

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

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

<b>Tab 18</b>	<b>SB 1506 by Yarborough;</b> Civil Litigation
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<b>Tab 19</b>	<b>SB 1620 by Leek (CO-INTRODUCERS) Gaetz;</b> Compare to CS/H 01073 Public Education
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<del>145780</del>	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
<del>596634</del>	ASA	S	WD	JU, Osgood	Delete L.13:	02/11 08:15 AM

<b>Tab 20</b>	<b>SB 1748 by Trumbull;</b> Similar to H 01551 Evidence in Civil Actions Relating to Firearms
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145122	A	S	RCS	JU, Trumbull	Delete L.47 - 48:	02/11 08:17 AM
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**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	<b>CS/SB 212</b> 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	<b>SB 218</b> 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	<b>SB 442</b> 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	<b>SB 460</b> 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	<b>SB 532</b> 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	<b>SB 554</b> 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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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 644</b> 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	<b>CS/SB 686</b> 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	<b>CS/SB 692</b> 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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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	<b>CS/SB 1054</b> 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	<b>SJR 1104</b> 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	<b>CS/SB 1106</b> 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**

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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
13	<b>SB 1128</b> 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	<b>SB 1134</b> 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	<b>SB 1138</b> 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	<b>SB 1338</b> 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	<b>SB 1434</b> 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	<b>SB 1506</b> 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**

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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
19	<b>SB 1620</b> 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	<b>SB 1748</b> 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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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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>	<b>Fav/CS</b>
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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,<sup>1</sup> community control,<sup>2</sup> or conditional release<sup>3</sup> 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.

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<sup>1</sup> Section 948.001(8), F.S.

<sup>2</sup> Section 948.001(3), F.S.

<sup>3</sup> 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.<sup>4</sup> Florida's sexual offender and sexual predator registration laws were implemented in 1993 and 1997.<sup>5</sup> 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.<sup>6</sup>

#### ***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.<sup>7</sup> 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,<sup>8</sup> and are implemented through the combined efforts of the

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<sup>4</sup> 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).

<sup>5</sup> Sections 775.21, and 943.0435, F.S.

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

<sup>7</sup> Sections 775.21 and 943.0435, F.S.

<sup>8</sup> 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:<sup>9</sup>

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;<sup>10</sup>
- 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.<sup>11</sup>

A person is classified as a sexual offender if the person:<sup>12</sup>

- 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.<sup>13</sup>

### ***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.<sup>14</sup>

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.

<sup>9</sup> Section 775.21(4), F.S.

<sup>10</sup> 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.).

<sup>11</sup> 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.

<sup>12</sup> Section 943.0435, F.S.

<sup>13</sup> 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.”

<sup>14</sup> 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.<sup>15</sup>

### **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;<sup>16</sup>
- Child-care facility;<sup>17</sup>
- Park;<sup>18</sup> or
- Playground.<sup>19</sup>

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.<sup>20</sup>

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.

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

<sup>16</sup> 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 includes facilities designated exclusively to the education of adults. s. 775.215(1)(d), F.S.

<sup>17</sup> “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.

<sup>18</sup> “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.

<sup>19</sup> “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.

<sup>20</sup> Section 775.215(3)(a), F.S.

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

A violation is punishable as a:

- Third degree felony<sup>22</sup> if the underlying sexual offense was classified as a first degree felony<sup>23</sup> or higher; or
- First degree misdemeanor<sup>24</sup> if the underlying sexual offense was classified as a second<sup>25</sup> or third degree felony.<sup>26</sup>

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.<sup>27</sup>

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

### **Probation and Community Control**

Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions.<sup>29</sup> 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.<sup>30</sup>

<sup>21</sup> Section 775.215(2)(a), F.S.

<sup>22</sup> 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.

<sup>23</sup> 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.

<sup>24</sup> 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.

<sup>25</sup> 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.

<sup>26</sup> Section 775.215(3)(b).

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

<sup>28</sup> 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](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).

<sup>29</sup> Section 948.001(8), F.S.

<sup>30</sup> 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.<sup>31</sup> The court may also impose special conditions, such as community service hours, regular drug or alcohol testing, no contact orders, and treatment programs.<sup>32</sup> 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.<sup>33</sup> If the court revokes supervision, it may impose any sentence that was permissible at the offender's initial sentencing.<sup>34</sup>

If a violent felony offender of special concern (VFOSC)<sup>35</sup> 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.<sup>36</sup>

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.<sup>37</sup> However, a person taken into custody for a VOP does not have a constitutional right to release pending the disposition of the VOP.<sup>38</sup> If the offender qualifies as a VFOSC, the court is prohibited from granting pretrial release.<sup>39</sup>

### ***Probation***

The court determines the terms and conditions of probation.<sup>40</sup> Section 948.03, F.S., provides standard conditions of probation;<sup>41</sup> 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.

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<sup>31</sup> Section 948.03(1), F.S.

<sup>32</sup> Section 948.03(2), F.S.

<sup>33</sup> Section 948.06(2)(a), F.S.

<sup>34</sup> Section 948.06(2)(b), F.S.

<sup>35</sup> 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.

<sup>36</sup> Section 948.06(8)(e)2.a., F.S.

<sup>37</sup> 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.

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

<sup>39</sup> Section 903.0351(1)(a), F.S.

<sup>40</sup> Section 948.03, F.S.

<sup>41</sup> Section 948.03(1)(a-l), 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.<sup>42</sup>

### ***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.<sup>43</sup>

### ***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 conspiring<sup>44</sup> 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.;<sup>45</sup>
- 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.<sup>46</sup>

### ***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.<sup>47</sup> 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.<sup>48</sup> 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.

<sup>42</sup> Section 948.03(1), F.S.

<sup>43</sup> Section 948.101(3), F.S.

<sup>44</sup> Section 948.30(1), F.S.

<sup>45</sup> *Id.*

<sup>46</sup> Section 948.30, F.S.

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

<sup>48</sup> 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.<sup>49</sup>

### **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.<sup>50</sup>

### **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.<sup>51</sup>

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.<sup>52</sup>

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:

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<sup>49</sup> Section 947.141, F.S.

<sup>50</sup> Section 943.04351, F.S.

<sup>51</sup> Section 514.011, F.S.

<sup>52</sup> *Id.*

- He or she has been convicted of committing specified sexual offenses<sup>53</sup> 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 offenses<sup>54</sup> 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.

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<sup>53</sup>Sections 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.

<sup>54</sup> 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*,<sup>55</sup> which found Michigan’s residency restrictions punitive when applied retroactively. Florida courts, such as in *State v. Robinson*,<sup>56</sup> 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*

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

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



*Bay*,<sup>57</sup> 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.<sup>58</sup>

**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.<sup>59</sup>

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

<sup>58</sup> 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.

<sup>59</sup> 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.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
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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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certain sex offenses.—

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

(d) “Public swimming 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. The term includes a conventional pool, spa-type pool, wading pool, special purpose pool, spray pool, splash pad, or water recreation attraction, to which admission may be gained with or without payment of a fee, regardless of whether entry to the public swimming pool is limited by a gate or other method of controlling access. The term also includes pools operated by or serving subdivisions, apartments, mobile home parks, or townhouses or any pool operated by a county, city, or municipality which is held open to the public. The term does not include a swimming pool at a private single-family residence, hotels, motels, or recreational vehicle parks or a swimming pool at a facility where the operator prohibits the use of such pool by persons younger than 18 years of age.

(2)

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

(3)

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



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

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

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



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

(c) This subsection applies to:

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

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

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

775.216 Restricted locations for persons convicted of certain sex offenses.—

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

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

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

(c) "Public swimming 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



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

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

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

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

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

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

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

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

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

856.022 Loitering or prowling by certain offenders in close proximity to children; penalty.—

(4)

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



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

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

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

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

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

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

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

(h) A violation of s. 775.216 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 a specified sexual offense against a victim who was younger than 16 years of age at the time of the offense.



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

943.04351 Search of registration information regarding sexual predators and sexual offenders required before appointment or employment.—A state agency or governmental subdivision, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, public swimming pool, child care facility ~~day care center~~, or other place where children regularly congregate, must 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. If for any reason that site is not available, a search of the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 must ~~shall~~ be performed. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

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

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

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



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

947.1405 Conditional release program.—

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to sexual offenders and sexual  
predators; amending s. 775.215, F.S.; defining the  
term "public swimming pool"; revising residency  
restrictions for persons convicted of certain sexual  
offenses; providing penalties; providing  
applicability; creating s. 775.216, F.S.; defining



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terms; prohibiting persons convicted of certain sexual offenses from visiting or otherwise being on the premises of specified locations; providing criminal penalties; providing exceptions; amending s. 856.022, F.S.; requiring a sexual offender or sexual predator to notify a school or child care facility of his or her conviction of specific offenses and that he or she intends to be present at the school or child care facility under certain circumstances; amending s. 901.15, F.S.; authorizing the warrantless arrest of a person if a law enforcement officer has probable cause to believe the person was on the premises 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; amending s. 943.04351, F.S.; revising requirements for a search of sexual predator or sexual offender registration information by a state agency or governmental subdivision before appointing or employing a person to work at specified locations; amending s. 947.005, F.S.; defining the term "public swimming pool"; amending s. 947.1405, F.S.; revising special conditions for certain sexual offenders subject to conditional release supervision for offenses committed on or after a specified date; conforming provisions to changes made by the act; amending s. 948.001, F.S.; defining the term "public swimming pool"; amending s. 948.30, F.S.; revising 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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(e) "Public swimming 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. A public swimming pool means a conventional pool, spa-type pool, wading pool, special purpose pool, spray pool, splash pad, or water recreation attraction, to which admission may be gained with or without payment of a fee, regardless of whether entry to the public swimming pool is limited by a gate or other method of controlling access. The term includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, parks, state agencies, schools, subdivisions, apartments, hotels, motels, mobile home parks, recreational vehicle parks, and townhouses. The term does not include a swimming pool at a private single-family residence or a swimming pool at a facility where the operator prohibits the use of such pool by persons under 18 years of age.

(2)

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

(3)

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

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

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

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

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

(c) This subsection applies to:

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

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

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

775.216 Restricted locations for persons convicted of certain sex offenses.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

856.022 Loitering or prowling by certain offenders in close proximity to children; penalty.—

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(4)

(b) It is unlawful for a person described in subsection (1) to knowingly be present in any child care facility or school containing any students in prekindergarten through grade 12 or on real property comprising any child care facility or school containing any students in prekindergarten through grade 12 when the child care facility or school is in operation, if such person fails to:

1. Provide written notification that he or she is a sexual offender or sexual predator ~~of his or her intent to be present~~ to the school board, superintendent, principal, or child care facility owner and that he or she intends to be present at the school or child care facility;

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

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

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

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

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

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committed:

(h) A violation of s. 775.216 by visiting or otherwise being within 200 feet of a school, child care facility, park, public swimming pool, public bathing place, or playground after he or she was convicted of committing specified sexual offenses against a victim who was younger than 16 years of age at the time of the offense.

