to the trier of fact.

(2) If the court finds that the amount awarded is excessive or inadequate, it must ~~shall~~ order a remittitur or additur, ~~as the case may be.~~

(3) It is the intent ~~intention~~ of the Legislature that

Page 1 of 5

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20261506__

awards of damages be closely scrutinized ~~subject to close scrutiny~~ by the courts and that all ~~such~~ awards be adequate and not excessive.

(4) If the party adversely affected by such remittitur or additur does not agree, the court must ~~shall~~ order a new trial in the cause on the issue of damages only.

(5) In determining whether an award is excessive or inadequate in light of the facts and circumstances presented to the trier of fact and in determining the amount, if any, that ~~the such~~ award exceeds a reasonable range of damages or is inadequate, the court shall consider the following criteria:

(a) Whether the amount awarded is indicative of prejudice, passion, or corruption on the part of the trier of fact;

(b) Whether it appears that the trier of fact ignored the evidence in reaching a verdict or misconceived the merits of the case relating to the amounts of damages recoverable;

(c) Whether the trier of fact took improper elements of damages into account or arrived at the amount of damages by speculation and conjecture;

(d) Whether the amount awarded bears a reasonable relation to the amount of damages proved and the injury suffered; ~~and~~

(e) Whether the amount awarded is supported by the evidence and is such that it could be adduced in a logical manner by reasonable persons;

(f) Whether there is a rational, nonarbitrary connection grounded in the evidence between the injuries suffered and the amount of an award of noneconomic damages; and

(g) Whether the amount of an award of noneconomic damages resulted from references to objects or values that did not have

Page 2 of 5

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4-01475A-26

20261506__

59 a rational connection to the facts of the case.

60 (6) It is the intent of the Legislature to vest the trial
61 courts of this state with the discretionary authority to review
62 the amounts of damages awarded by a trier of fact in light of a
63 standard of excessiveness or inadequacy. The Legislature
64 recognizes that the reasonable actions of a jury are a
65 fundamental precept of American jurisprudence and that such
66 actions should be disturbed or modified with caution and
67 discretion. However, it is further recognized that a review by
68 the courts in accordance with the standards set forth in this
69 section provides an additional element of soundness and logic to
70 our judicial system and is in the best interests of the citizens
71 of this state.

72 Section 2. This act applies to causes of action pending on
73 or after July 1, 2026.

74 Section 3. For the purpose of incorporating the amendment
75 made by this act to section 768.74, Florida Statutes, in a
76 reference thereto, paragraph (d) of subsection (1) of section
77 400.0238, Florida Statutes, is reenacted to read:

78 400.0238 Punitive damages; limitation.—

79 (1)

80 (d) This subsection is not intended to prohibit an
81 appropriate court from exercising its jurisdiction under s.
82 768.74 in determining the reasonableness of an award of punitive
83 damages that is less than three times the amount of compensatory
84 damages.

85 Section 4. For the purpose of incorporating the amendment
86 made by this act to section 768.74, Florida Statutes, in a
87 reference thereto, paragraph (d) of subsection (1) of section

4-01475A-26

20261506__

88 429.298, Florida Statutes, is reenacted to read:

89 429.298 Punitive damages; limitation.—

90 (1)

91 (d) This subsection is not intended to prohibit an
92 appropriate court from exercising its jurisdiction under s.
93 768.74 in determining the reasonableness of an award of punitive
94 damages that is less than three times the amount of compensatory
95 damages.

96 Section 5. For the purpose of incorporating the amendment
97 made by this act to section 768.74, Florida Statutes, in a
98 reference thereto, paragraph (d) of subsection (1) of section
99 768.73, Florida Statutes, is reenacted to read:

100 768.73 Punitive damages; limitation.—

101 (1)

102 (d) This subsection is not intended to prohibit an
103 appropriate court from exercising its jurisdiction under s.
104 768.74 in determining the reasonableness of an award of punitive
105 damages that is less than three times the amount of compensatory
106 damages.

107 Section 6. For the purpose of incorporating the amendment
108 made by this act to section 768.74, Florida Statutes, in a
109 reference thereto, paragraph (c) of subsection (2) of section
110 768.735, Florida Statutes, is reenacted to read:

111 768.735 Punitive damages; exceptions; limitation.—

112 (2)

113 (c) This subsection is not intended to prohibit an
114 appropriate court from exercising its jurisdiction under s.
115 768.74 in determining the reasonableness of an award of punitive
116 damages which is less than three times the amount of

4-01475A-26

20261506__

117 compensatory damages.

118 Section 7. This act shall take effect July 1, 2026.

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Meeting Date

1506

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Tiffany Cruz

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Address 325 N. Calhoun Street

Email Tiffany@tiffanycruzlaw.com

Tallahassee FL 32301

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:

I am a member of the Florida Justice Association

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

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Meeting Date

1506

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Dane Ullian

Phone 772-400-5667

Address 2127 10th Ave

Email dane@ulbantrielaw.com

Street

Vero Beach

FL

32960

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.

on behalf of the Florida Justice Association

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

2/10/26

Meeting Date

Judiciary

Committee

Name

George Feijoo

Phone

(850) 681-0024

Address

108 S Monroe St

Email

grfeijoo@flapartners.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

U.S. Chamber of Commerce Institute for Legal Reform

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/10/26

Meeting Date

1506

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jahvin Gordon (Jah-vin)

Phone 786-288-1424

Address 136 South Bronough Street

Email JGordon@FLchamber.com

Tallahassee FL 32301

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: Florida chamber of Commerce

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

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

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02.10.26

Meeting Date

Judiciary

Committee

Name **William Large**

Name

The Florida Senate

APPEARANCE RECORD

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1506

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **8502220170**

Phone

Address **215 South Monroe Street - Ste 140**

Address

Email **William@fljustice.org**

Email

Street

Tallahassee

City

FL

State

32301

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Justice Reform Institute

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB 1506

Meeting Date

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

DAVID MECA

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:

FL Hospital Association

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

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

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 1620

INTRODUCER: Judiciary Committee and Senators Leek and Gaetz

SUBJECT: Public Education

DATE: February 11, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazes</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1620 creates a “District School Board Members’ Bill of Rights” to clarify and expand individual school board members’ oversight authority. The bill requires districts to provide board members free and timely access to all district documents and allows school board members to request information directly from the superintendent and staff except for documents or information that the member would be prohibited by law from accessing. The bill also authorizes consultation with the district chief financial officer and access to any budget line item or financial transaction detail, and permits members to seek information from staff without superintendent permission.

Other provisions of the bill:

- Grant to a school board the authority to permit an attorney, who is employed by the district, to represent a board member who has been sued in his or her official capacity.
- Require school employees and officers to complete training on the open meeting requirements of the State Constitution.
- Define “good cause” for rejecting superintendent nominees.
- Prohibit districts from requiring or providing incentives to employees to sign nondisclosure or confidentiality agreements.
- Expand the budget information that must be posted on district websites.

The bill takes effect July 1, 2026.

II. Present Situation:

District School Boards

District school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school districts. The State Constitution mandates that each school board operate, control, and supervise all free public schools within the district and determine the rate of school district taxes within constitutional limits.¹ District school boards are responsible for establishing, organizing, and operating public K-12 schools and educational programs, as well as overseeing district employees and facilities. These responsibilities include, among others, student instruction, exceptional student education, career and adult education programs, and services for students in juvenile justice programs.²

District School Board Powers and Duties

The district school board, acting as a board, is required to exercise powers and perform duties including but not limited to:³

- Requiring the district school superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.
- Adopting and providing for the execution of plans for the establishment, organization, and operation of the schools of the district.
- Designating positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees.
- Adopting policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers.
- Providing for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students.
- Adopting an annual school budget.
- Providing for the keeping of all necessary records and the making of all needed or required reports.
- Requiring that all laws and rules of the State Board of Education or of the district school board are properly enforced.
- Adopting procedures whereby the general public may be adequately informed of the educational programs, needs, and objectives of public education within the district.
- Maintaining a system of school improvement and education accountability.
- Visiting the schools, observing the management and instruction, giving suggestions for improvement, and advising citizens with the view of promoting interest in education and improving the schools.

Each district school board must hold at least one regular meeting each month to transact business according to a schedule arranged by the district school board. The board must convene in special sessions when called by the district school superintendent or by the district school superintendent

¹ FLA. CONST. art. IX, s. 4(b); section 1001.32(2), F.S.

² Section 1003.02, F.S.

³ Section 1001.42(1)-(28), F.S.

on request of the chair of the district school board, or on request of a majority of the members of the district school board.⁴

School Board Duties: Public School Personnel

District school boards must designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees.⁵ District school boards must act upon written recommendations submitted by the district school superintendent for positions to be filled, for minimum qualifications for personnel for the various positions, and for the persons nominated to fill such positions. The district school board may reject for good cause any employee nominated.⁶ If the third nomination by the district school superintendent for any position is rejected for good cause, the district school board may proceed on its own motion to fill such position.⁷

District school board members are exempt from the prohibition on agencies⁸ nominating, appointing, promoting, or employing a relative.⁹ However, if a relative is appointed or employed by a board member or superintendent, he or she may not work under the direct supervision of that related board member or school superintendent.¹⁰

Parents' and Teachers' Bill of Rights

Florida law provides for a bill of rights for both parents and teachers in this state. These rights provide legislative findings that recognize the importance that both parents and teachers have in the education of children in this state.

Teachers are provided with specific rights related to:¹¹

- Employment;
- Continuing education;
- Control of the classroom; and
- Direct classroom instruction.

Parents are provided with specific rights related to:¹²

- The protection from infringement on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child;
- School district policies; and

⁴ Section 1001.372, F.S.

⁵ Section 1012.22(1), F.S.

⁶ Section 1012.22(1)(a), F.S.

⁷ *Id.*

⁸ Agencies include a state agency, an office or agency of the legislative or judicial branch, a county, city, or other political subdivision of the state; state universities, district school boards, and community college districts are not included. Section 112.3135(1)(a), F.S.

⁹ Section 112.3135, F.S. defines "Relative" as an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

¹⁰ Section 1012.23(2), F.S.

¹¹ Sections 1015.03-1015.06, F.S.

¹² Section 1014.01 – 1014.06, F.S.

- Parental consent for health care services.

School District Fiscal Transparency

School districts are required to provide budgetary transparency to enable taxpayers, parents, and education advocates to obtain school district budget and related information in a manner that is simply explained and easily understandable.¹³ To provide easily understandable budget information, school districts must post a graphical representation of the budget for each public school in the district and for the district as a whole. The representation must include the following:¹⁴

- Summary financial efficiency data.
- Fiscal trend information for the previous 3 years on:
 - The ratio of full-time equivalent students to full-time equivalent instructional personnel.
 - The ratio of full-time equivalent students to full-time equivalent administrative personnel.
 - The total operating expenditures per full-time equivalent student.
 - The total instructional expenditures per full-time equivalent student.
 - The general administrative expenditures as a percentage of total budget.
 - The rate of change in the general fund's ending fund balance that is not classified as restricted.