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

943.04351 Search of registration information regarding sexual predators and sexual offenders required before appointment or employment.—A state agency or governmental subdivision, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, public swimming pool, public bathing place, child care facility ~~day care center~~, or other place where children regularly congregate, must 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. If for any reason that site is not available, a search of the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 shall be performed. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

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 cursive script, reading "Stan McClain".

---

Senator Stan McClain  
Florida Senate, District 9



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

212

Bill Number or Topic

Amendment

Amendment Barcode (if applicable)

Name

Ann Satamone for Dr. Deitchman

Phone

561-866-0930

Address

4228 NW 68 TER

Street

Email

ASatamone@aol.com

Oxnesville

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

2/10/26

Meeting Date

Judiciary

Committee

**APPEARANCE RECORD**

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

SB 212

Bill Number or Topic

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:

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. [2020-2022 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

CJ  
Committee

SB210  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Francine Richmond Phone 407 620 2758

Address 250 E. 2nd St. Email richmond.francine@gmail.com  
Street

Chuluote 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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SB212

Bill Number or Topic

2/10/26

Meeting Date

CJ

Committee

Amendment Barcode (if applicable)

Name

Frankie Richmond for Dr. Emily Horowitz

Phone

407-620-2756

Address

250 E 2nd St.

Street

Email

richmond.frankie@gmail.com

Chickasha

City

FL

State

32766

Zip

Speaking:

☐ For



Against

☐ Information

OR

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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2.10.2026

Meeting Date

Judiciary

Committee

212

Bill Number or Topic

Amendment Barcode (if applicable)

Name Candace McKibben

Phone 850-524-4645

Address 7 Doe Run

Street

Email cturtle55@comcast.net

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:

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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

212

~~212~~

Bill Number or Topic

Amendment Barcode (if applicable)

2/10/26

Meeting Date

Judiciary

Committee

Name

Ann Salamone

Phone

561-866-0930

Address

4228 NW 68 TER

Street

Email

ABSalamone@aol.com

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

**APPEARANCE RECORD**

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

Meeting Date

Senate Judiciary

Committee

SB 212

Bill Number or Topic

Amendment Barcode (if applicable)

Name DAVID PEERY

Phone 786-398-7661

Address 721 NE 121<sup>st</sup> 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Feb. 10, 2026

Meeting Date

Judiciary

Committee

SB 212

Bill Number or Topic

Amendment Barcode (if applicable)

Name Sarah Fiebig

Phone 904-655-6916

Address 8467 NW 37th Terrace

Street

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  
Senate professional staff conducting the meeting

Feb. 10, 2026

Meeting Date

Judiciary

Committee

SB 212

Bill Number or Topic

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

Judiciary

Committee

The Florida Senate

## APPEARANCE RECORD

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

212

Bill Number or Topic

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

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

2-10-2021

Meeting Date

§ SB 212

Bill Number or Topic

Tidiana

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

Judiciary

Deliver both copies of this form to  
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Bill Number or Topic

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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Senate professional staff conducting the meeting

02/10/2026

Meeting Date

Judiciary

Committee

SB 0212

Bill Number or Topic

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: ☒ 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:

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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2-10-25

Meeting Date

Jud

Committee

SB212

Bill Number or Topic

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:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

SB 0212  
Bill Number or Topic

2/10/21  
Meeting Date

Judiciary  
Committee

Amendment Barcode (if applicable)

Name Addy Hilley Phone 321-229-7054

Address \_\_\_\_\_ Email addy.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 \(flsenate.gov\)](#)

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 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>	<b>Favorable</b>
2. <u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<b>Favorable</b>
3. _____	_____	<u>RC</u>	_____

---

**I. Summary:**

SB 218 amends certain provisions in Section 28 of CS/CS/SB 180 (2025),<sup>1</sup> 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.

---

<sup>1</sup> 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.<sup>2</sup> All emergency and disaster declarations are made at the discretion of the President.<sup>3</sup> There are two types of disaster declarations: emergency declarations and major disaster declarations.<sup>4</sup> Both declarations allow for federal assistance to states and local governments; however, they differ in scope, types, and amount of assistance available.<sup>5</sup>

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.<sup>6</sup>

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.<sup>7</sup> A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.<sup>8</sup>

### ***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.<sup>9</sup> 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.”<sup>10</sup> Public Assistance includes short-term “Emergency Work” such as debris removal or the distribution of food and aid.<sup>11</sup> 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.<sup>12</sup>

---

<sup>2</sup> 42 U.S.C. ss. 5121-5207.

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

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

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

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

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

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *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.<sup>13</sup>
- 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.<sup>14</sup>

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.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup> FEMA evaluates specific factors based on information in the request to determine whether there is a need for Individual Assistance.<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup>

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.

---

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

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

<sup>16</sup> *Id.*

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

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

<sup>19</sup> *Id.*

<sup>20</sup> *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.<sup>21</sup>

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.<sup>22</sup>

## 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.<sup>23</sup> Hurricane Debby made landfall near Steinhatchee in Taylor County at around 7 a.m. on August 5, 2024.<sup>24</sup> 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.<sup>25</sup> Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.<sup>26</sup> 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.<sup>27</sup> 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.<sup>28</sup> Flooding along the Suwannee River continued 3 weeks after landfall.<sup>29</sup>

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

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

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

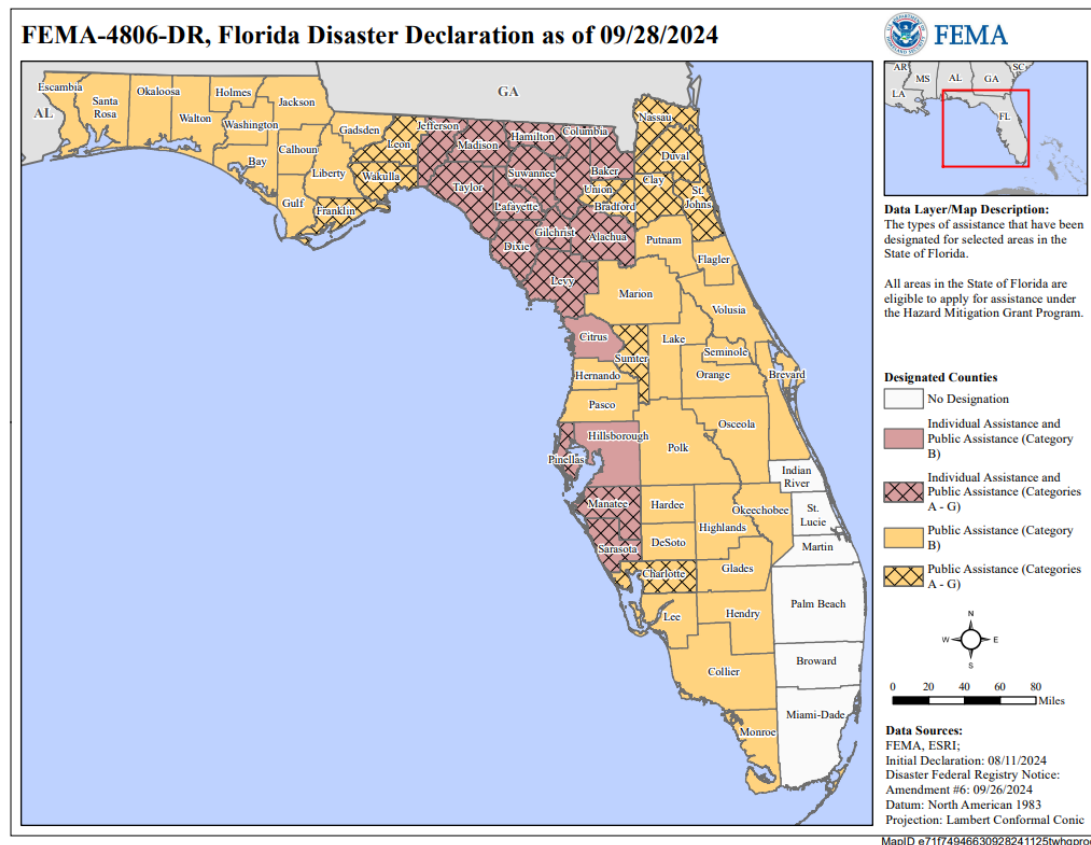
<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *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.<sup>30</sup> 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.<sup>31</sup> While the storm moved quickly across the state, this did not lessen the impacts.<sup>32</sup> 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.<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup> Many counties across the Panhandle reported flooding and washed-out roads.<sup>36</sup> The combination of Helene's large size and extremely

<sup>30</sup> 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).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

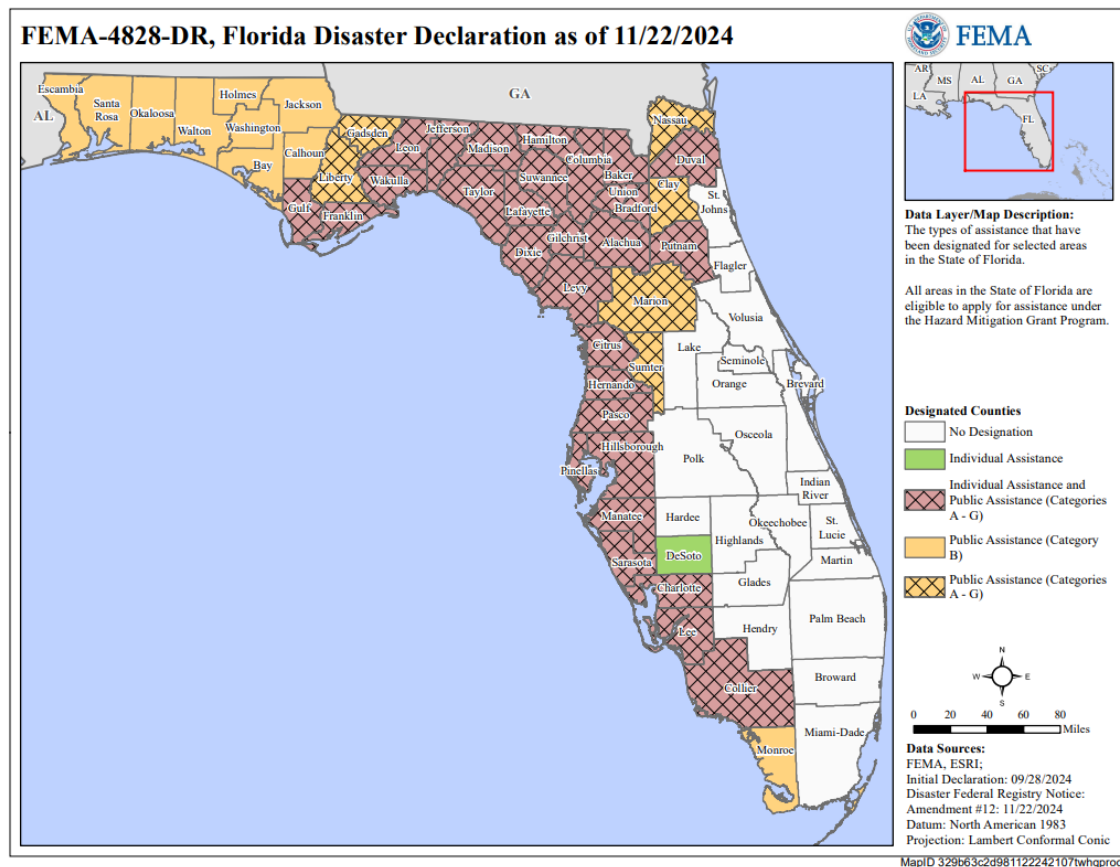
<sup>33</sup> *Id.*

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

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

fast forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.<sup>37</sup> 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.<sup>38</sup> Preliminary data for Taylor and Dixie counties estimated more than 15 feet of surge, while areas near Tampa saw levels over 6 feet.<sup>39</sup>