III. Effect of Proposed Changes:

SB 1620 creates a “District School Board Members’ Bill of Rights” to clarify and expand individual school board members’ oversight.

District School Boards

District School Board Powers and Duties

The bill creates s. 1001.366, F.S., to provide legislative intent that finds it necessary to adopt a “District School Board Members’ Bill of Rights” to clarify and expand the rights of individual school board members in the exercise of their statutory oversight and responsibility. The bill clarifies that district school board members have the right:

- Upon request, to be given free and timely access to all school district documents, except for documents that the member would be prohibited by law from accessing. Access must include documents that are not public records, including, but not limited to, notes, invoices, correspondences, memoranda, and internal legal opinions.
- To request any document or information from the district school superintendent or the superintendent’s staff, except for documents or information that the member would be prohibited by law from accessing.
- To consult with the school district’s chief financial officer on general matters related to the budget, and sources and uses of school district funds, and have reasonable access, upon request, to any detail or line item in any proposed or approved budget or in any financial transaction by the school district.

¹³ Section 1011.035(1), F.S.

¹⁴ Section 1011.035(2)(a), F.S.

- To seek information from school district staff without the permission of the superintendent or other members of the administration.
- To confidentially use any school district electronic or communications device, such as a cellular telephone or laptop computer, without the school district monitoring its use. This provision may not be construed to violate any public records law.
- To keep confidential the content of all communications or discussions relating to union contracts of school district employees, unless otherwise advised by an attorney employed by the school district.
- To comment publicly during or outside of district school board meetings on any matter of district school board business, except for student and employee disciplinary hearings.

If any legal action is brought against an individual school board member related to his or her official position and conduct, the school board may authorize an attorney, who is employed by the school district, to provide legal representation.

The bill amends s. 1001.372, F.S., to provide that a member of the district school board may discuss matters relating to any item or action scheduled to be heard or likely to be heard at a future school board meeting with the district school superintendent, an attorney employed by the school district, or district staff, if an attorney employed by the school district advises the school board member that the conduct would not violate the open meetings requirements of the State Constitution.¹⁵

The bill amends s. 1001.42, F.S., to authorize a district school board, during a regular school board meeting, to approve the employment of an additional attorney recommended for employment by an attorney currently employed by the school district. The additional attorney must be employed by the school district and solely represent the district school board. At the school board meeting to approve the employment of the attorney, the bill requires that the board provide:

- The purpose of hiring an additional attorney; and
- The costs of such representation. Any payment to the additional attorney must be noticed and approved by the district school board.

The bill requires that certain records, including agenda item attachments, vendor contracts, and budget documents, be kept as a public record with the minutes. The bill requires district school boards adopted policies on standards of ethical conduct to require training for school officers on compliance with the open meeting requirements of the State Constitution.¹⁶ The bill also prohibits a school board member from publicly disclosing proposed terms of collective bargaining agreements unless advised by an attorney employed by the district school board.

School Board Duties: Public School Personnel

¹⁵ FLA. CONST. art. I s.24(b) requires that all meetings of any collegial public body of a school district at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public, except with respect to meetings exempted pursuant to constitutional requirements or specifically closed by the Constitution.

¹⁶ *Id.*

The bill amends s. 1012.22, F.S., to define the term “good cause” as it relates to the rejection of an employee nominated for a position. The bill defines “good cause” to mean the district school board has determined any of the following:

- That the nominated employee received his or her nomination due to nepotism, as defined by the district school board.
- That the nominated employee fabricated or materially exaggerated his or her credentials or background.
- That the nominated employee does not meet the minimum requirements for the position.
- That the nominated employee’s educator certificate has been revoked by another state.

The bill amends s. 1015.03, F.S., to prohibit a school district from requiring or otherwise providing incentives to an employee to sign a nondisclosure agreement or confidentiality agreement. Additionally, the school district may not impose any conditions on employment that would circumvent the prohibition against the use of nondisclosure or confidentiality agreements.

School District Fiscal Transparency

The bill amends s. 1011.035, F.S., to require that district school boards include, with the graphical representation of the budget, full line-item budget information on the proposed, tentative, and official budgets posted on the school district’s website.

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: 112.3135, 1001.372, 1001.42, 1011.035, 1012.22, and 1015.03.

This bill creates section 1001.366 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 10, 2026:

The committee substitute differs from the underlying bill by:

- Removing section 1 from the bill which would have made district school boards subject to the same anti-nepotism laws that apply to most state and local government entities.
- Clarifies that the rights of a board member to access documents and information does not include the right to access documents or information that he or she is prohibited by law from accessing.
- Removes the provision that prohibited an attorney employed by a school district from representing the board unless multiple criteria were met.
- Provides that a school district may not circumvent the prohibition in the bill against the use of nondisclosure and confidentiality agreements by imposing conditions on an employee's employment.

B. Amendments:

None.

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



145780

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Osgood) recommended the following:

Senate Amendment

Delete line 58

and insert:

(2) A member of a district school board has the right, if it does not interfere with the duties of school board staff, to:



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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Leek) recommended the following:

Senate Amendment (with title amendment)

Delete lines 60 - 257

and insert:

school district documents, except for documents that the member would be prohibited by law from accessing. Access must include documents that are not public records, including, but not limited to, notes, invoices, correspondences, memoranda, and internal legal opinions.

2. Request any document or information from the district school superintendent or the superintendent's staff, except for



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12 documents or information that the member would be prohibited by
13 law from accessing.

14 (b) Consult with the school district's chief financial
15 officer on general matters related to the budget, and sources
16 and uses of school district funds, and have reasonable access,
17 upon request, to any detail or line item in any proposed or
18 approved budget or in any financial transaction by the school
19 district.

20 (c) Seek information from school district staff without the
21 permission of the superintendent or other members of the
22 administration.

23 (d) Confidentially use any school district electronic or
24 communications device, such as a cellular telephone or laptop
25 computer, without the school district monitoring its use. This
26 paragraph may not be construed to violate any public records
27 law.

28 (e) Keep confidential the content of all communications or
29 discussions relating to union contracts of school district
30 employees, unless otherwise advised by an attorney employed by
31 the school district.

32 (f) Comment publicly during or outside of district school
33 board meetings on any matter of district school board business,
34 except for student and employee disciplinary hearings that are
35 specifically addressed in ss. 1006.07 and 1012.34, respectively.

36 (3) In any legal action brought against an individual
37 school board member related to his or her official position and
38 conduct, the school board may authorize an attorney, who is
39 employed by the school district, to provide legal
40 representation.



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41 Section 3. Subsection (5) is added to section 1001.372,
42 Florida Statutes, to read:

43 1001.372 District school board meetings.—

44 (5) COMMUNICATIONS ABOUT AGENDA ITEMS.—A member of the
45 district school board may have communications or discussions
46 relating to any item or action scheduled to be heard or likely
47 to be heard at a future school board meeting with the district
48 school superintendent, an attorney employed by the school
49 district, or district staff, if an attorney employed by the
50 school district pursuant to s. 1001.42(5)(c) has advised the
51 school board member that such communications or discussions
52 would not violate s. 24(b), Art. I of the State Constitution.

53 Section 4. Subsection (6) of section 1001.42, Florida
54 Statutes, is amended, paragraph (c) is added to subsection (1)
55 of that section, paragraph (c) is added to subsection (5) of
56 that section, and paragraph (c) is added to subsection (24) of
57 that section, to read:

58 1001.42 Powers and duties of district school board.—The
59 district school board, acting as a board, shall exercise all
60 powers and perform all duties listed below:

61 (1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the
62 district school superintendent, as secretary, to keep such
63 minutes and records as are necessary to set forth clearly all
64 actions and proceedings of the school board.

65 (c) Other records.—Other documents, including attachments
66 for agenda items, such as vendor contracts or budget documents,
67 must be kept as a public record with the minutes of each
68 meeting.

69 (5) PERSONNEL.—



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70 (c) During a regular school board meeting, approve the
71 employment of an additional attorney, to be employed by the
72 school district solely to represent the district school board,
73 who was recommended for employment by an attorney currently
74 employed by the school district. During the meeting, the
75 district school board must provide both of the following:
76 1. The purpose of hiring an additional attorney.
77 2. The costs of such representation. Any payment to the
78 additional attorney must be noticed and approved by the district
79 school board.

80 (6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies
81 establishing standards of ethical conduct for educational
82 support employees, instructional personnel, administrative
83 personnel, and school officers. The policies must require all
84 educational support employees, instructional personnel,
85 administrative personnel, and school officers, as defined in s.
86 1012.01, to complete training on the standards, including
87 training for school officers in compliance with s. 24(b), Art. I
88 of the State Constitution; establish the duty of educational
89 support employees, instructional personnel, administrative
90 personnel, and school officers to report, and procedures for
91 reporting, alleged misconduct by other educational support
92 employees, instructional or administrative personnel, and school
93 officers which affects the health, safety, or welfare of a
94 student, including misconduct that involves engaging in or
95 soliciting sexual, romantic, or lewd conduct with a student;
96 require the district school superintendent to report to law
97 enforcement misconduct by educational support employees,
98 instructional personnel, or school administrators that would



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99 result in disqualification from educator certification or
100 employment as provided in s. 1012.315; and include an
101 explanation of the liability protections provided under ss.
102 39.203 and 768.095. A district school board, or any of its
103 employees or personnel, may not enter into a confidentiality
104 agreement regarding terminated or dismissed educational support
105 employees, instructional or administrative personnel, or school
106 officers who resign in lieu of termination, based in whole or in
107 part on misconduct that affects the health, safety, or welfare
108 of a student, and may not provide educational support employees,
109 instructional personnel, administrative personnel, or school
110 officers with employment references or discuss the employees',
111 personnel's, or officers' performance with prospective employers
112 in another educational setting, without disclosing the
113 employees', personnel's, or officers' misconduct. Any part of an
114 agreement or contract that has the purpose or effect of
115 concealing misconduct by educational support employees,
116 instructional personnel, administrative personnel, or school
117 officers which affects the health, safety, or welfare of a
118 student is void, is contrary to public policy, and may not be
119 enforced.

120 (24) EMPLOYMENT CONTRACTS.—

121 (c) A school board member may not publicly disclose
122 proposed terms of collective bargaining agreements unless
123 advised by an attorney employed pursuant to paragraph (5) (c).

124 Section 5. Paragraph (a) of subsection (2) of section
125 1011.035, Florida Statutes, is amended to read:

126 1011.035 School district fiscal transparency.—

127 (2) Each district school board shall post on its website a



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128 plain language version of each proposed, tentative, and official
129 budget which describes each budget item in terms that are easily
130 understandable to the public and includes:

131 (a) Graphical representations, for each public school
132 within the district and for the school district, of the
133 following:

134 1. Summary financial efficiency data.

135 2. Fiscal trend information for the previous 3 years on:

136 a. The ratio of full-time equivalent students to full-time
137 equivalent instructional personnel.

138 b. The ratio of full-time equivalent students to full-time
139 equivalent administrative personnel.

140 c. The total operating expenditures per full-time
141 equivalent student.

142 d. The total instructional expenditures per full-time
143 equivalent student.

144 e. The general administrative expenditures as a percentage
145 of total budget.

146 f. The rate of change in the general fund's ending fund
147 balance not classified as restricted.

148 g. Full line-item budget items.

149

150 This information must be prominently posted on the school
151 district's website in a manner that is readily accessible to the
152 public.

153 Section 6. Paragraph (a) of subsection (1) of section
154 1012.22, Florida Statutes, is amended to read:

155 1012.22 Public school personnel; powers and duties of the
156 district school board.—The district school board shall:



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157 (1) Designate positions to be filled, prescribe
158 qualifications for those positions, and provide for the
159 appointment, compensation, promotion, suspension, and dismissal
160 of employees as follows, subject to the requirements of this
161 chapter:

162 (a) *Positions, qualifications, and appointments.*—

163 1. The district school board shall act upon written
164 recommendations submitted by the district school superintendent
165 for positions to be filled, for minimum qualifications for
166 personnel for the various positions, and for the persons
167 nominated to fill such positions.

168 2. The district school board may reject for good cause any
169 employee nominated.

170 3. If the third nomination by the district school
171 superintendent for any position is rejected for good cause, if
172 the district school superintendent fails to submit a nomination
173 for initial employment within a reasonable time as prescribed by
174 the district school board, or if the district school
175 superintendent fails to submit a nomination for reemployment
176 within the time prescribed by law, the district school board may
177 proceed on its own motion to fill such position.

178 4. The district school board's decision to reject a
179 person's nomination does not give that person a right of action
180 to sue over the rejection and may not be used as a cause of
181 action by the nominated employee.

182 5. For the purposes of this paragraph, the term "good
183 cause" means the district school board has determined any of the
184 following:

185 a. That the nominated employee received his or her



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186 nomination due to nepotism, as defined by the district school
187 board.

188 b. That the nominated employee fabricated or materially
189 exaggerated his or her credentials or background.

190 c. That the nominated employee does not meet the minimum
191 requirements for the position.

192 d. That the nominated employee's educator certificate has
193 been revoked by another state.

194 Section 7. Subsection (1) of section 1015.03, Florida
195 Statutes, is amended to read:

196 1015.03 Rights of employment.-

197 (1) (a) Pursuant to s. 447.301 and s. 6., Art. I of the
198 State Constitution, the right of public employees, including
199 teachers, to work may not be denied or abridged on account of
200 membership or nonmembership in any labor union.

201 (b) A school district employee may not be required or
202 otherwise incentivized to sign a nondisclosure agreement or
203 confidentiality agreement. A school district may not impose
204 conditions on employment to circumvent this paragraph.

205
206 ===== T I T L E A M E N D M E N T =====

207 And the title is amended as follows:

208 Delete lines 9 - 29

209 and insert:

210 rights; amending s. 1001.372, F.S.; authorizing a
211 district school board to have specified discussions
212 after being advised by an attorney; amending s.
213 1001.42, F.S.; requiring that certain documents from
214 district school board meetings be kept as public



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215 records; providing that a district school board has
216 the power to approve an additional attorney to be
217 employed by the school district; providing
218 requirements for such approval; requiring school
219 officers to receive specified training; prohibiting a
220 school board member from publicly disclosing proposed
221 terms of a collective bargaining agreement unless
222 advised by an attorney; amending s. 1011.035, F.S.;
223 requiring that full line-item budget items be posted
224 on a school district's website; amending s. 1012.22,
225 F.S.; defining the term "good cause"; amending s.
226 1015.03, F.S.; providing that a school district
227 employee may not be required or incentivized to sign a
228 nondisclosure agreement or confidentiality agreement;
229 prohibiting a school district from imposing certain
230 conditions on employment;



600808

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Leek) recommended the following:

1 **Senate Substitute for Amendment (875772) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 1001.366, Florida Statutes, is
7 created to read:

8 1001.366 District School Board Members' Bill of Rights.-

9 (1) The Legislature finds it necessary to adopt a "District
10 School Board Members' Bill of Rights" to clarify and expand the
11 rights of individual school board members in the exercise of



600808

12 their statutory oversight and responsibility.

13 (2) A member of a district school board has the right to:

14 (a)1. Upon request, be given free and timely access to all
15 school district documents, except for documents that the member
16 would be prohibited by law from accessing. Access must include
17 documents that are not public records, including, but not
18 limited to, notes, invoices, correspondences, memoranda, and
19 internal legal opinions.

20 2. Request any document or information from the district
21 school superintendent or the superintendent's staff, except for
22 documents or information that the member would be prohibited by
23 law from accessing.

24 (b) Consult with the school district's chief financial
25 officer on general matters related to the budget, and sources
26 and uses of school district funds, and have reasonable access,
27 upon request, to any detail or line item in any proposed or
28 approved budget or in any financial transaction by the school
29 district.

30 (c) Seek information from school district staff without the
31 permission of the superintendent or other members of the
32 administration.

33 (d) Confidentially use any school district electronic or
34 communications device, such as a cellular telephone or laptop
35 computer, without the school district monitoring its use. This
36 paragraph may not be construed to violate any public records
37 law.

38 (e) Keep confidential the content of all communications or
39 discussions relating to union contracts of school district
40 employees, unless otherwise advised by an attorney employed by



600808

41 the school district.

42 (f) Comment publicly during or outside of district school
43 board meetings on any matter of district school board business,
44 except for student and employee disciplinary hearings that are
45 specifically addressed in ss. 1006.07 and 1012.34, respectively.

46 (3) In any legal action brought against an individual
47 school board member related to his or her official position and
48 conduct, the school board may authorize an attorney, who is
49 employed by the school district, to provide legal
50 representation.

51 Section 2. Subsection (5) is added to section 1001.372,
52 Florida Statutes, to read:

53 1001.372 District school board meetings.—

54 (5) COMMUNICATIONS ABOUT AGENDA ITEMS.—A member of the
55 district school board may have communications or discussions
56 relating to any item or action scheduled to be heard or likely
57 to be heard at a future school board meeting with the district
58 school superintendent, an attorney employed by the school
59 district, or district staff, if an attorney employed by the
60 school district pursuant to s. 1001.42(5)(c) has advised the
61 school board member that such communications or discussions
62 would not violate s. 24(b), Art. I of the State Constitution.

63 Section 3. Subsection (6) of section 1001.42, Florida
64 Statutes, is amended, paragraph (c) is added to subsection (1)
65 of that section, paragraph (c) is added to subsection (5) of
66 that section, and paragraph (c) is added to subsection (24) of
67 that section, to read:

68 1001.42 Powers and duties of district school board.—The
69 district school board, acting as a board, shall exercise all



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70 powers and perform all duties listed below:

71 (1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the
72 district school superintendent, as secretary, to keep such
73 minutes and records as are necessary to set forth clearly all
74 actions and proceedings of the school board.

75 (c) Other records.—Other documents, including attachments
76 for agenda items, such as vendor contracts or budget documents,
77 must be kept as a public record with the minutes of each
78 meeting.

79 (5) PERSONNEL.—

80 (c) During a regular school board meeting, approve the
81 employment of an additional attorney, to be employed by the
82 school district solely to represent the district school board,
83 who was recommended for employment by an attorney currently
84 employed by the school district. During the meeting, the
85 district school board must provide both of the following:

86 1. The purpose of hiring an additional attorney.

87 2. The costs of such representation. Any payment to the
88 additional attorney must be noticed and approved by the district
89 school board.

90 (6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies
91 establishing standards of ethical conduct for educational
92 support employees, instructional personnel, administrative
93 personnel, and school officers. The policies must require all
94 educational support employees, instructional personnel,
95 administrative personnel, and school officers, as defined in s.
96 1012.01, to complete training on the standards, including
97 training for school officers in compliance with s. 24(b), Art. I
98 of the State Constitution; establish the duty of educational



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99 support employees, instructional personnel, administrative
100 personnel, and school officers to report, and procedures for
101 reporting, alleged misconduct by other educational support
102 employees, instructional or administrative personnel, and school
103 officers which affects the health, safety, or welfare of a
104 student, including misconduct that involves engaging in or
105 soliciting sexual, romantic, or lewd conduct with a student;
106 require the district school superintendent to report to law
107 enforcement misconduct by educational support employees,
108 instructional personnel, or school administrators that would
109 result in disqualification from educator certification or
110 employment as provided in s. 1012.315; and include an
111 explanation of the liability protections provided under ss.
112 39.203 and 768.095. A district school board, or any of its
113 employees or personnel, may not enter into a confidentiality
114 agreement regarding terminated or dismissed educational support
115 employees, instructional or administrative personnel, or school
116 officers who resign in lieu of termination, based in whole or in
117 part on misconduct that affects the health, safety, or welfare
118 of a student, and may not provide educational support employees,
119 instructional personnel, administrative personnel, or school
120 officers with employment references or discuss the employees',
121 personnel's, or officers' performance with prospective employers
122 in another educational setting, without disclosing the
123 employees', personnel's, or officers' misconduct. Any part of an
124 agreement or contract that has the purpose or effect of
125 concealing misconduct by educational support employees,
126 instructional personnel, administrative personnel, or school
127 officers which affects the health, safety, or welfare of a



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128 student is void, is contrary to public policy, and may not be
129 enforced.

130 (24) EMPLOYMENT CONTRACTS.—

131 (c) A school board member may not publicly disclose
132 proposed terms of collective bargaining agreements unless
133 advised by an attorney employed pursuant to paragraph (5)(c).

134 Section 4. Paragraph (a) of subsection (2) of section
135 1011.035, Florida Statutes, is amended to read:

136 1011.035 School district fiscal transparency.—

137 (2) Each district school board shall post on its website a
138 plain language version of each proposed, tentative, and official
139 budget which describes each budget item in terms that are easily
140 understandable to the public and includes:

141 (a) Graphical representations, for each public school
142 within the district and for the school district, of the
143 following:

144 1. Summary financial efficiency data.

145 2. Fiscal trend information for the previous 3 years on:

146 a. The ratio of full-time equivalent students to full-time
147 equivalent instructional personnel.

148 b. The ratio of full-time equivalent students to full-time
149 equivalent administrative personnel.

150 c. The total operating expenditures per full-time
151 equivalent student.

152 d. The total instructional expenditures per full-time
153 equivalent student.

154 e. The general administrative expenditures as a percentage
155 of total budget.

156 f. The rate of change in the general fund's ending fund



600808

157 balance not classified as restricted.

158 g. Full line-item budget items.