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.<sup>40</sup> At landfall, Milton was a Category 3 hurricane with maximum sustained winds of 120 mph.<sup>41</sup> 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.<sup>42</sup> Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20 inches, measured in

<sup>37</sup> *Id.*

<sup>38</sup> 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>.

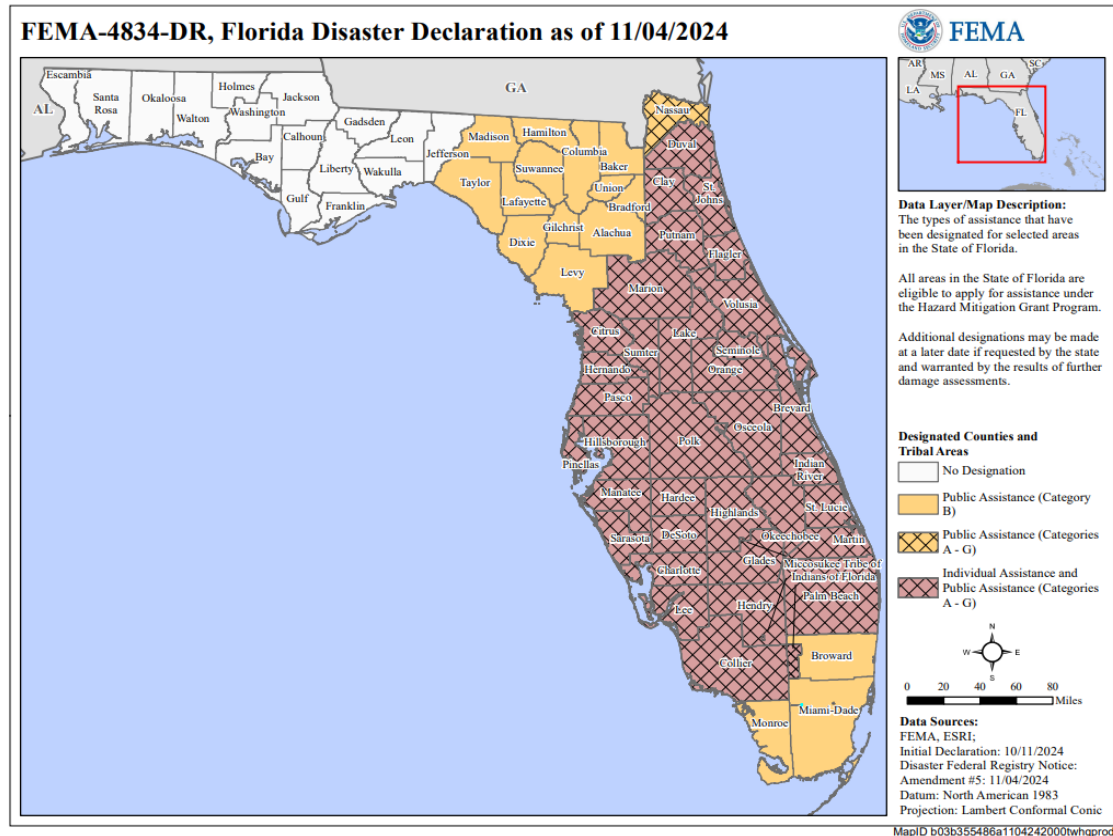
<sup>39</sup> *Id.*

<sup>40</sup> National Weather Service, *Hurricane Milton Impacts to East Central Florida*, [https://www.weather.gov/mlb/HurricaneMilton\\_Impacts](https://www.weather.gov/mlb/HurricaneMilton_Impacts) (last visited Jan. 27, 2026).

<sup>41</sup> 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>.

<sup>42</sup> *Id.*

the Clearwater Beach and St. Petersburg areas.<sup>43</sup> In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.<sup>44</sup> 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.<sup>45</sup> Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.<sup>46</sup> National Oceanic and Atmospheric Administration gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.<sup>47</sup> 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.<sup>48</sup>



*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.<sup>49</sup> Each county and municipality must maintain a comprehensive plan to guide future development.<sup>50</sup>

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> Section 163.3167(1), F.S.

<sup>50</sup> 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.<sup>51</sup> 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.<sup>52</sup>

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.<sup>53</sup>

A comprehensive plan is implemented through the adoption of land development regulations<sup>54</sup> that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.<sup>55</sup> 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.<sup>56</sup> Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.<sup>57</sup>

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.<sup>58</sup>

### ***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."<sup>59</sup> 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."<sup>60</sup> Once a local government has officially granted or denied a development permit, the

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<sup>51</sup> Section 163.3194(3), F.S.

<sup>52</sup> Section 163.3177(1), F.S.

<sup>53</sup> Section 163.3177(6), F.S.

<sup>54</sup> "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.

<sup>55</sup> Section 163.3202, F.S.

<sup>56</sup> *Id.*

<sup>57</sup> Section 163.3213, F.S.

<sup>58</sup> Sections 163.3174(4)(a) and 163.3184, F.S.

<sup>59</sup> Section 163.3164(14), F.S.

<sup>60</sup> Section 163.3164(16), F.S.



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

### ***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:

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<sup>61</sup> See s. 163.3164(15), F.S.

<sup>62</sup> 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  
Lee County  
Leon County  
Levy County  
Madison County  
Manatee County  
Marion County  
Martin County  
Miami-Dade County

Okeechobee County  
Orange County  
Osceola County  
Palm Beach County  
Pasco County  
Pinellas County  
Polk County  
Putnam County  
Sarasota County

Seminole County  
St. Johns County  
St. Lucie County  
Sumter County  
Suwannee County  
Taylor County  
Union County  
Volusia County  
Wakulla County

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

Bay County  
Calhoun County  
Escambia County  
Gadsden County  
Gulf County

Holmes County  
Jackson County  
Liberty County  
Monroe County  
Okaloosa County

Santa Rosa County  
Walton County  
Washington 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.

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

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By Senator Gaetz

1-00206A-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.

1-00206A-26

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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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1-00206A-26

2026218

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

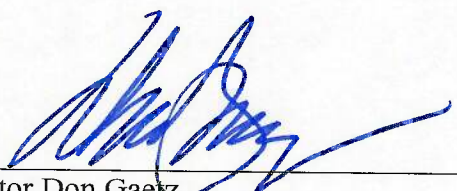
**Subject:** Committee Agenda Request

**Date:** January 26, 2026

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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.



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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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 442

INTRODUCER: Senator Yarborough

SUBJECT: Return of Certain Search Warrants

DATE: February 9, 2026

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

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

---

## 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.<sup>1</sup> 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.<sup>2</sup>

### Digital Evidence

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

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<sup>1</sup> BLACK'S LAW DICTIONARY (12th ed. 2024).

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

<sup>3</sup> 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),<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

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.<sup>7</sup>

### 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.”<sup>8</sup> 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.”<sup>9</sup>

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;

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<sup>4</sup> “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>.

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

<sup>6</sup> 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](https://www.congress.gov/crs_external_products/IF/PDF/IF11769/IF11769.3.pdf).

<sup>7</sup> *Id.*

<sup>8</sup> 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.

<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup>

### **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.<sup>12</sup>

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,

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<sup>10</sup> Section 933.02, F.S.

<sup>11</sup> Section 933.05, F.S.

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

or an electronic device must be returned to the court.<sup>13</sup> 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.

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<sup>13</sup> 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\_\_

A bill to be entitled

An act relating to return of certain search warrants; amending s. 933.05, F.S.; 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; providing an effective date.

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

Section 1. Section 933.05, Florida Statutes, is amended to read:

933.05 Issuance in blank prohibited.—A search warrant cannot be issued except upon probable cause supported by affidavit or affidavits, naming or describing the person, place, or thing to be searched and particularly describing the property or thing to be seized; a ~~no~~ search warrant may not ~~shall~~ be issued in blank, and any such warrant must ~~shall~~ be returned within 10 days after issuance thereof, except that a search warrant issued for a computer, a computer system, or an electronic device, as those terms are defined in s. 815.03, that is in the actual possession of a law enforcement agency at the time such warrant is issued must ~~shall~~ be returned to the court within 365 ~~45~~ days after issuance thereof.

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

SB 442

Bill Number or Topic

Amendment Barcode (if applicable)

2/10/26

Meeting Date

Judiciary

Committee

Name

Omar Raschid, Exec. Director 6<sup>th</sup> Circuit State Atty office

Phone

727-464-6221

Address

14250 49<sup>th</sup> Street N.

Email

Omar.Raschid@fls6.gov

Street

Clearwater

FL

33762

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:

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

February 10, 2026

Meeting Date

Judiciary

Committee

Name **Barney Bishop**

Address **1454 Vieux Carre Drive**

Street

**Tallahassee**

City

**FL**

State

**32308**

Zip

The Florida Senate  
**APPEARANCE RECORD**

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

442

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **8505109922**

Email **barney@BarneyBishop.com**

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**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

2/10/26

**APPEARANCE RECORD**

SB 442

Meeting Date

Judiciary

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

Bill Number or Topic

Committee

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:

**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 \(flsenate.gov\)](#)*

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

02/10/2024

Meeting Date

SB 0442

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: ☒ 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:

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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

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

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 460

INTRODUCER: Senator Polsky

SUBJECT: Special Elections

DATE: February 9, 2026

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

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

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**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 vacancies<sup>1</sup> occur in certain offices that cannot be filled by appointment:<sup>2</sup>

- 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> Any person seeking nomination or election to the unexpired portion of the term must qualify within the time set by the Secretary of State.<sup>6</sup> 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.<sup>7</sup>

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<sup>1</sup> 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.”).