159

160 This information must be prominently posted on the school
161 district's website in a manner that is readily accessible to the
162 public.

163 Section 5. Paragraph (a) of subsection (1) of section
164 1012.22, Florida Statutes, is amended to read:

165 1012.22 Public school personnel; powers and duties of the
166 district school board.—The district school board shall:

167 (1) Designate positions to be filled, prescribe
168 qualifications for those positions, and provide for the
169 appointment, compensation, promotion, suspension, and dismissal
170 of employees as follows, subject to the requirements of this
171 chapter:

172 (a) *Positions, qualifications, and appointments.*—

173 1. The district school board shall act upon written
174 recommendations submitted by the district school superintendent
175 for positions to be filled, for minimum qualifications for
176 personnel for the various positions, and for the persons
177 nominated to fill such positions.

178 2. The district school board may reject for good cause any
179 employee nominated.

180 3. If the third nomination by the district school
181 superintendent for any position is rejected for good cause, if
182 the district school superintendent fails to submit a nomination
183 for initial employment within a reasonable time as prescribed by
184 the district school board, or if the district school
185 superintendent fails to submit a nomination for reemployment



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186 within the time prescribed by law, the district school board may
187 proceed on its own motion to fill such position.

188 4. The district school board's decision to reject a
189 person's nomination does not give that person a right of action
190 to sue over the rejection and may not be used as a cause of
191 action by the nominated employee.

192 5. For the purposes of this paragraph, the term "good
193 cause" means the district school board has determined any of the
194 following:

195 a. That the nominated employee received his or her
196 nomination due to nepotism, as defined by the district school
197 board.

198 b. That the nominated employee fabricated or materially
199 exaggerated his or her credentials or background.

200 c. That the nominated employee does not meet the minimum
201 requirements for the position.

202 d. That the nominated employee's educator certificate has
203 been revoked by another state.

204 Section 6. Subsection (1) of section 1015.03, Florida
205 Statutes, is amended to read:

206 1015.03 Rights of employment.—

207 (1) (a) Pursuant to s. 447.301 and s. 6., Art. I of the
208 State Constitution, the right of public employees, including
209 teachers, to work may not be denied or abridged on account of
210 membership or nonmembership in any labor union.

211 (b) A school district employee may not be required or
212 otherwise incentivized to sign a nondisclosure agreement or
213 confidentiality agreement. A school district may not impose
214 conditions on employment to circumvent this paragraph.



600808

215 Section 7. This act shall take effect July 1, 2026.

216

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

218 And the title is amended as follows:

219 Delete everything before the enacting clause

220 and insert:

221 A bill to be entitled

222 An act relating to public education; creating s.

223 1001.366, F.S.; providing legislative findings;

224 providing members of a district school board with

225 specified rights; authorizing an attorney employed by

226 the school district to represent school board member

227 under certain circumstances; providing an exception;

228 amending s. 1001.372, F.S.; authorizing a district

229 school board to have specified discussions after being

230 advised by an attorney; amending s. 1001.42, F.S.;

231 requiring that certain documents from district school

232 board meetings be kept as public records; providing

233 that a district school board has the power to approve

234 an additional attorney to be employed by the school

235 district; providing requirements for such approval;

236 requiring school officers to receive specified

237 training; prohibiting a school board member from

238 publicly disclosing proposed terms of a collective

239 bargaining agreement unless advised by an attorney;

240 amending s. 1011.035, F.S.; requiring that full line-

241 item budget items be posted on a school district's

242 website; amending s. 1012.22, F.S.; defining the term

243 "good cause"; amending s. 1015.03, F.S.; providing



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244 | that a school district employee may not be required or
245 | incentivized to sign a nondisclosure agreement or
246 | confidentiality agreement; prohibiting a school
247 | district from imposing certain conditions on
248 | employment; providing an effective date.



596634

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Osgood) recommended the following:

Senate Amendment to Substitute Amendment (600808)

Delete line 13

and insert:

(2) A member of a district school board has the right, if
it does not interfere with the duties of school board staff, to:

By Senator Leek

7-00344E-26

20261620__

1 A bill to be entitled
 2 An act relating to public education; amending s.
 3 112.3135, F.S.; revising the definition of the term
 4 "agency" to include district school boards for
 5 purposes of provisions restricting the employment of
 6 relatives of public officials; creating s. 1001.366,
 7 F.S.; providing legislative findings; providing
 8 members of a district school board with specified
 9 rights; prohibiting an attorney employed by the school
 10 district from representing the district school board;
 11 providing an exception; amending s. 1001.372, F.S.;
 12 authorizing a district school board to have specified
 13 discussions after being advised by an attorney;
 14 amending s. 1001.42, F.S.; requiring that certain
 15 documents from district school board meetings be kept
 16 as public records; providing that a district school
 17 board has the power to approve an additional attorney
 18 to be employed by the school district; providing
 19 requirements for such approval; requiring school
 20 officers to receive specified training; prohibiting a
 21 school board member from publicly disclosing proposed
 22 terms of a collective bargaining agreement unless
 23 advised by an attorney; amending s. 1011.035, F.S.;
 24 requiring that full line-item budget items be posted
 25 on a school district's website; amending s. 1012.22,
 26 F.S.; defining the term "good cause"; amending s.
 27 1015.03, F.S.; providing that a school district
 28 employee may not be required or incentivized to sign a
 29 nondisclosure agreement or confidentiality agreement;

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

7-00344E-26

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30 providing an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Paragraph (a) of subsection (1) of section
 35 112.3135, Florida Statutes, is amended to read:
 36 112.3135 Restriction on employment of relatives.—
 37 (1) In this section, unless the context otherwise requires:
 38 (a) "Agency" means:
 39 1. A state agency, except an institution under the
 40 jurisdiction of the Board of Governors of the State University
 41 System;
 42 2. An office, agency, or other establishment in the
 43 legislative branch;
 44 3. An office, agency, or other establishment in the
 45 judicial branch;
 46 4. A county;
 47 5. A city; ~~and~~
 48 6. A district school board; and
 49 7. Any other political subdivision of the state, except a
 50 ~~district school board or~~ community college district.
 51 Section 2. Section 1001.366, Florida Statutes, is created
 52 to read:
 53 1001.366 District School Board Members' Bill of Rights.—
 54 (1) The Legislature finds it necessary to adopt a "District
 55 School Board Members' Bill of Rights" to clarify and expand the
 56 rights of individual school board members in the exercise of
 57 their statutory oversight and responsibility.
 58 (2) A member of a district school board has the right to:

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7-00344E-26

20261620__

59 (a)1. Upon request, be given free and timely access to all
 60 school district documents. Access must include documents that
 61 are not public records, including, but not limited to, notes,
 62 invoices, correspondences, memoranda, and internal legal
 63 opinions.

64 2. Request any document or information from the district
 65 school superintendent or the superintendent's staff.

66 (b) Consult with the school district's chief financial
 67 officer on general matters related to the budget, and sources
 68 and uses of school district funds, and have access, upon
 69 request, to any detail or line item in any proposed or approved
 70 budget or in any financial transaction by the school district.

71 (c) Seek information from school district staff without the
 72 permission of the superintendent or other members of the
 73 administration.

74 (d) Confidentially use any school district electronic or
 75 communications device, such as a cellular telephone or laptop
 76 computer, without the school district monitoring its use. This
 77 paragraph may not be construed to violate any public records
 78 law.

79 (e) Keep confidential the content of all communications or
 80 discussions relating to union contracts of school district
 81 employees, unless otherwise advised by an attorney employed by
 82 the school district.

83 (f) Comment publicly during or outside of district school
 84 board meetings on any matter of district school board business,
 85 except for student and employee disciplinary hearings that are
 86 specifically addressed in ss. 1006.07 and 1012.34, respectively.

87 (3) (a) An attorney may not be employed by the school

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7-00344E-26

20261620__

88 district and represent the district school board, except for an
 89 attorney hired pursuant to s. 1001.42(5).

90 (b) In any legal action brought against an individual
 91 school board member related to his or her official position and
 92 conduct, the school board may authorize an attorney, in
 93 accordance with paragraph (a), who is employed by the school
 94 district, to provide legal representation.

95 Section 3. Subsection (5) is added to section 1001.372,
 96 Florida Statutes, to read:

97 1001.372 District school board meetings.—

98 (5) COMMUNICATIONS ABOUT AGENDA ITEMS.—A member of the
 99 district school board may have communications or discussions
 100 relating to any item or action scheduled to be heard or likely
 101 to be heard at a future school board meeting with the district
 102 school superintendent, an attorney employed by the school
 103 district, or district staff, if an attorney employed by the
 104 school district pursuant to s. 1001.42(5) (c) has advised the
 105 school board member that such communications or discussions
 106 would not violate s. 24(b), Art. I of the State Constitution.

107 Section 4. Subsection (6) of section 1001.42, Florida
 108 Statutes, is amended, paragraph (c) is added to subsection (1)
 109 of that section, paragraph (c) is added to subsection (5) of
 110 that section, and paragraph (c) is added to subsection (24) of
 111 that section, to read:

112 1001.42 Powers and duties of district school board.—The
 113 district school board, acting as a board, shall exercise all
 114 powers and perform all duties listed below:

115 (1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the
 116 district school superintendent, as secretary, to keep such

Page 4 of 9

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

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117 minutes and records as are necessary to set forth clearly all
118 actions and proceedings of the school board.

119 (c) Other records.—Other documents, including attachments
120 for agenda items, such as vendor contracts or budget documents,
121 must be kept as a public record with the minutes of each
122 meeting.

123 (5) PERSONNEL.—

124 (c) During a regular school board meeting, approve the
125 employment of an additional attorney, to be employed by the
126 school district solely to represent the district school board,
127 who was recommended for employment by an attorney currently
128 employed by the school district. During the meeting, the
129 district school board must provide both of the following:

130 1. The purpose of hiring an additional attorney.

131 2. The costs of such representation. Any payment to the
132 additional attorney must be noticed and approved by the district
133 school board.