<sup>2</sup> Section 100.101, F.S.

<sup>3</sup> Section 100.111(1)(a), F.S.

<sup>4</sup> Section 100.111(1)(b), F.S.

<sup>5</sup> Section 100.111(1)(c), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> *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.<sup>8</sup> Before setting special election dates, the Governor must consider any upcoming elections in the jurisdiction where the special election will be held.<sup>9</sup> The Governor must fix specific certain, nonconditional, days, for such special primary elections and special elections.<sup>10</sup> The fixed dates must be at least 2 weeks between each election.<sup>11</sup>

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.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup> The dates fixed for qualifying must allow a minimum of 14 days between the last day of qualifying and the special primary election.<sup>16</sup>

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.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup>

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<sup>8</sup> 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).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Section 100.111(2)(a), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Section 100.141(1), F.S.

<sup>18</sup> Section 100.141(2), F.S.

<sup>19</sup> 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.<sup>20</sup> The resignation must be irrevocable.<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup> The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.<sup>24</sup> 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.<sup>25</sup>

### **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.<sup>26</sup> 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.<sup>27</sup>

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

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..<sup>30</sup> 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.

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<sup>20</sup> 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").

<sup>21</sup> Section 99.012(3)(b), F.S.

<sup>22</sup> Section 99.012(3)(c), F.S.

<sup>23</sup> Section 99.012(3)(d), F.S.

<sup>24</sup> Section 99.012(3)(f), F.S.

<sup>25</sup> Section 99.012(3)(g), F.S.

<sup>26</sup> 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).

<sup>27</sup> *Id.*

<sup>28</sup> *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/>.

<sup>29</sup> *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.

<sup>30</sup> *Id.*

***Charts: Days between first notice of vacancy and Governor's order to hold special elections ranging from 2017-2026<sup>31</sup>***

***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 <sup>32</sup>	3 days
State Representative (District 52)	Resignation (effective September 18, 2025)	September 18, 2025	November 6, 2025 <sup>33</sup>	50 days
State Representative (District 87)	Succession (effective August 19, 2025)	August 19, 2025	October 24, 2025 <sup>34</sup>	66 days
State Senate (District 14)	Succession (effective August 12, 2025)	August 12, 2025	October 24, 2025 <sup>35</sup>	73 days

<sup>31</sup> 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).

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

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

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

<sup>35</sup> 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 <sup>36</sup>	4 days.
State Senate (District 11)	Resignation (effective July 21, 2025)	July 21, 2025	July 22, 2025 <sup>37</sup>	1 day
State Representative (District 40)	Resignation (effective September 1, 2025)	April 10, 2025	April 15, 2025 <sup>38</sup>	5 days
State Senate (District 15)	Death (effective February 13, 2025)	February 13, 2025	April 8, 2025 <sup>39</sup>	54 days
State Representative (District 32)	Resignation (effective June 9, 2025)	January 22, 2025	January 23, 2025 <sup>40</sup>	1 day
State Senate (District 19)	Resignation (effective March 31, 2025)	November 26, 2024 <sup>41</sup>	January 21, 2025 <sup>42</sup>	56 days
State Representative (District 3)	Resignation (effective January 1, 2025)	November 25, 2024 <sup>43</sup>	January 21, 2025 <sup>44</sup>	57 days
US House of Representatives (District 1)	Resignation (effective November 19, 2024)	November 13, 2024	November 22, 2024 <sup>45</sup>	9 days

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

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

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

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

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

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

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

<sup>43</sup> 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](https://static-s3.lobbytools.com/docs/2024/11/25/133234_rep_rudman_formal_resignation_letter.pdf).

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

<sup>45</sup> 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 <sup>46</sup>	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 <sup>47</sup>	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 <sup>48</sup>	38 days
State Representative (District 24)	Resignation (effective December 8, 2022)	December 8, 2022 <sup>49</sup>	December 19, 2022 <sup>50</sup>	11 days
State Representative (District 35)	Resignation (effective June 30, 2023)	June 30, 2023	July 19, 2023 <sup>51</sup>	19 days

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

<sup>47</sup> 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>.

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

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

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

<sup>51</sup> 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 <sup>52</sup>	October 27, 2021 <sup>53</sup>	91 days
State Representative (District 88)	Resignation (effective January 10, 2022)	July 28, 2021 <sup>54</sup>	October 27, 2021. <sup>55</sup>	91 days
State Representative (District 94)	Resignation (effective date January 11, 2022)	July 27, 2021 <sup>56</sup>	October 27, 2021 <sup>57</sup>	92 days
U.S. House of Representatives (District 20)	Death (effective April 6, 2021)	April 6, 2021	May 6, 2021 <sup>58</sup>	30 days

***2021 Special Elections***

(None)

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

<sup>53</sup> Executive Order 21-224 (October 27, 2021), [https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO\\_21-224.pdf](https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-224.pdf).

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

<sup>55</sup> Executive Order 21-224 (October 27, 2021), [https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO\\_21-224.pdf](https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-224.pdf).

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

<sup>57</sup> Executive Order 21-224 (October 27, 2021), [https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO\\_21-224.pdf](https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-224.pdf).

<sup>58</sup> 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 <sup>59</sup>	June 1, 2020 <sup>60</sup>	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 <sup>61</sup>	January 24, 2019 <sup>62</sup>	13 days
State Representative (District 38)	Resignation (effective January 24, 2019)	January 24, 2019 <sup>63</sup>	January 24, 2019 <sup>64</sup>	0 days
State Representative (District 97)	Resignation (effective January 11, 2019)	January 11, 2019 <sup>65</sup>	January 24, 2019 <sup>66</sup>	13 days

<sup>59</sup> 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>.

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

<sup>61</sup> *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>.

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

<sup>63</sup> *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>.

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

<sup>65</sup> *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>.

<sup>66</sup> 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 <sup>67</sup>	May 3, 2018 <sup>68</sup>	34 days
State Senate (District 25)	Resignation (effective November 6, 2018)	May 2, 2018 <sup>69</sup>	May 3, 2018 <sup>70</sup>	1 day.
State Representative (District 39)	Resignation (effective November 24, 2017)	November 8, 2017 <sup>71</sup>	November 28, 2017 <sup>72</sup>	20 days
State Representative (District 114)	Resignation (effective November 1, 2017)	November 1, 2017 <sup>73</sup>	November 9, 2017 <sup>74</sup>	8 days
State Senate (District 31)	Resignation (effective October 27, 2017)	October 27, 2017 <sup>75</sup>	November 6, 2017 <sup>76</sup>	11 days

<sup>67</sup> 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/>.

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

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

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

<sup>71</sup> 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/>.

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

<sup>73</sup> 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/>.

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

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

<sup>76</sup> 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 <sup>77</sup>	September 1, 2017 <sup>78</sup>	8 days
State Representative (District 58)	Resignation (effective August 15, 2017)	July 25, 2017 <sup>79</sup>	August 1, 2017 <sup>80</sup>	7 days
State Representative (District 44)	Resignation (effective May 26, 2017)	May 8, 2017 <sup>81</sup>	May 26, 2017 <sup>82</sup>	18 days
State Senate (District 40)	Resignation (effective April 21, 2017)	April 21, 2017 <sup>83</sup>	May 8, 2017 <sup>84</sup>	17 days
State Representative (District 116)	Resignation (effective September 26, 2017)	May 17, 2017 <sup>85</sup>	May 22, 2017 <sup>86</sup>	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.<sup>87</sup> These cases would later be dismissed before reaching the merits because

<sup>77</sup> 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/>.

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

<sup>79</sup> 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/>.

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

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

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

<sup>83</sup> 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>.

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

<sup>85</sup> 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/>.

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

<sup>87</sup> 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.<sup>88</sup>

### 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.<sup>89</sup>
  - 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.

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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. 2<sup>nd</sup> 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. 2<sup>nd</sup> 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. 2<sup>nd</sup> 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).

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

<sup>89</sup> 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.,<sup>90</sup> 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.

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<sup>90</sup> 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.,<sup>91</sup> 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.

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<sup>91</sup> 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

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

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

(2) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101, the Governor, ~~after consultation with the Secretary of State,~~ shall fix the dates of a special primary election and a special election within 14 days after the vacancy occurs. 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.

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

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occurs in the office of state senator or member of the House of Representatives less than 126 days before the first day of the regular legislative session, the Governor must, within 5 days after the occurrence of the vacancy, fix the dates of 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 legislative session to prevent a lapse in representation.

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

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

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

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

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

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

~~2. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate.~~ If a vacancy occurs in the office of 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.

3. 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 in 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 such vacancy.

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

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

30-00821-26

2026460

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

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

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

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

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

30-00821-26

2026460

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

(i) If only one candidate qualifies in a special election,  
he or she is deemed elected on the last day of the qualifying  
period. 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. In either case, the  
person elected takes office upon election or upon the office  
becoming vacant, whichever occurs later.

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

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

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

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](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

The Florida Senate

**APPEARANCE RECORD**

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

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

2-10-24

Meeting Date

Judiciary

Committee

SB 460

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Kimberly Cox

Phone

Address

Street

New Port Rhyth FL

34653

City

State

Zip

Email

Speaking:

☒ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/10/26

Meeting Date

460

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Dr Joan Waitkevitz

Phone

861-307-3418

Address

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

Email

dwcjoane@gmail.com

Street

City

West Palm Beach FL 33407

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

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. [2020-2022 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

SB460

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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

SB460

Bill Number or Topic

2/10/26

Meeting Date

Judiciary

Committee

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

2/10/2026

Meeting Date

SB 460

Bill Number or Topic

Senate Judiciary

Committee

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

Amendment Barcode (if applicable)

Name Kiara Nixon

Phone 904-422-1005

Address 424 E. Central Blvd

Email Kiara@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

SB 460

Bill Number or Topic

2/10/26

Meeting Date

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Dr Joan Waitkevitz

Phone

561 307 3418

Address

2600 N Flagler Dr #207

Email

drjoan@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)

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

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

**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 Roma

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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S-001 (08/10/2021)

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 Ensley

Phone

Address

1680 Frattville 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:

Voxes 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  
Senate professional staff conducting the meeting

SB460

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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**

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

SB 460

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Rain Johnson

Phone 863 3880729

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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**

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

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  
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  
Senate professional staff conducting the meeting

<sup>60?</sup>  
SB 480  
Bill Number or Topic  
Amendment Barcode (if applicable)

2/10/2026  
Meeting Date  
Judiciary  
Committee

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

SB 460

Bill Number or Topic

Amendment Barcode (if applicable)

2/10/26  
Meeting Date

Judiciary Committee  
Committee

Name

Amanda Langworthy

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:

☒ *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)

The Florida Senate  
**APPEARANCE RECORD**

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

2/10/2026

Meeting Date

SB3460 ?