134 (6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies
135 establishing standards of ethical conduct for educational
136 support employees, instructional personnel, administrative
137 personnel, and school officers. The policies must require all
138 educational support employees, instructional personnel,
139 administrative personnel, and school officers, as defined in s.
140 1012.01, to complete training on the standards, including
141 training for school officers in compliance with s. 24(b), Art. I
142 of the State Constitution; establish the duty of educational
143 support employees, instructional personnel, administrative
144 personnel, and school officers to report, and procedures for
145 reporting, alleged misconduct by other educational support

7-00344E-26 20261620__

146 employees, instructional or administrative personnel, and school
147 officers which affects the health, safety, or welfare of a
148 student, including misconduct that involves engaging in or
149 soliciting sexual, romantic, or lewd conduct with a student;
150 require the district school superintendent to report to law
151 enforcement misconduct by educational support employees,
152 instructional personnel, or school administrators that would
153 result in disqualification from educator certification or
154 employment as provided in s. 1012.315; and include an
155 explanation of the liability protections provided under ss.
156 39.203 and 768.095. A district school board, or any of its
157 employees or personnel, may not enter into a confidentiality
158 agreement regarding terminated or dismissed educational support
159 employees, instructional or administrative personnel, or school
160 officers who resign in lieu of termination, based in whole or in
161 part on misconduct that affects the health, safety, or welfare
162 of a student, and may not provide educational support employees,
163 instructional personnel, administrative personnel, or school
164 officers with employment references or discuss the employees',
165 personnel's, or officers' performance with prospective employers
166 in another educational setting, without disclosing the
167 employees', personnel's, or officers' misconduct. Any part of an
168 agreement or contract that has the purpose or effect of
169 concealing misconduct by educational support employees,
170 instructional personnel, administrative personnel, or school
171 officers which affects the health, safety, or welfare of a
172 student is void, is contrary to public policy, and may not be
173 enforced.

174 (24) EMPLOYMENT CONTRACTS.—

7-00344E-26

20261620__

175 (c) A school board member may not publicly disclose
 176 proposed terms of collective bargaining agreements unless
 177 advised by an attorney employed pursuant to paragraph (5)(c).

178 Section 5. Paragraph (a) of subsection (2) of section
 179 1011.035, Florida Statutes, is amended to read:

180 1011.035 School district fiscal transparency.—

181 (2) Each district school board shall post on its website a
 182 plain language version of each proposed, tentative, and official
 183 budget which describes each budget item in terms that are easily
 184 understandable to the public and includes:

185 (a) Graphical representations, for each public school
 186 within the district and for the school district, of the
 187 following:

- 188 1. Summary financial efficiency data.
- 189 2. Fiscal trend information for the previous 3 years on:
 - 190 a. The ratio of full-time equivalent students to full-time
 - 191 equivalent instructional personnel.
 - 192 b. The ratio of full-time equivalent students to full-time
 - 193 equivalent administrative personnel.
 - 194 c. The total operating expenditures per full-time
 - 195 equivalent student.
 - 196 d. The total instructional expenditures per full-time
 - 197 equivalent student.
 - 198 e. The general administrative expenditures as a percentage
 - 199 of total budget.
 - 200 f. The rate of change in the general fund's ending fund
 - 201 balance not classified as restricted.
 - 202 g. Full line-item budget items.

203

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7-00344E-26

20261620__

204 This information must be prominently posted on the school
 205 district's website in a manner that is readily accessible to the
 206 public.

207 Section 6. Paragraph (a) of subsection (1) of section
 208 1012.22, Florida Statutes, is amended to read:

209 1012.22 Public school personnel; powers and duties of the
 210 district school board.—The district school board shall:

211 (1) Designate positions to be filled, prescribe
 212 qualifications for those positions, and provide for the
 213 appointment, compensation, promotion, suspension, and dismissal
 214 of employees as follows, subject to the requirements of this
 215 chapter:

216 (a) *Positions, qualifications, and appointments.*—

217 1. The district school board shall act upon written
 218 recommendations submitted by the district school superintendent
 219 for positions to be filled, for minimum qualifications for
 220 personnel for the various positions, and for the persons
 221 nominated to fill such positions.

222 2. The district school board may reject for good cause any
 223 employee nominated.

224 3. If the third nomination by the district school
 225 superintendent for any position is rejected for good cause, if
 226 the district school superintendent fails to submit a nomination
 227 for initial employment within a reasonable time as prescribed by
 228 the district school board, or if the district school
 229 superintendent fails to submit a nomination for reemployment
 230 within the time prescribed by law, the district school board may
 231 proceed on its own motion to fill such position.

232 4. The district school board's decision to reject a

Page 8 of 9

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20261620__

233 person's nomination does not give that person a right of action
234 to sue over the rejection and may not be used as a cause of
235 action by the nominated employee.

236 5. For the purposes of this paragraph, the term "good
237 cause" means the district school board has determined any of the
238 following:

239 a. That the nominated employee received his or her
240 nomination due to nepotism, as defined by the district school
241 board.

242 b. That the nominated employee fabricated or materially
243 exaggerated his or her credentials or background.

244 c. That the nominated employee does not meet the minimum
245 requirements for the position.

246 d. That the nominated employee's educator certificate has
247 been revoked by another state.

248 Section 7. Subsection (1) of section 1015.03, Florida
249 Statutes, is amended to read:

250 1015.03 Rights of employment.—

251 (1) (a) Pursuant to s. 447.301 and s. 6., Art. I of the
252 State Constitution, the right of public employees, including
253 teachers, to work may not be denied or abridged on account of
254 membership or nonmembership in any labor union.

255 (b) A school district employee may not be required or
256 otherwise incentivized to sign a nondisclosure agreement or
257 confidentiality agreement.

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



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 4, 2026

I respectfully request that **Senate Bill #1620**, relating to Public Education, be placed on the:

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

Sincerely,

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

Sen. Tom Leek
Florida Senator, District 7

2/10/26

Meeting Date

JUDICIARY

Committee

Name DONNA BROSEMER

The Florida Senate

APPEARANCE RECORD

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

1620

Bill Number or Topic

600808

Amendment Barcode (if applicable)

Phone 5613736796

Address 176 Birch Tree Place

Street

Email dbrosemer@gmail.com

Daytona Beach

FL

32117

City

State

Zip

Speaking: [checked] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[checked] 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

10 Feb 2020

Meeting Date

1620

Bill Number or Topic

Judiciary

Committee

600808

Amendment Barcode (if applicable)

Name Jennifer Kelly

Phone 7576607295

Address 3806 Islamorada Pr
Street

Email jenniferkellym44@gmail.com

Ormond Beach FL 32176
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

2/10/26 Meeting Date

1620 Bill Number or Topic

Judiciary Committee

600808 Amendment Barcode (if applicable)

Name Phil Leary Phone 386-937-7829

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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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Meeting Date

Judiciary

Committee

1620

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Phil Leary

Phone

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Street

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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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Meeting Date

1670 as amended

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

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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
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 1748

INTRODUCER: Judiciary Committee and Senator Trumbull

SUBJECT: Evidence in Civil Actions Relating to Firearms

DATE: February 10, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	Fav/CS
2.			CM	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1748 creates s. 790.3315, F.S., which limits the introduction of certain kinds of evidence in product liability actions involving firearms.

Specifically, the bill provides that for purposes of a product liability action involving a firearm, evidence of a defective product design, negligence, a duty to warn, strict liability, or evidence to support similar claims may not include the absence of any of the following mechanisms or features:

- An authorized user recognition technology.
- An external mechanical safety, including, but not limited to, a hinged, pivoting, or tabbed trigger safety.
- A loaded chamber indicator.
- A magazine disconnect mechanism.
- Any mechanism or feature that would perform the same function as a mechanism or feature described in the bill.

The bill also provides that it may not be construed to limit liability for a firearm manufacturer in cases where the claimant establishes that the firearm contained an actual manufacturing or design defect or failed to operate in a manner consistent with the manufacturer's express warranty or representations.

The bill takes effect on July 1, 2026, and applies to causes of action accruing on or after that date.

II. Present Situation:

Products Liability Actions

In General

A “products liability action” is a civil action based upon a theory of strict liability, negligence, breach of warranty, nuisance, or similar theories for damages caused by the manufacture, construction, design, formulation, installation, preparation, or assembly of a product, or the failure to warn that the product is potentially dangerous.¹ However, it is the substance of an action, not the conclusory terms used by a party, that determines whether an action is a products liability action.²

Products liability laws are based on the premise that companies have a duty to protect consumers from potential hazards caused by their products.³ Generally, a product must meet the ordinary expectations of a consumer; when a product has an unexpected defect or danger, the product cannot be said to meet those expectations.⁴

However, Florida courts have held that:

- A manufacturer has no duty to design the safest possible product.
- A manufacturer cannot be held liable for the misuse of a product.
- There is no duty to warn of an obvious danger or a danger about which the user is aware.
- A legally sufficient warning does not need to prevent a user from misusing a product.
- A product manufacturer, distributor, or seller does not owe a duty to a third party who is injured as a result of a buyer’s use of a product for unintended purposes.⁵

A manufacturer, although liable for injuries caused by a defect in its product, is not an insurer for all physical injuries caused by its product.⁶ Additionally, the Fourth District Court of Appeal has repeatedly held that:

products liability does not make the manufacturer an insurer of all foreseeable accidents which involve its product...the availability of an alternative design does not translate into a legal duty in products liability. An action is not maintainable in products liability merely because the design used was not the safest possible.⁷

¹ The statute of limitations for a products liability action depends on the specific theory alleged. For example, the statute of limitations for a negligence action is 2 years, while the statute of limitations for a breach of warranty action is 4 years. Section 95.11(5)(a), F.S. (regarding actions founded on negligence); s. 95.11(3)(j), F.S. (regarding actions on contracts involving the sale and delivery of goods, wares, and merchandise).

² Section 768.81(1)(d), F.S.

³ FindLaw, *Product Liability*, <https://corporate.findlaw.com/litigation-disputes/civil-litigation/product-liability.html> (last visited Feb. 5, 2026).

⁴ *See id.*

⁵ *Michael Grieco v. Daiho Sangyo, Inc.*, 344 So. 3d 11, 18-22 (Fla. 4th DCA 2022).

⁶ *Houdaille Indus., Inc. v. Edwards*, 374 So. 2d 490, 493 (Fla. 1979).

⁷ *Grunow v. Valor Corp. of Florida*, 904 So. 2d 551, 556 (Fla. 4th DCA 2005) (quoting *Husky Indus., Inc. v. Black*, 434 So.2d 988, 991 (Fla. 4th DCA 1983)).

Theories of Liability

Strict Liability

A products liability action based on the theory of strict liability exists when a defendant is liable for committing an action, regardless of what his or her intent or mental state was when committing the action. In the products liability context, strict liability may apply when a defective product for which a defendant holds responsibility causes injury to a plaintiff.⁸ In a strict liability action alleging defective design, the focus is on the product itself and the reasonable expectations of the consumer and the plaintiff has no obligation to prove the existence of negligence.⁹ If strict liability applies, “the designer and manufacturer, any distributor, importer, or seller in the chain of distribution is liable for injury caused by a defective product.”¹⁰

Negligence

“Negligence” is the failure to act with the level of care that a reasonable person would have exercised under the same circumstances. The elements required to prove negligence are duty, breach, causation, and damages.¹¹ Specifically, with respect to a claim based on negligence involving firearms, the injured party may be required to show that a defendant owed not merely a general duty to society, but a specific duty to the injured party.¹²

Breach of Warranty

“Breach of warranty” is the violation of an express or implied contract of warranty, and thus it is a breach of contract. Essentially, it occurs when the warrantor fails to provide the assurances warranted.¹³

Defective Design

Defective product design is a theory often cited in products liability cases. A “design defect” means that the product was manufactured correctly, but the defect is inherent in the design of the product itself, which makes the product dangerous to consumers.¹⁴ Specifically, a plaintiff must show that a defective design renders a product unreasonably dangerous.¹⁵ “The alleged design defect must also cause unforeseeable dangers during normal—that is, intended—use of the product.”¹⁶

⁸ Cornell Law School, Legal Information Institute, *Strict Liability*, https://www.law.cornell.edu/wex/strict_liability (last visited Feb. 5, 2026).

⁹ *Grieco v. Dahio Sangyo, Inc.*, 344 So. 3d 11, 18 (Fla. 4th DCA 2022).

¹⁰ The Florida Bar, Fla. Std. Jury. Instr. (Civ), No. 403.7, note 4, <https://www.floridabar.org/rules/florida-standard-jury-instructions/civil-jury-instructions/civil-instructions/#400>.

¹¹ Cornell Law School, Legal Information Institute, *Negligence*, <https://www.law.cornell.edu/wex/negligence> (last visited Feb. 5, 2026).

¹² *See Grunow*, 904 So. 2d at 556.

¹³ Cornell Law School, Legal Information Institute, *Breach of Warranty*, https://www.law.cornell.edu/wex/breach_of_warranty (last visited Feb. 5, 2026).

¹⁴ Cornell Law School, Legal Information Institute, *Design Defect*, https://www.law.cornell.edu/wex/design_defect (last visited Feb. 5, 2026).

¹⁵ *Grieco*, 344 So. 3d at 18.

¹⁶ *Id.* at 19.

Manufacturing Defects

Unlike a flawed or defective design, a product may also fail due to a manufacturing defect, which is a defect that occurred during the production or manufacturing of the product.¹⁷ In contrast to a design defect which impacts the entire line of products, a manufacturing defect is a flaw that occurs only to some of the products during manufacture.¹⁸

Failure to Warn

In addition to an action based on a manufacturing defect or design defect of a product, a plaintiff may also commence a products liability action based on a failure to warn or warning defect. A claim based on a failure to warn does not assert that the physical product was flawed, but rather that the manufacturer failed to provide adequate warning or instructions about the safe use of the product and the consumer was injured due to such undisclosed risk.¹⁹

Firearms

Generally

State law defines a “firearm” as any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.²⁰ The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.²¹

Generally, firearm manufacturing is regulated and licensed through the federal government and the Gun Control Act of 1968.²² Manufacturers must adhere to federal and state laws which include restrictions on the sale and transport of firearms and certain production requirements including the placement of individual serial numbers on each firearm produced by the licensee.

State law prohibits the state, a subdivision or agency thereof, or a county or municipality, from filing an action against a firearm manufacturer arising out of the lawful design, marketing, distribution, or sale of firearms or ammunition to the public.²³

Gun Safety Mechanisms

Manual Firearm Safety Switches

A manual firearm safety switch is a mechanical feature designed to reduce the risk of an unintended discharge by blocking the trigger, hammer, striker, or firing pin until specific

¹⁷ Cornell Law School, Legal Information Institute, *Manufacturing Defect*, https://www.law.cornell.edu/wex/manufacturing_defect (last visited Feb. 5, 2026).

¹⁸ *Id.*

¹⁹ Justia, Products Liability Law Center, *Failures to Warn Supporting Products Liability Legal Claims*, <https://www.justia.com/products-liability/types-of-products-liability-claims/failure-to-warn/> (last visited Feb. 5, 2026).

²⁰ Section 790.001(9), F.S.

²¹ *Id.*

²² 18 U.S.C. ss. 921-931.

²³ Section 790.331, F.S.

conditions are met. Common firearm safety mechanisms include manual safeties, grip safeties, trigger safeties, firing pin blocks, transfer bars, drop safeties, and magazine disconnects. Some are manually engaged while others function automatically.²⁴

Safety Type	How It Works	User Action Required	Common Platforms
Manual Safety (Thumb/Slide)	Physically blocks firing mechanism	Yes	Semi-auto pistols
Grip Safety	Prevents firing unless grip is depressed	No (automatic)	1911-style pistols
Trigger Safety	Blocks trigger movement until pressed correctly	No (automatic)	Striker-fired pistols
Firing Pin Block	Blocks firing pin until trigger is pulled	No (automatic)	Most modern pistols
Transfer Bar	Prevents hammer from striking firing pin unless trigger is pulled	No (automatic)	Modern revolvers
Magazine Disconnect	Prevents firing when magazine is removed	No (automatic)	Select semi-auto pistols
Decocker	Safely lowers hammer without firing	Yes	DA/SA pistols

25

There are several advantages and disadvantages to having a manual firearm safety switch on a firearm. Manual firearm safety switches can prevent accidental discharges, ensure the safety of children, provide protection during holstering and unholstering, and ensure peace of mind. However, they can also create a false sense of security, slow down reaction time in self-defense situations, increase complexity and thereby introduce the potential for mechanical failure, and lead to inconsistencies in muscle memory.²⁶

Smart Gun Technology

Generally, there are two main types of personalized smart guns:

- Biometrical-based trigger locks consist of fingerprint or palm-based readers that unlock the firearm when the user’s biometric information is recognized; this is similar to the technology used to unlock smart phones.
- Radio frequency identification (RFID) trigger locks use electromagnets and radio waves to unlock a trigger only when the weapon is proximate to an electronically matched external device (such as a chip-enabled token). Once the gun’s locking mechanism is deactivated, the gun can be fired.²⁷

²⁴ Bob Campbell, U.S. Concealed Carry Association, *Types of Fun Safeties: How Firearm Safety Mechanisms Work*, Dec. 17, 2025, <https://www.usconcealedcarry.com/blog/types-of-gun-safeties/>.

²⁵ *Id.*

²⁶ EasyShotTargets.com Blog, *Manual Safety or Not: The Pros and Cons of Having a Safety Switch on Your Firearm*, May 16, 2023, <https://easys hottargets.com/blogs/news/manual-safety-or-not-the-pros-and-cons-of-having-a-safety-switch-on-your-firearm>.

²⁷ Duke Center for Firearms Law, *Smart Guns: An Effective Solution or a Waste of Resources?*, Jun. 5, 2020, <https://firearmslaw.duke.edu/2020/06/smart-guns-an-effective-solution-or-a-waste-of-resources>.

Smart guns have been promoted as a way to help prevent suicides and accidental firearm discharges, especially among young people. They could also render lost or stolen guns useless and offer safety for police officers and jail guards who fear gun grabs.²⁸ However, there may be technical impediments to their use. Biometrical based trigger locks can malfunction if the user's hand is sweaty, dirty, or wet. RFID trigger locks can be hacked using inexpensive magnets.²⁹

III. Effect of Proposed Changes:

The bill creates s. 790.3315, F.S., entitled "Evidence in certain civil actions relating to firearms," which limits the introduction of certain kinds of evidence in product liability actions involving firearms.

The bill defines the following terms for purposes of the statute:

- "Authorized user recognition technology" means a mechanism, device, or technology applied to a firearm which prevents an unauthorized user from firing the firearm.
- "External manual safety" means a manually operated mechanism that, when engaged, blocks the trigger from functioning.
- "Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.³⁰
- "Loaded chamber indicator" means a mechanism or feature intended to indicate to the firearm user that a cartridge is in the firing chamber of the firearm.
- "Magazine disconnect mechanism" means a mechanism that prevents a semiautomatic firearm from firing when the detachable magazine is not fully inserted in the firearm.

The bill provides that for purposes of a product liability action involving a firearm, evidence of a defective product design, negligence, a duty to warn, strict liability, or evidence to support similar claims may not include the absence of any of the following mechanisms or features:

- An authorized user recognition technology.
- An external mechanical safety, including, but not limited to, a hinged, pivoting, or tabbed trigger safety.
- A loaded chamber indicator.
- A magazine disconnect mechanism.
- Any mechanism or feature that would perform the same function as a mechanism or feature described in the bill.

²⁸ Daniel Trotta, *Exclusive: Smart guns finally arriving in U.S., seeking to shake up firearms market*, REUTERS, Jan. 11, 2022, <https://www.reuters.com/technology/exclusive-smart-guns-finally-arriving-us-seeking-shake-up-firearms-market-2022-01-11/>.

²⁹ Duke Center for Firearms Law, *Smart Guns: An Effective Solution or a Waste of Resources?*, Jun. 5, 2020, <https://firearmslaw.duke.edu/2020/06/smart-guns-an-effective-solution-or-a-waste-of-resources>.

³⁰ The definition incorporates by reference the definition of "firearm" in s. 790.001(9), F.S.

The bill may not be construed to limit liability for a firearm manufacturer in cases where the claimant establishes that the firearm contained an actual manufacturing or design defect or failed to operate in a manner consistent with the manufacturer's express warranty or representations. The bill takes effect on July 1, 2026, and applies to causes of action accruing on or after that date.

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 will likely discourage lawsuits against firearm manufacturers and others in the chain of distribution of a firearm in which as the sole basis for liability would have been allegations that the lack of the mechanisms or features described in the bill rendered the firearm defective or unreasonably dangerous. Accordingly, to the extent that the bill reduces lawsuits, the bill will reduce associated litigation expenditures and revenues and potential recoveries.

C. Government Sector Impact:

To the extent that the bill reduces litigation, there will be a reduction in costs associated with the operation of the State Courts System.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 790.3315 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 10, 2026:

The committee substitute revises the underlying bill to provide that it will not limit the liability of firearm manufacturers if the claimant establishes that the firearm has a defective design. It also revises the bill to provide that the new statute applies to causes of action accruing on or after July 1, 2026.

- B. **Amendments:**

None.



145122

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Trumbull) recommended the following:

Senate Amendment (with title amendment)

1 Delete lines 47 - 48
2
3 and insert:
4 or design defect or failed to operate in a manner consistent
5 with the manufacturer's express warranty or representations.
6

7 (4) This section applies to causes of action accruing on or
8 after July 1, 2026.
9

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

11 And the title is amended as follows:



145122

12 Delete line 8
13 and insert:
14 claims; providing construction; providing
15 applicability; providing an effective

By Senator Trumbull

2-01441A-26

20261748__

A bill to be entitled

An act relating to evidence in civil actions relating to firearms; creating s. 790.3315, F.S.; defining terms; providing that the absence of certain mechanisms or features may not be used as evidence of a defective product design, negligence, a duty to warn, strict liability, or evidence to support similar claims; providing construction; providing an effective date.

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

Section 1. Section 790.3315, Florida Statutes, is created to read:

790.3315 Evidence in certain civil actions relating to firearms.-

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

(a) "Authorized user recognition technology" means a mechanism, device, or technology applied to a firearm which prevents an unauthorized user from firing the firearm.

(b) "External manual safety" means a manually operated mechanism that, when engaged, blocks the trigger from functioning.