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 \(flsenate.gov\)](#)

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

2/10/21

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

☐

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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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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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	<b>Fav/CS</b>
2.			ACJ	
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup> 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.

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<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

### **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.

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<sup>2</sup> 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](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025_Distribution_Schedule_-.pdf).

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

<sup>4</sup> See generally, ss. 28.35, 28.36, 28.37, 28.42, and 28.44, F.S.

<sup>5</sup> 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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/11/2026	.	
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The Committee on Judiciary (Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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



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

28.345.

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

28.2401 Service charges and filing fees in probate matters.—

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

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

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

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

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

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



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

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

28.241 Filing fees for trial and appellate proceedings.—

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

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





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

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

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



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The clerk may impose an additional filing fee of up to \$85, from which the clerk shall remit \$10 to the Department of Revenue for deposit into the General Revenue Fund, for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties must ~~shall~~ be paid by the party at whose instance service is made.

Additional fees, charges, or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

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

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

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



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

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

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

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



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

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

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



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

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

1. A writ of garnishment;
2. A writ of replevin;
3. A distress writ;
4. A writ of attachment;



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5. A motion for rehearing filed within 10 days;

6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;

7. A motion for dismissal filed after a mediation agreement has been filed;

8. A disposition of personal property without administration;

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

10. Any guardianship pleading prior to discharge;

11. Any mental health pleading;

12. Motions to withdraw by attorneys;

13. Motions exclusively for the enforcement of child support orders;

14. A petition for credit of child support;

15. A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;

16. Stipulations and motions to enforce stipulations;

17. Responsive pleadings;

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

19. Motions for contempt.

(c)1. A party in addition to a party described in sub-subparagraph (a)1.a. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint must ~~shall~~ pay the clerk of court a fee of \$470 ~~\$395~~. A party in addition to a party described in sub-subparagraph (a)1.b. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim,



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

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

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

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

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

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

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

(2) Upon the institution of any appellate proceeding from



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

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

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

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

34.041 Filing fees.—

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





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~~shall~~ pay the following filing fee, not to exceed:

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

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

(b) The first \$15 of the filing fee collected under  
subparagraph (a)4. and the first \$10 of the filing fee collected  
under subparagraph (a)8. must ~~shall~~ be deposited in the State  
Courts Revenue Trust Fund. ~~By the 10th day of each month, the  
clerk shall submit that portion of the fees collected in the  
previous month which is in excess of one twelfth of the clerk's  
total budget for the performance of court-related functions to~~



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

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

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



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

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

- (a) A writ of garnishment;
- (b) A writ of replevin;
- (c) A distress writ;
- (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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an additional filing fee of up to \$15 ~~\$10~~, from which the clerk shall remit \$5 to the Department of Revenue for deposit into the General Revenue Fund, for each timeshare interest joined in that action must ~~shall~~ be paid to the clerk of court.

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

744.3678 Annual accounting.—

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

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

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

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

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

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



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

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to court fees; amending s. 28.24,  
F.S.; increasing the service charges a clerk of the  
circuit court charges for certain services rendered by  
the clerk's office; amending s. 28.2401, F.S.;  
increasing certain filing fees that may be charged by  
the clerk in probate matters; amending s. 28.241,  
F.S.; increasing certain filing fees and service  
charges in trial and appellate proceedings; amending  
s. 34.041, F.S.; increasing certain filing fees and  
service charges for civil actions, suits, or  
proceedings in county court; deleting provisions  
requiring clerks to submit portions of fees collected  
to the Department of Revenue for deposit into the  
Clerks of the Court Trust Fund; revising the  
distribution formula for additional filing fees;  
amending s. 45.035, F.S.; increasing the service  
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.



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LEGISLATIVE ACTION

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

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

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

28.35 Florida Clerks of Court Operations Corporation.—

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

(f) Approving the proposed budgets submitted by clerks of the court pursuant to s. 28.36. The corporation must ensure that the total combined budgets of the clerks of the court do not exceed the total estimated revenues from fees, service charges, court costs, and fines for court-related functions available for court-related expenditures as determined by the most recent Revenue Estimating Conference, plus the total of unspent budgeted funds for court-related functions carried forward by the clerks of the court from the previous county fiscal year, plus the cumulative excess as provided in ~~balance of funds remaining in the Clerks of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to~~ s. 28.37(4)(b), and plus any appropriations for court-related 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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revenues insufficient to fund their anticipated court-related expenditures.

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

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

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

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

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

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



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amended to read:

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

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

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

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



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

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to clerks of the court; amending s.  
28.37, F.S.; authorizing the cumulative excess of  
funds to be used in the development of the total  
combined budgets of the clerks of the court; amending  
ss. 28.35 and 28.36, F.S.; conforming provisions to  
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.

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

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

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

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

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

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

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

(b) Eminent domain actions, per deposit: 200.00 ~~170.00~~,

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

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

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

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

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

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

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

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

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

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

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

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

28.2401 Service charges and filing fees in probate matters.—

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

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

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

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

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

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

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

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

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

28.241 Filing fees for trial and appellate proceedings.—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Any guardianship pleading prior to discharge;

11. Any mental health pleading;

12. Motions to withdraw by attorneys;

13. Motions exclusively for the enforcement of child support orders;

14. A petition for credit of child support;

15. A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;

16. Stipulations and motions to enforce stipulations;

17. Responsive pleadings;

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

19. Motions for contempt.

(c)1. A party in addition to a party described in sub-subparagraph (a)1.a. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint must ~~shall~~ pay the clerk of court a fee of \$470 ~~\$395~~. A party in addition to a party described in sub-subparagraph (a)1.b. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint must ~~shall~~ pay the clerk of court a fee of \$350 ~~\$295~~. The clerk shall deposit the fee into the fine and forfeiture fund established pursuant to s. 142.01.

2. A party in addition to a party described in subparagraph (a)2. who files a pleading in an original civil action in

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circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint must ~~shall~~ pay the clerk of court a graduated fee of:

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

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

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

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

(d) The clerk of court shall collect a service charge of \$15 ~~\$40~~ for issuing an original, a certified copy, or an electronic certified copy of a summons, which the clerk shall deposit into the fine and forfeiture fund established pursuant to s. 142.01. The clerk shall assess the fee against the party seeking to have the summons issued.

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

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

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

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

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

34.041 Filing fees.—

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

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

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

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

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

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

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

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

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

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

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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 12<sup>th</sup>, 2026

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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", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

Senator Corey Simon  
Florida Senate, District 3

The Florida Senate

**APPEARANCE RECORD**

2/10/2016 ~~16~~ 26

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 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)

12/10/2026

Meeting Date

Judiciary

Committee

The Florida Senate

## APPEARANCE RECORD

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

532

Bill Number or Topic

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 554

INTRODUCER: Senator Bernard

SUBJECT: Nonprofit Corporations

DATE: February 9, 2026

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	<b>Favorable</b>
2.	Bond	Cibula	JU	<b>Favorable</b>
3.			FP	

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## 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).<sup>1</sup> 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.<sup>2</sup> This parallelism allows lawyers to apply case law concerning the MBCA to similar provisions in the MNCA.<sup>3</sup>

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<sup>1</sup> 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/](https://www.americanbar.org/groups/business_law/resources/business-law-today/2023-october/the-new-model-nonprofit-corporation-act/) (last visited Jan. 20, 2026).

<sup>2</sup> *Id.*

<sup>3</sup> *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.<sup>4</sup> 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.<sup>5</sup> These changes prevent confusion in the application of similar provisions in both acts and clarifies and updates existing provisions.<sup>6</sup>

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 corporations<sup>7</sup> (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).<sup>8</sup> The department determines whether submitted filings meet relevant statutory requirements to file.<sup>9</sup> 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.<sup>10</sup> 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

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<sup>4</sup> 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](https://flabizlaw.org/wp-content/uploads/2025/09/Ch-617-NonProfit-White-Paper_Final.pdf) (last visited Jan. 20, 2026).

<sup>5</sup> *Id.* The FBCA was substantially amended in 2019. See ch. 607, F.S.

<sup>6</sup> *Id.*

<sup>7</sup> “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.

<sup>8</sup> 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).

<sup>9</sup> Section 617.0125, F.S.

<sup>10</sup> Section 617.0126, F.S.

chapter allows for a filed document<sup>11</sup> to depend upon facts objectively ascertainable outside the plan<sup>12</sup> 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 entity<sup>13</sup> 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

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<sup>11</sup> “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.

<sup>12</sup> “Plan” means a plan of merger, plan of conversion, or plan of domestication.

<sup>13</sup> “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.<sup>14</sup> 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.<sup>15</sup>

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<sup>14</sup> Section 617.0501, F.S.

<sup>15</sup> *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,<sup>16</sup> 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.

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<sup>16</sup> “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 intervene<sup>17</sup> 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 joined<sup>18</sup> 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.

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<sup>17</sup> “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).

<sup>18</sup> “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.<sup>19</sup> 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.

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<sup>19</sup> "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.<sup>20</sup>

#### ***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) organization<sup>21</sup>, 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.

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<sup>20</sup> Sections 617.0801-617.0802, F.S.

<sup>21</sup> 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.<sup>22</sup> The bill requires that conflict of interest transactions be fair to the corporation<sup>23</sup> 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

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<sup>22</sup> "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.

<sup>23</sup> "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 director<sup>24</sup> or officer<sup>25</sup> 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

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<sup>24</sup> 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.

<sup>25</sup> 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
- Recklessness<sup>26</sup> 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.<sup>27</sup>

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

<sup>26</sup> 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.

<sup>27</sup> 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 entities<sup>28</sup> 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 record<sup>29</sup> 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.

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<sup>28</sup> "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.

<sup>29</sup> "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 purpose<sup>30</sup> 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 rules<sup>31</sup> 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:

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<sup>30</sup> "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.

<sup>31</sup> "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 holder<sup>32</sup> 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.<sup>33</sup>
- Filing of a resolution to dissolve;<sup>34</sup>

<sup>32</sup> "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.

<sup>33</sup> Section 617.1401, F.S.

<sup>34</sup> Section 617.1402, F.S.

- Circuit court order;<sup>35</sup> or
- Administrative action by the Department of State.<sup>36</sup>

**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 eleemosynary<sup>37</sup> 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.

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<sup>35</sup> Section 617.1430, F.S.

<sup>36</sup> Section 617.1404, F.S.

<sup>37</sup> 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,<sup>38</sup> 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.

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<sup>38</sup> 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 liability<sup>39</sup> 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;

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<sup>39</sup> "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.<sup>40</sup>

**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 interests<sup>41</sup> 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 agreement<sup>42</sup> 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.

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<sup>40</sup> Section 617.1803, F.S.

<sup>41</sup> “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.

<sup>42</sup> “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, device, 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.

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

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By Senator Bernard

24-00209-26

2026554

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.

1038  
 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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Section 2. Subsections (1), (2), (3), (7), and (8) of section 617.01201, Florida Statutes, are amended, subsection (10) is added to that section, and subsection (9) of that section is reenacted, to read:

617.01201 Filing requirements.—

(1) A document must satisfy the requirements of this section and of any other section that adds to or varies these requirements to be entitled to filing by the department ~~of~~ State.

(2) This chapter ~~act~~ must require or permit filing the document in the office of the department ~~of State~~.

(3) The document must contain the information required by this chapter ~~act~~. It may contain other information as well.

(7) The person executing the document shall sign it and state beneath or opposite such person's ~~his or her~~ signature such person's ~~his or her~~ name and the capacity in which such person ~~he or she~~ signs. The document may, but need not, contain the corporate seal, an attestation, an acknowledgment, or a verification+

~~(a) The corporate seal,~~

~~(b) An attestation by the secretary or an assistant secretary,~~

~~(c) An acknowledgment, verification, or proof.~~

(8) If the department ~~of State~~ has prescribed a mandatory form for the document under s. 617.0121, the document must be in or on the prescribed form.

(9) The document must be delivered to the department for filing. Delivery may be made by electronic transmission if and to the extent allowed by the department. If the document is

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filed in typewritten or printed form and not transmitted electronically, the department may require that one exact or conformed copy be delivered with the document, except as provided in s. 617.1508. The document must be accompanied by the correct filing fee and any other tax or penalty required by law.

(10) Whenever this chapter allows any of the terms of a plan or a filed document to be dependent upon facts objectively ascertainable outside the plan or filed document, the following apply:

(a) The plan or filed document must set forth the manner in which the facts will operate upon the terms of the plan or filed document.

(b) The facts may include, but are not limited to:

1. Any of the following which are available in a nationally recognized news or information medium either in print or electronically:

a. Statistical or market indices;

b. Market prices of any security or group of securities;

c. Interest rates;

d. Currency exchange rates; and

e. Similar economic or financial data;

2. A determination or action by any person or body, including the corporation or any other party to a plan or filed document; or

3. The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

(c) The following provisions of a plan or filed document may not be made dependent upon facts outside the plan or filed

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document:

1. The name and address of any person required in a filed document;
  2. The registered office of any entity required in a filed document;
  3. The registered agent of any entity required in a filed document;
  4. The effective date of a filed document; and
  5. Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.
- (d) If a provision of a filed document is made dependent upon a fact ascertainable outside of the filed document, and that fact is not ascertainable by reference to a source described in subparagraph (b)1. or a document that is a matter of public record, and the affected members have not received notice of the fact from the corporation, the corporation must file with the department articles of amendment to the filed document setting forth the fact promptly after the time when the fact referred to is first ascertainable or thereafter changes. Articles of amendment under this section are deemed to be authorized by the authorization of the original filed document to which they relate and may be filed by the corporation without further action by the board of directors or the members.
- (e) As used in this subsection, the term:
1. "Filed document" means a document filed with the department pursuant to this chapter, except for a document filed pursuant to ss. 617.1501-617.1532.
  2. "Plan" means a plan of merger, a plan of conversion, or

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a plan of domestication.

Section 3. Section 617.0123, Florida Statutes, is amended to read:

617.0123 Effective time and date of document.-  
~~(1)~~ Except as provided in subsection (1) ~~(2)~~ and in s. 617.0124(3), a document accepted for filing under this chapter may specify an is effective at the time and a delayed effective date. In the case of the initial articles of incorporation, a prior effective date may be specified in the articles of incorporation if such date is within 5 business days before the date of filing of filing on the date it is filed, as evidenced by the Department of State's date and time endorsement on the original document.

(1) Subject to s. 617.0124(3), a document accepted for filing is effective under any of the following conditions:

(a) If the record filed does not specify an effective time and does not specify a prior or a delayed effective date, on the date and at the time the record is accepted, as evidenced by the department's endorsement of the date and time on the filing.

(b) If the record filed specifies an effective time, but not a prior or delayed effective date, on the date the record is accepted, as evidenced by the department's endorsement, and at the time specified in the filing.

(c) If the record filed specifies a delayed effective date, but not an effective time, at 12:01 a.m. on the earlier of:

1. The specified date; or
2. The 90th day after the date the record is filed.

(d) If the record filed specifies a delayed effective date 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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attach a copy of the document to the articles of correction;

2. Specify the inaccuracy or defect ~~incorrect statement and the reason it is incorrect or the manner in which the execution was defective~~; and

3. Correct the inaccuracy or defect ~~incorrect statement or defective execution~~; and

(b) By delivering the executed articles of correction to the department for filing.

(3) Articles of correction are effective on the effective date of the document they correct except as to persons relying on the uncorrected document and who are adversely affected by the correction. As to those persons, articles of correction are effective when filed.

(4) Articles of correction may not contain a delayed effective date for the correction.

(5) Unless otherwise provided for in s. 617.1103(3) or s. 617.1809(8), a filing delivered to the department may be withdrawn before it takes effect by delivering a withdrawal statement to the department for filing.

(a) A withdrawal statement must:

1. Be signed by each person who signed the filing being withdrawn, except as otherwise agreed to by such persons;

2. Identify the filing to be withdrawn; and

3. If not signed by all persons who signed the filing being withdrawn, state that the filing is withdrawn in accordance with the agreement of all persons who signed the filing.

(b) Upon the filing by the department of a withdrawal statement, the action or transaction evidenced by the original filing does not take effect.

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(6) Articles of correction that are filed to correct false, misleading, or fraudulent information are not subject to a fee of the department if the articles of correction are delivered to the department within 15 days after the notification of filing sent pursuant to s. 617.0125(2).

Section 5. Section 617.0126, Florida Statutes, is amended to read:

617.0126 Appeal from department's ~~Department of State's~~ refusal to file document.—If the department ~~of State~~ refuses to file a document delivered to its office for filing, within 30 days after return of the document by the department by mail, as evidenced by the postmark, the domestic or foreign corporation may:

(1) Appeal the refusal pursuant to s. 120.68; or

(2) Petition the Circuit Court of Leon County to compel filing of the document. ~~Appeal the refusal to the circuit court of the county where the corporation's principal office (or, if none in this state, its registered office) is or will be located. The appeal is commenced by petitioning the court to compel filing the document and by attaching to the petition~~ The document and the ~~department's~~ department of State's explanation of its refusal to file must be attached to the petition. ~~The matter shall promptly be tried de novo by the court without a jury.~~ The court may decide the matter in a summary proceeding, and the court may summarily order the department ~~of State~~ to file the document or take other action the court considers appropriate. The court's final decision may be appealed as in other civil proceedings.

Section 6. Section 617.0127, Florida Statutes, is amended

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to read:

617.0127 Certificates to be received in evidence;  
~~evidentiary~~ effect of certified copy of filed document.~~All~~  
certificates issued by the department pursuant to this chapter  
must be taken and received in all courts, public offices, and  
official bodies as prima facie evidence of the facts stated  
therein. A certificate attached to a copy of a document filed by  
the department ~~of State~~, bearing the signature of the Secretary  
of State, ~~(which may be in facsimile,)~~ and the seal of this  
state, is conclusive evidence that the original document is on  
file with the department.

Section 7. Subsection (1) of section 617.0128, Florida  
Statutes, is amended, and subsection (2) of that section is  
reenacted, to read:

617.0128 Certificate of status.—

(1) ~~Anyone may apply to~~ The department, upon request, shall  
~~issue of State to furnish~~ a certificate of status for a domestic  
corporation or a certificate of authorization for a foreign  
corporation.

(2) A certificate of status or authorization sets forth:

(a) The domestic corporation's corporate name or the  
foreign corporation's corporate name used in this state;

(b)1. That the domestic corporation is duly incorporated  
under the law of this state and the date of its incorporation,  
or

2. That the foreign corporation is authorized to conduct  
its affairs in this state;

(c) That all fees and penalties owed to the department have  
been paid, if:

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1. Payment is reflected in the records of the department,  
and

2. Nonpayment affects the existence or authorization of the  
domestic or foreign corporation;

(d) That its most recent annual report required by s.  
617.1622 has been delivered to the department; and

(e) That articles of dissolution have not been filed.

Section 8. Section 617.01301, Florida Statutes, is amended  
to read:

617.01301 Powers of department ~~of State~~.—

(1) The department ~~of State~~ may propound to any corporation  
subject to ~~the provisions of this chapter act~~, and to any  
officer or director thereof, such interrogatories as may be  
reasonably necessary and proper to enable it to ascertain  
whether the corporation has complied with all applicable filing  
provisions of this chapter act. Such interrogatories must be  
answered within 30 days after mailing or within such additional  
time as fixed by the department. Answers to interrogatories must  
be full and complete, in writing, and under oath.

Interrogatories directed to an individual must be answered by  
that individual him or her, and interrogatories directed to a  
corporation must be answered by an authorized officer or  
director of the corporation, by a member if there are no  
officers or directors of the corporation, or by a fiduciary if  
the corporation is in the hands of a receiver, trustee, or other  
court-appointed fiduciary ~~the president, vice president,~~  
~~secretary, or assistant secretary.~~

(2) The department ~~of State~~ is not required to file any  
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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rules are designated.

(6) "Charitable asset" means property that is given, received, or held for a charitable purpose.

(7) "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.

(8)(4) "Corporation" or "domestic corporation" means a nonprofit corporation not for profit, subject to the provisions of this chapter, except a foreign corporation.

(5) "Corporation not for profit" 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.

(9)(6) "Department" means the Florida Department of State.

(7) "Distribution" means the payment of a dividend or any part of the income or profit of a corporation to its members, directors, or officers.

(a) A donation or transfer of corporate assets or income to or from another not-for-profit corporation qualified as tax-exempt under s. 501(c) of the Internal Revenue Code or a governmental organization exempt from federal and state income taxes, if such corporation or governmental organization is a member of the corporation making such donation or transfer, is not a distribution for purposes of this chapter.