(c) "Firearm" has the same meaning as in s. 790.001.

(d) "Loaded chamber indicator" means a mechanism or feature intended to indicate to the firearm user that a cartridge is in the firing chamber of the firearm.

(e) "Magazine disconnect mechanism" means a mechanism that prevents a semiautomatic firearm from firing when the detachable

Page 1 of 2

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

2-01441A-26

20261748__

magazine is not fully inserted in the firearm.

(2) For purposes of a product liability action involving a firearm, evidence of a defective product design, negligence, a duty to warn, strict liability, or evidence to support similar claims may not include the absence of any of the following mechanisms or features:

(a) An authorized user recognition technology.

(b) An external mechanical safety, including, but not limited to, a hinged, pivoting, or tabbed trigger safety.

(c) A loaded chamber indicator.

(d) A magazine disconnect mechanism.

(e) Any mechanism or feature that would perform the same function as a mechanism or feature described in paragraphs (a)-(d).

(3) This section may not be construed to limit liability for a firearm manufacturer in cases where the claimant establishes that the firearm contained an actual manufacturing defect or failed to operate in a manner consistent with the manufacturer's express warranty or representations.

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

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Meeting Date

SB 1748

Bill Number or Topic

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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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SB1748

Bill Number or Topic

Judiciary

Committee

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In Support

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Meeting Date

Judiciary

Committee

1748

Bill Number or Topic

Amendment Barcode (if applicable)

Name Vance Ahrens Phone

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PLEASE CHECK ONE OF THE FOLLOWING:

[] 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:

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JUDICIARY
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I am a registered lobbyist, representing:

FL PBA

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

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SB 1748

Bill Number or Topic

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Against

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OR

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In Support

Against

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I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SigSauer

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

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Committee

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PLEASE CHECK ONE OF THE FOLLOWING:

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Matthew Posgay

Phone

904-356-6071

Address

136 East Bay St

Email

mnp@cockerlaw.com

Street

Jacksonville, FL 32202

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

02/10/24

Meeting Date

1748

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Amina Spanic (AMEENA SPAHEECH) 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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The Florida Senate

APPEARANCE RECORD

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

2/10/26

Meeting Date

SB1748

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Harrison Cundy

Phone

813-998-5928

Address

Street

Riverview

City

FL

State

33579

Zip

Email

harrison@voicesofflorida.org

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:

Voices of Florida

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The Florida Senate

APPEARANCE RECORD

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

1748

Bill Number or Topic

2-10-26

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name Barbara DeBane

Phone 850-251-4280

Address 625 E. Brewnd St

Email barbnaderane1@yahoo.com

Street

Tallahassee

City

FL 32308

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/10/26
Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 1748
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 Bradley

Phone _____

Address _____

Email _____

Street

Tampa
City

FL
State

33615
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)

2/10/26

The Florida Senate
APPEARANCE RECORD

SB 1748

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 Amir Sports

Phone 703-267-1250

Address 11250 Waples Mill Rd

Email Contact@nra.org

Fairfax

VA

22030

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:

National Rifle Association

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

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

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

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Judiciary Committee

Judge:

Started: 2/10/2026 12:02:21 PM

Ends: 2/10/2026 2:30:21 PM

Length: 02:28:01

12:02:27 PM Vice Chair Burton calls meeting to order
12:02:28 PM Roll Call
12:02:55 PM Vice Chair Burton makes opening remarks
12:03:17 PM Tab 17, SB 1434 by Senator Calatayud, Infill Redevelopment
12:03:25 PM Senator Calatayud explains the bill
12:03:32 PM Amendment 631582
12:03:40 PM Senator Calatayud explains the strike all amendment
12:05:29 PM Senator Calatayud waives close
12:05:34 PM Vice Chair Burton reports amendment
12:05:48 PM Vice Chair Burton recognizes public testimony:
12:06:27 PM Senator Calatayud waives close
12:06:29 PM Roll Call
12:07:04 PM Tab 1, CS/SB 212 by Senator McClain, Sexual Offenders and Sexual Predators
12:07:20 PM Amendment 764964
12:07:26 PM Senator McClain explains the amendment
12:08:25 PM Chair Burton recognizes public testimony:
12:08:36 PM Ann Solomon
12:09:55 PM Senator McClain waives close
12:09:58 PM Chair reports amendment
12:10:17 PM Chair Burton recognizes public testimony:
12:10:45 PM Francine Richmond
12:13:23 PM Candace McKibben
12:13:39 PM Ann Solomon
12:14:47 PM David Perry
12:16:21 PM Sarah Frebig
12:17:26 PM Barney Bishop
12:19:07 PM Senator McClain closes on the bill
12:19:20 PM Roll Call
12:19:57 PM Vice Chair Burton passes the gavel to Chair Yarborough
12:20:05 PM Tab 8, CS/SB 686 by Senator McClain, Agricultural Enclaves
12:20:12 PM Senator McClain explains the bill
12:21:48 PM Amendment 174210
12:21:53 PM Senator McClain explains the amendment
12:22:12 PM Senator McClain waives close
12:22:17 PM Chair Yarborough reports amendment
12:22:28 PM Chair Yarborough recognizes public testimony:
12:22:37 PM Len Rocippi
12:24:03 PM Senator McClain closes on the bill
12:24:44 PM Roll Call
12:25:13 PM Tab 6, SB 554 by Senator Bernard, Nonprofit Corporations
12:25:18 PM Senator Bernard explains the bill
12:26:32 PM Chair Yarborough recognizes public testimony
12:26:36 PM Senator Bernard closes on the bill
12:26:47 PM Roll Call
12:27:27 PM Tab 16, SB 1338 by Senator Burton, Charitable Giving
12:27:41 PM Senator Burton explains the bill
12:28:13 PM Questions:
12:28:15 PM Senator Berman
12:28:42 PM Senator Burton
12:28:55 PM Senator Berman
12:30:08 PM Senator Burton closes on the bill
12:30:34 PM Roll Call

12:31:03 PM Tab 5, SB 532 by Senator Simon
12:31:10 PM Amendment 758790
12:31:14 PM Senator Simon explains the amendment
12:32:06 PM Senator Simon waives close
12:32:12 PM Chair Yarborough reports amendment
12:32:22 PM Chair Yarborough recognizes public testimony
12:32:33 PM Debate:
12:32:35 PM Senator Hooper
12:33:08 PM Senator Osgood
12:33:40 PM Senator Simon closes on the bill
12:34:29 PM Chair Yarborough
12:34:31 PM Roll Call
12:35:07 PM Tab 2, SB 218 by Senator Gaetz, Land Use Regulations
12:35:13 PM Senator Gaetz explains the bill
12:35:59 PM Senator Gaetz waives close
12:36:01 PM Roll Call
12:36:32 PM Tab 9, SB 692 by Senator Leek, Cybersecurity Standards and Liability
12:36:38 PM Senator Leek explains the bill
12:37:51 PM Questions:
12:38:37 PM Senator Polsky
12:38:42 PM Senator Leek
12:39:06 PM Senator Polsky
12:39:20 PM Senator Leek
12:39:36 PM Senator Polsky
12:39:45 PM Senator Leek
12:40:01 PM Senator Polsky
12:40:09 PM Senator Leek
12:41:01 PM Chair Yarborough recognizes public testimony:
12:41:04 PM Vance Ahrens
12:42:08 PM Harry Graham, Florida Justice Association
12:43:04 PM Cameron Fink, Associated Industries of Florida
12:44:21 PM Debate:
12:44:23 PM Senator Berman
12:45:05 PM Senator Leek closes on the bill
12:46:27 PM Roll Call
12:47:03 PM Tab 15, SB 1138 by Senator Massullo, Qualified Contractors
12:47:10 PM Amendment 292056
12:47:17 PM Senator Massullo explains the amendment
12:49:57 PM Chair Yarborough recognizes public testimony:
12:50:05 PM David Cruz, Florida League of Cities
12:50:46 PM Senator Massullo waives close
12:50:54 PM Chair Yarborough reports amendment
12:51:07 PM Chair Yarborough recognizes public testimony
12:51:15 PM Senator Massullo closes on the bill
12:51:45 PM Roll Call
12:52:14 PM Tab 11, SJR 1104 by Senator Massullo, Religious Expression in Public Schools
12:52:20 PM Senator Massullo explains the bill
12:53:56 PM Questions:
12:53:59 PM Senator Polsky
12:54:01 PM Senator Massullo
12:55:03 PM Senator Polsky
12:55:55 PM Senator Massullo
12:55:58 PM Senator Polsky
12:56:26 PM Senator Massullo
12:56:42 PM Senator Polsky
12:56:53 PM Senator Massullo
12:57:06 PM Senator Polsky
12:57:10 PM Senator Massullo
12:57:18 PM Senator Polsky
12:57:29 PM Senator Massullo
12:57:49 PM Senator Polsky
12:58:20 PM Senator Massullo

12:58:55 PM Senator Polsky
12:59:20 PM Senator Massullo
1:00:35 PM Chair Yarborough recognizes public testimony:
1:00:40 PM John Labriola
1:02:06 PM Matthew Grocholske
1:03:06 PM Anthony Verdugo
1:04:34 PM Sarah Parker
1:05:27 PM Shirley Herman
1:06:58 PM Amanda Longworthy, Voices of Florida
1:07:56 PM Ashe Bradley
1:09:00 PM Tsi Day Smith, Voices of Florida
1:09:53 PM Spike Poma
1:11:12 PM Lola Smith
1:12:10 PM Kimberly Cox
1:12:56 PM Seneca Bristol
1:14:45 PM Chair Yarborough reads appearance cards waiving
1:14:51 PM Debate:
1:14:54 PM Senator Polsky
1:19:14 PM Senator Hooper
1:20:58 PM Senator Osgood
1:27:15 PM Senator Massullo closes on the bill
1:30:01 PM Roll Call
1:30:37 PM Tab 12, CS/SB 1106 by Senator Massullo, Recognizing Judea and Samaria
1:30:44 PM Senator Massullo explains the bill
1:31:29 PM Questions:
1:31:32 PM Senator Berman
1:31:34 PM Senator Massullo
1:32:35 PM Senator Berman
1:32:46 PM Senator Massullo
1:33:55 PM Senator Berman
1:34:04 PM Senator Massullo
1:34:22 PM Senator Passidomo
1:34:31 PM Senator Massullo
1:34:52 PM Senator Passidomo
1:35:06 PM Senator Massullo
1:35:56 PM Senator Passidomo
1:36:12 PM Senator Massullo
1:36:28 PM Senator Passidomo
1:36:48 PM Senator Massullo
1:37:06 PM Senator Osgood
1:38:07 PM Senator Massullo
1:38:28 PM Senator Osgood
1:38:48 PM Senator Massullo
1:39:26 PM Harrison Lundy
1:40:46 PM Sarah Parker, Voices of Florida
1:41:45 PM Vance Ahrens
1:42:33 PM Matthew Grocholske
1:43:41 PM Amanda Longworthy
1:44:32 PM Ashe Bradley
1:44:58 PM Spike Poma
1:46:14 PM Kimberly Cox
1:46:53 PM Dr. Joan Waitkevics
1:48:17 PM Shirley Herman
1:49:42 PM Debate:
1:49:45 PM Senator Berman
1:51:06 PM Senator Osgood
1:53:23 PM Senator Passidomo
1:55:00 PM Senator Gaetz
1:56:34 PM Senator Polsky
1:58:51 PM Senator Massullo closes on the bill
2:00:50 PM Roll Call
2:01:25 PM Chair Yarborough passes the gavel to Vice Chair Burton