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~~(b) A dividend or distribution by a not-for-profit insurance company subsidiary to its mutual insurance holding company organized under part III of chapter 628, directly or indirectly through one or more intermediate holding companies authorized under that part, is not a distribution for the purposes of this chapter.~~

(10)(8) "Electronic transmission" means any form of communication, not directly involving the physical transmission or transfer of paper, which creates a record that may be retained, retrieved, and reviewed by a recipient and which may be directly reproduced in a comprehensible and legible paper form by such recipient through an automated process. Examples of electronic transmission include, but are not limited to, electronic mail, telegrams, facsimile, and transmissions through the Internet transmissions of images, and text that is sent via electronic mail between computers.

(11)(a) "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;

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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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~~religious purposes; is not recognized as exempt under s. 501(c)(3) of the Internal Revenue Code; and is not organized for a public or charitable purpose that is required upon its dissolution to distribute its assets to the United States, a state, a local subdivision thereof, or a person that is recognized as exempt under s. 501(c)(3) of the Internal Revenue Code. The term does not include an association organized under chapter 718, chapter 719, chapter 720, or chapter 721, or any corporation where membership in the corporation is required pursuant to a document recorded in county property records.~~

(20) "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.

(21) "Organic rules" means the public organic record and private organic rules of an entity.

~~(22)-(14)~~ "Person" includes an individual and entity.

(23) "Private organic rules" means the rules, regardless of whether in a record, which govern the internal affairs of an entity, are binding on all its interest holders, and are not part of its public organic record, if any. If the private organic rules are amended or restated, the term means the private organic rules as last amended or restated. The term includes any of the following:

(a) The bylaws of a corporation for profit.

(b) The bylaws of a nonprofit corporation.

(c) The partnership agreement of a general partnership.

(d) The partnership agreement of a limited partnership.

(e) The operating agreement, limited liability company

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agreement, or similar agreement of a limited liability company.

(f) The bylaws, trust instrument, or similar rules of a real estate investment trust.

(g) The trust instrument of a statutory trust or similar rules of a business trust or common law business trust.

(24) "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.

(25) "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

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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.

(26)(15) "Successor entity" means any trust, receivership, or other legal entity that is governed by the laws of this state to which the remaining assets of the and liabilities of a dissolved corporation are transferred, subject to its liabilities, for purposes of liquidation and that exists solely for the purposes of prosecuting and defending suits by or against the dissolved corporation and enabling the dissolved corporation to settle and close the business of the dissolved corporation, to dispose of and convey the property of the dissolved corporation, to discharge the liabilities of the dissolved corporation, and to distribute to the dissolved corporation's members any remaining assets, but not for the purpose of continuing the business for which the dissolved corporation was organized.

(27)(16) "Voting power" means the total number of votes entitled to be cast for the election of directors at the time the determination of voting power is made, excluding a vote that is contingent upon the happening of a condition or event that has not yet occurred. If the corporation's directors are not

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elected by the members, voting power must, unless otherwise provided in the articles of incorporation or bylaws, be on a one-member, one-vote basis. If the members of a class are entitled to vote as a class to elect directors, the determination of the voting power of the class is based on the percentage of the number of directors the class is entitled to elect relative to the total number of authorized directors. ~~If the corporation's directors are not elected by the members, voting power shall, unless otherwise provided in the articles of incorporation or bylaws, be on a one-member, one-vote basis.~~

Section 10. Subsections (1) through (6), (8), and (9) of section 617.0141, Florida Statutes, are amended to read:

617.0141 Notice.—

(1) Notice under this chapter ~~act~~ must be in writing, unless oral notice is:

(a) Expressly authorized by the articles of incorporation or the bylaws; and

(b) Reasonable under the circumstances.

(2) Written notice may be communicated by mail, electronic mail, facsimile in person, by telephone (where oral notice is permitted), telegraph, teletype, or other form of electronic transmission; or by mail. When oral notice is permitted, notice may be communicated in person, by telephone, or other electronic transmission by means of which all persons participating can hear each other.

(3) Written notice by a domestic or foreign corporation authorized to conduct its affairs in this state to its member, if in a comprehensible form, is effective under any of the 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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provisions of this ~~chapter act~~, those requirements govern.

Section 11. Section 617.0143, Florida Statutes, is created to read:

617.0143 Qualified director.—

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

(a) "Material interest" means an actual or potential benefit or detriment, other than one which would devolve on the corporation or the members generally, which would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken. For a corporation that is regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723, or a corporation when membership in such corporation is required pursuant to a document recorded in the county property records, a "material interest" is limited to familial, financial, professional, or employment interests.

(b) "Material relationship" means a familial, financial, professional, employment, or other relationship that would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken.

(c) "Qualified director" is a director who, at the time action is to be taken under:

1. Section 617.0744, and who does not have an interest in the outcome of the proceeding or has a material relationship with a person who has an interest in the outcome of the proceeding;

2. Section 617.0832, and who is not a director as to whom the transaction is a director's conflict of interest transaction, or who has a material relationship with another

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director as to whom the transaction is a director's conflict of interest transaction; or

3. Section 617.0831, with respect to the application of ss. 607.0850-607.0859, and who:

a. Is not a party to the proceeding;

b. Is not a director as to whom a transaction is a director's conflict of interest transaction, which transaction is challenged in the proceeding; and

c. Does not have a material relationship with a director who is disqualified by virtue of not meeting the requirements of sub-subparagraph a. or sub-subparagraph b.

(2) A director is not automatically prevented from being a qualified director if any of the following is present:

(a) The nomination or election of the director to the current board of directors by any director who is not a qualified director with respect to the matter, or by any person who has a material relationship with that director, acting alone or participating with others.

(b) Service as a director of another corporation of which a director who is not a qualified director with respect to the matter, or any individual who has a material relationship with that director is or was also a director.

(c) With respect to actions pursuant to s. 617.0744, status as a named defendant, as a director against whom action is demanded, or as a director who approved the conduct being challenged.

Section 12. Subsections (1) and (2) of section 617.0202, Florida Statutes, are amended to read:

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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available under s. 617.0401(1)(e).

(2) A foreign corporation registers its corporate name, or its corporate name with any addition required by s. 617.1506, by delivering to the department ~~of State~~ for filing an application:

(a) Setting forth its corporate name, or its corporate name with any addition required by s. 617.1506, the state or country and date of its incorporation, and a brief description of the nature of its purposes and the affairs in which it is engaged; and

(b) Accompanied by a certificate of existence, or a certificate setting forth that such corporation is in good standing under the laws of the state or country wherein it is organized, ~~for a document of similar import~~, from the state or country of incorporation.

(5) A foreign corporation that has so registered its name ~~the registration of which is effective~~ may thereafter qualify to conduct its affairs in this state as a foreign corporation under the registered name or consent in writing to the use of that name by a corporation thereafter incorporated under this chapter ~~act~~ or by another foreign corporation thereafter authorized to conduct its affairs in this state. The registration terminates when the domestic corporation is incorporated or the foreign corporation qualifies or consents to the qualification of another foreign corporation under the registered name.

(6) The department ~~of State~~ may revoke any registration if, after a hearing, it finds that the application therefor or any renewal thereof was not made in good faith.

Section 19. Present subsections (4) and (5) of section 617.0501, Florida Statutes, are redesignated as subsections (5)

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and (6), respectively, a new subsection (4) is added to that section, and subsections (1) and (3) and present subsection (5) and subsection (6) of that section are amended, to read:

617.0501 Registered office and registered agent.—

(1) Each corporation shall have and continuously maintain in this state:

(a) A registered office which may be the same as its principal office; and

(b) A registered agent, who may be ~~either~~:

1. An individual who resides in this state whose business office is identical to ~~with~~ such registered office; ~~or~~

2. ~~Another~~ domestic entity that is an authorized entity whose business address is identical to the address of the registered office; or

3. ~~A~~ foreign entity authorized to transact business in this state that is an authorized entity and whose business address is identical to the address of the registered office.

(3) Each initial A registered agent, and each appointed ~~pursuant to this section or a successor registered agent that is appointed, pursuant to s. 617.0502 on whom process may be served~~ shall ~~each~~ file a statement in writing with the department ~~of State~~, in the such form and manner ~~as shall be~~ prescribed by the department, accepting the appointment as a registered agent while simultaneously with his or her being designated as the registered agent. The such statement of acceptance must provide ~~shall state~~ that the registered agent is familiar with, and accepts, the obligations of that position.

(4) The duties of a registered agent are:

(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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in the records of the department.

(b) If a registered agent is resigning as registered agent from one or more corporations that each have been dissolved, either voluntarily, administratively, or by court action, for a continuous period of 10 years or longer, the registered agent may elect to file the statement of resignation separately for each such corporation or may elect to file a single composite statement of resignation covering two or more corporations. Any such composite statement of resignation must set forth, for each such corporation covered by the statement of resignation, the name of the respective corporation and the date that dissolution became effective for the respective corporation. This paragraph is applicable only to resignations by registered agents from domestic corporations.

(2) A registered agent is terminated upon the earlier of:

(a) The 31st day after the department files the statement of resignation; or

(b) When a statement of change or other record designating a new registered agent is filed by the department.

(3) When a statement of resignation takes effect, the registered agent ceases to have responsibility for a matter thereafter tendered to it as agent for the corporation. The resignation does not affect contractual rights that the corporation has against the agent or that the agent has against the corporation.

(4) A registered agent may resign from a corporation regardless of whether the corporation has active status.

Section 22. Section 617.05022, Florida Statutes, is created to read:

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617.05022 Change of name or address by a registered agent.—

(1) If a registered agent changes the registered agent's name or business address, the agent may deliver to the department for filing a statement of change that provides the following:

(a) The name of the corporation represented by the registered agent.

(b) The name of the registered agent as currently shown in the records of the department for the corporation.

(c) If the name of the registered agent has changed, its new name.

(d) If the address of the registered agent has changed, the new address.

(e) A statement that the registered agent has given the notice required under subsection (2).

(2) A registered agent shall promptly furnish notice to the represented corporation of the statement of change and the changes made in the statement, as delivered to the department.

(3) A statement of change is effective when filed by the department.

(4) The changes described in this section may also be made on the corporation's annual report, in an application for reinstatement filed with the department under s. 617.1422, or in an amendment to or restatement of the company's articles of incorporation in accordance with s. 617.1006 or s. 617.1007.

(5) The department shall collect a fee pursuant to s. 15.09(2) for filings authorized by this section.

Section 23. Section 617.0503, Florida Statutes, is amended 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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order of payment. The state, through the Attorney General, may bid, at any judicial sale to enforce its judgment lien, any amount up to the amount of the judgment or lien obtained pursuant to this subsection. All moneys recovered under this subsection ~~must shall~~ be treated as forfeitures under ss. 895.01-895.09 and used or distributed in accordance with the procedure set forth in s. 895.09. A domestic or foreign corporation, ~~foreign corporation, or alien business organization~~ that fails to have and continuously maintain a registered office and a registered agent as required in this section may not defend itself against any action instituted by the Department of Legal Affairs or by any other agency of this state until the requirements of this subsection have been met.