2:01:34 PM Tab 14, SB 1134 by Senator Yarborough, Official Actions of Local Governments
2:01:40 PM Amendment 403934
2:01:47 PM Senator Yarborough explains the amendment
2:04:15 PM Senator Yarborough waives close
2:04:20 PM Chair Burton reports amendment
2:04:22 PM Questions:
2:04:41 PM Senator Polsky
2:04:45 PM Senator Yarborough
2:04:48 PM Senator Polsky
2:04:55 PM Senator Yarborough
2:05:33 PM Senator Polsky
2:05:39 PM Senator Yarborough
2:06:05 PM Senator Polsky
2:06:44 PM Senator Yarborough
2:07:19 PM Senator Polsky
2:08:00 PM Senator Yarborough
2:08:19 PM Senator Polsky
2:08:25 PM Senator Yarborough
2:12:31 PM Senator Polsky
2:13:36 PM Senator Yarborough
2:14:56 PM Senator Polsky
2:15:19 PM Senator Yarborough
2:16:22 PM Senator Polsky
2:17:16 PM Senator Yarborough
2:18:52 PM Senator Polsky
2:19:04 PM Senator Yarborough
2:19:42 PM Senator Polsky
2:20:40 PM Senator Yarborough
2:20:42 PM Senator Polsky
2:21:06 PM Senator Yarborough
2:21:14 PM Senator Polsky
2:22:13 PM Senator Yarborough
2:22:26 PM Senator Polsky
2:23:44 PM Senator Osgood
2:24:11 PM Senator Yarborough
2:24:19 PM Senator Berman
2:24:36 PM Senator Yarborough
2:25:40 PM Chair Burton recognizes senators wishing to record votes
2:25:49 PM Chair Burton calls for recess
2:25:53 PM Recording Paused

Meeting recessed at 2:25pm and reconvened at 5:21pm to finish business before the committee.

5:21:25 PM Chair Yarborough calls meeting back to order
5:21:26 PM Roll Call
5:21:48 PM Chair Yarborough makes opening remarks
5:22:12 PM Tab 19, SB 1620 by Senator Leek, Public Education
5:22:16 PM Senator Leek explains the bill
5:23:22 PM Amendment 875772
5:23:31 PM Amendment 600808
5:23:39 PM Senator Leek explains the amendment
5:24:04 PM Questions:
5:24:08 PM Senator Berman
5:24:16 PM Senator Leek
5:24:33 PM Senator Osgood
5:24:49 PM Senator Leek
5:25:23 PM Senator Osgood
5:25:41 PM Senator Leek
5:26:01 PM Chair Yarborough recognizes public testimony:
5:26:24 PM Donna Brosemer
5:28:09 PM Senator Osgood
5:28:23 PM Jenifer Kelly

5:29:39 PM Phil Leary
5:31:02 PM Senator Leek waives close
5:31:09 PM Chair Yarborough reports amendment
5:31:19 PM Amendment 596634
5:31:24 PM Senator Osgood withdraws the amendment
5:31:40 PM Senator Leek closes on the bill
5:32:16 PM Roll Call
5:32:57 PM Tab 10, CS/SB1054 by Senator Martin, Traffic Infractions Resulting in a Crash with Another Vehicle
5:33:01 PM Senator Martin explains the bill
5:34:19 PM Questions:
5:34:23 PM Senator Gaetz
5:34:40 PM Senator Martin
5:35:53 PM Senator Gaetz
5:36:02 PM Senator Martin
5:37:08 PM Senator Gaetz
5:37:19 PM Senator Martin
5:37:41 PM Senator Leek
5:38:06 PM Senator Martin
5:38:52 PM Chair Yarborough recognizes public testimony
5:39:01 PM Senator Martin waives close
5:39:05 PM Roll Call
5:39:40 PM Tab 7, SB 644 by Senator Grall, Attorney Fees, Suit Money, and Costs
5:39:52 PM Amendment 721864
5:39:59 PM Senator Grall explains the amendment
5:41:36 PM Chair Yarborough recognizes public testimony
5:41:44 PM Senator Grall waives close
5:41:51 PM Chair Yarborough reports amendment
5:42:03 PM Senator Grall waives close
5:42:08 PM Roll Call
5:42:38 PM Tab 13, SB 1128 by Senator Grall, Family Law
5:42:46 PM Amendment 537224
5:42:52 PM Senator Grall explains the amendment
5:47:12 PM Questions:
5:47:14 PM Senator Osgood
5:48:04 PM Senator Grall
5:48:26 PM Senator Grall waives close
5:48:31 PM Chair Yarborough reports amendment
5:48:46 PM Chair Yarborough recognizes public testimony
5:48:52 PM Senator Grall closes on the bill
5:49:04 PM Roll Call
5:49:37 PM Tab 20, SB 1748 by Senator Trumbull, Evidence in Civil Actions Relating to Firearms
5:49:42 PM Senator Trumbull explains the bill
5:51:00 PM Amendment 145122
5:51:07 PM Senator Trumbull explains the amendment
5:51:38 PM Senator Trumbull waives close
5:51:48 PM Chair Yarborough reports amendment
5:51:50 PM Questions:
5:51:52 PM Senator Berman
5:52:15 PM Senator Trumbull
5:53:34 PM Senator Berman
5:53:54 PM Senator Trumbull
5:54:34 PM Chair Yarborough recognizes public testimony:
5:55:17 PM Roger Helms, Equality Florida
5:56:45 PM William Smith, Florida PBA
5:57:30 PM Jason Wright, Sig Sauer
5:58:45 PM Matthew Posgay
6:00:08 PM Debate:
6:00:10 PM Senator Leek
6:01:36 PM Senator Trumbull closes on the bill
6:02:38 PM Roll Call
6:03:20 PM Chair Yarborough passes the gavel to Vice Chair Burton
6:04:08 PM Tab 14, SB 1134 by Senator Yarborough, Official Actions of Local Government

6:04:16 PM Questions Cont:
6:04:19 PM Senator Berman
6:04:23 PM Senator Yarborough
6:04:43 PM Senator Berman
6:05:13 PM Senator Yarborough
6:06:09 PM Senator Berman
6:06:30 PM Senator Yarborough
6:07:02 PM Senator Berman
6:07:10 PM Senator Yarborough
6:07:38 PM Senator Berman
6:07:57 PM Senator Yarborough
6:08:32 PM Senator Berman
6:08:38 PM Senator Yarborough
6:09:22 PM Senator Osgood
6:10:03 PM Senator Yarborough
6:10:58 PM Senator Osgood
6:11:37 PM Senator Yarborough
6:12:25 PM Senator Osgood
6:13:26 PM Senator Yarborough
6:13:46 PM Senator Polsky
6:14:36 PM Senator Yarborough
6:15:18 PM Senator Polsky
6:15:25 PM Senator Yarborough
6:16:14 PM Senator Polsky
6:17:07 PM Senator Yarborough
6:17:18 PM Senator Polsky
6:17:22 PM Senator Yarborough
6:17:29 PM Senator Polsky
6:18:18 PM Senator Yarborough
6:19:25 PM Senator Polsky
6:20:00 PM Senator Yarborough
6:20:16 PM Senator Polsky
6:20:41 PM Senator Yarborough
6:20:57 PM Senator Polsky
6:21:00 PM Senator Yarborough
6:21:41 PM Senator Polsky
6:21:51 PM Senator Yarborough
6:22:17 PM Chair Burton recognizes public testimony:
6:23:26 PM Amy Keith, Common Clause
6:24:08 PM John Labriola
6:25:03 PM Senator Osgood
6:25:12 PM John Labriola
6:25:23 PM Sarah Parker
6:27:02 PM Jules Rayne
6:28:08 PM Senator Passidomo
6:28:32 PM Kevin Burns
6:29:55 PM Jeff Scala, Florida Association of Counties
6:31:13 PM Kiaira Nixon, Equal Ground
6:32:04 PM Jonathan Webber, SPLC
6:33:17 PM Jon Harris Maurer, Equality Florida
6:34:32 PM Mason Mahon Burnham
6:35:27 PM Amanda Longworthy
6:36:53 PM Dr. Nancy
6:37:49 PM Ashe Bradley
6:38:47 PM Judy Sheklin
6:40:07 PM Harrison Lundy, Voices of Florida
6:41:16 PM Spike Poma
6:42:13 PM Kimberly Cox
6:43:06 PM Seneca Bristol
6:44:42 PM Sarah
6:45:59 PM Marquis Miller
6:48:20 PM Tsi Day Smith

6:49:27 PM Debate:
6:49:31 PM Senator Polsky
6:53:01 PM Senator Passidomo
6:54:13 PM Senator Berman
6:55:42 PM Senator Osgood
7:07:03 PM Senator Yarborough closes on the bill
7:11:07 PM Roll Call
7:12:13 PM Tab 18, SB 1506 by Senator Yarborough, Civil Litigation
7:12:23 PM Senator Yarborough explains the bill
7:14:17 PM Chair Burton recognizes public testimony
7:14:42 PM Dane Ullian, Florida Justice Association
7:16:18 PM Senator Yarborough waives close
7:16:20 PM Roll Call
7:16:53 PM Tab 3, SB 442 by Senator Yarborough, Return of Certain Search Warrants
7:16:59 PM Senator Yarborough explains the bill
7:18:28 PM Chair Burton recognizes public testimony
7:18:43 PM Senator Yarborough waives close
7:18:46 PM Roll Call
7:19:11 PM Chair Burton passes the gavel to Chair Yarborough
7:19:24 PM Tab 4, SB 460 by Senator Polsky, Special Elections
7:19:28 PM Senator Polsky explains the bill
7:21:25 PM Questions:
7:21:27 PM Senator Gaetz
7:22:01 PM Senator Polsky
7:23:02 PM Chair Yarborough recognizes public testimony
7:23:08 PM Kimberly Cox
7:23:40 PM Harrison Lundy
7:24:44 PM Sarah Parker
7:26:35 PM Senator Polsky closes on the bill
7:26:56 PM Roll Call
7:27:30 PM Senator Hooper moves to record missed votes
7:27:56 PM Senator Leek moves to record missed votes
7:28:26 PM Senator moves adjourn
7:28:29 PM Meeting adjourned