(2) Each domestic or foreign corporation, ~~foreign corporation, or alien business organization~~ that owns real property located in this state, that owns a mortgage on real property located in this state, or that conducts affairs ~~transacts business~~ in this state must shall, pursuant to subpoena served upon the registered agent of the domestic or foreign corporation, ~~foreign corporation, or alien business organization~~ issued by the Department of Legal Affairs, produce, through its registered agent or through a designated representative within 30 days after service of the subpoena, testimony and records showing the following:

(a) True copies of documents evidencing the legal existence of the entity, including the articles of incorporation and any amendments to the articles of incorporation or the legal equivalent of the articles of incorporation and such amendments.

(b) The names and addresses of each current officer and

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director of the entity or persons holding equivalent positions.

(c) The names and addresses of all prior officers and directors of the entity or persons holding equivalent positions, for a period not to exceed the 5 years previous to the date of issuance of the subpoena.

(d) The names and addresses of each member ~~current shareholder, equivalent equitable owner, and ultimate equitable owner~~ of the entity, the number of which names is limited to the names of the 100 members holding the largest share of voting power of the domestic or foreign corporation ~~shareholders, equivalent equitable owners, and ultimate equitable owners that, in comparison to all other shareholders, equivalent equitable owners, or ultimate equitable owners, respectively, own the largest number of shares of stock of the corporation, foreign corporation, or alien business organization~~ ~~organization~~.

(e) The names and addresses of all previous members ~~prior shareholders, equivalent equitable owners, and ultimate equitable owners of the entity~~ for the 12-month period preceding the date of issuance of the subpoena, the number of which names is limited to the 100 members holding the largest share of voting power of the domestic or foreign corporation ~~shareholders, equivalent equitable owners, and ultimate equitable owners that, in comparison to all other shareholders, equivalent equitable owners, or ultimate equitable owners, respectively, own the largest number of shares of stock of the 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  
 2286 upon a showing by the corporation, foreign corporation, or alien  
 2287 business organization that the exception in subparagraph 1.,  
 2288 subparagraph 2., or subparagraph 3. applies to the corporation,  
 2289 foreign corporation, or alien business organization. Such  
 2290 exception in subparagraph 1., subparagraph 2., or subparagraph  
 2291 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 must ~~shall~~ set forth the legal description of the real  
 2340 property and must ~~shall~~ 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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that owns real property in this state or a mortgage on real property in this state is solely for the purposes of this chapter; and, notwithstanding s. 48.181, s. 617.1502, s. 617.1503, or any other relevant section of the Florida Statutes, such designation may not be used in determining whether the domestic or foreign corporation, ~~foreign corporation, or alien business organization~~ is actually doing business in this state.

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

(a) ~~"Alien business organization" means:~~

1. ~~Any corporation, association, partnership, trust, joint stock company, or other entity organized under any laws other than the laws of the United States, of any United States territory or possession, or of any state of the United States, or~~

2. ~~Any corporation, association, partnership, trust, joint stock company, or other entity or device 10 percent or more of which is owned or controlled, directly or indirectly, by an entity described in subparagraph 1. or by a foreign natural person.~~

~~(b) "Financial institution" means:~~

1. ~~A bank, banking organization, or savings association, as defined in s. 220.62;~~

2. ~~An insurance company, trust company, credit union, or industrial savings bank, any of which is licensed or regulated by an agency of the United States or any state of the United States; or~~

3. ~~Any person licensed under the provisions of chapter 494.~~

~~(c)~~ "Mortgage" means a mortgage on real property situated in this state, except a mortgage owned by a financial

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institution.

~~(b)(d)~~ "Real property" means any real property situated in this state or any interest in such real property.

~~(e) "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such natural person owns or controls such ownership interest through one or other natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.~~

~~(12) Any alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department for filing. The application shall set forth:~~

~~(a) The name of the alien business organization and the jurisdiction under the law of which it is incorporated or organized; and~~

~~(b) That it is no longer required to maintain a registered agent in this state.~~

Section 24. Section 617.0505, Florida Statutes, is amended to read:

617.0505 Distributions and dividends prohibited; exceptions. ~~Except as authorized in s. 617.1302,~~ A corporation may not make distributions to its members, directors, or officers.

(1) A corporation may not pay any dividend and may not make distributions of any part of the net income or net earnings of

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the corporation to its members, directors, or officers, except that a corporation may:

(a) Make payments for compensation and benefits as authorized in s. 617.0603, membership purchases as authorized in s. 617.0608(2), and compensation for directors as authorized in s. 617.08101;

(b) Make distributions to its members upon dissolution in conformity with the dissolution provisions of this chapter or, if expressly permitted by its articles of incorporation, upon partial liquidation; and

(c) Make distributions to another nonprofit entity or governmental unit that is a member of the distributing corporation or has the power to appoint one or more of the directors of the distributing corporation A mutual benefit corporation, such as a private club that is established for social, pleasure, or recreational purposes and that is organized as a corporation of which the equity interests are held by the members, may, subject to s. 617.1302, purchase the equity membership interest of any member, and the payment for such interest is not a distribution for purposes of this section.

(2) ~~A corporation may pay compensation in a reasonable amount to its members, directors, or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and, upon dissolution or final liquidation, may make distributions to its members as permitted by this chapter.~~

~~(3) If expressly permitted by its articles of incorporation, a corporation may make distributions upon partial liquidation to its members, as permitted by this section. Any~~

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~~such payment, benefit, or distribution does not constitute a dividend or a distribution of income or profit for purposes of this section.~~

~~(4)~~ A corporation that is a utility exempt from regulation under s. 367.022(7), whose articles of incorporation state that it is exempt from taxation under s. 501(c)(12) of the Internal Revenue Code of 1986, as amended, may make refunds to its members, ~~before~~ prior to a dissolution or liquidation, as its managing board deems necessary to establish or preserve its tax-exempt status. Any such refund does not constitute a dividend or a distribution of income or earnings ~~profit~~ for purposes of this section.

~~(3)(5)~~ A corporation that is regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723, or a corporation where membership in such corporation is required pursuant to a document recorded in the official county property records, may make refunds to its members, give ~~giving~~ credits to its members, disburse ~~disbursing~~ insurance proceeds to its members, or disburse ~~disbursing~~ or pay ~~paying~~ settlements to its members without violating this section.

(4) A dividend or distribution by a nonprofit insurance company subsidiary to its mutual insurance holding company organized under part III of chapter 628, directly or indirectly through one or more intermediate holding companies authorized under that part, is not a distribution for the purposes of this chapter.

Section 25. Paragraph (b) of subsection (1) and subsections (3) through (7) of section 617.0601, Florida Statutes, are amended, and subsections (8) and (9) are added to that section,

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to read:

617.0601 Members, generally.—

(1)

(b) ~~For The articles of incorporation or bylaws of any nonprofit corporation not for profit that does not have members, or does not have members entitled to vote on a matter, any law requiring notice to, the presence of, or the vote, consent, or other action by members of the corporation in connection with such matter is satisfied by notice to, the presence of, or the vote, consent, or other action by the board of directors of the nonprofit corporation maintains chapters or affiliates may grant representatives of such chapters or affiliates the right to vote in conjunction with the board of directors of the corporation notwithstanding applicable quorum or voting requirements of this chapter if the corporation is registered with the Department of Agriculture and Consumer Services pursuant to ss. 496.401-496.424, the Solicitation of Contributions Act.~~

(3) Corporation members have no voting or other rights except as provided in the articles of incorporation or bylaws and each member has the same rights and obligations as every other member except as provided in the articles of incorporation or bylaws. However, members of any corporation existing on July 1, 1991, ~~shall~~ continue to have the same voting and other rights as before such date until changed by amendment of the articles of incorporation or bylaws.

(4) A corporation shall keep a membership list book containing, in alphabetical order, the name and address of each member. The corporation shall also keep records in accordance with s. 617.1601.

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(5) A resignation, expulsion, suspension, or termination of membership pursuant to s. 617.0606 or s. 617.0607 ~~must~~ shall be recorded in the membership ~~list book~~. Unless otherwise provided in the articles of incorporation or the bylaws, all the rights and privileges of a member cease on termination of membership.

(6) Except as provided in the articles of incorporation or the bylaws, a corporation may admit members for no consideration or for such consideration as is determined by the board of directors. The consideration may take any form, including, but not limited to, promissory notes, intangible property, or past or future services. Payment of such consideration may be made at such times and upon such terms as are set forth in or authorized by the articles of incorporation, bylaws, or action of the board of directors Subsections (1), (2), (3), and (4) do not apply to a corporation that is an association as defined in s. 720.301.

(7) Where the articles of incorporation expressly limit membership in the corporation to property owners within specific measurable geographic boundaries and where the corporation has been formed for the benefit of all of those property owners, ~~no~~ such property owner may not ~~shall~~ be denied membership, provided that such property owner once admitted to membership complies, ~~shall comply~~ with the terms and conditions of membership which may provide for termination of membership upon ceasing to be a property owner. Any bylaws, rules, or other regulations to the contrary are deemed void and any persons excluded from membership by such bylaws, rules, or other regulations are deemed members with full rights, including the right, by the majority, or as otherwise provided in the articles of incorporation, to call for a meeting of the membership.

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(8) A corporation may not be a member of itself or exercise the rights of a member with respect to itself. Upon a corporation's purchase of its own membership interest in accordance with s. 617.0608, the membership interest is canceled.

(9) Subsections (1)-(4) do not apply to a corporation that is an association as defined in s. 720.301.

Section 26. Section 617.0603, Florida Statutes, is created to read:

617.0603 Compensation and benefits.—A corporation may do any of the following:

(1) Pay compensation in reasonable amounts to its members, directors, officers, agents, and employees for services rendered.

(2) Confer benefits upon its members in conformity with its purposes.

(3) Upon dissolution or final liquidation, make distributions to its members or others as permitted by this chapter.

No such payments, benefits, or distributions may be deemed to be a dividend or a distribution of income or earnings.

Section 27. Subsection (2) of section 617.0604, Florida Statutes, is amended, and subsections (3) through (7) are added to that section, to read:

617.0604 Liability of members.—

(2) A corporation may levy dues, assessments, and fees on its members to the extent authorized in the articles of incorporation or the bylaws. Dues, assessments, and fees may be

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imposed on members of the same class either alike or in different amounts or proportions, and may be imposed on a different basis on different classes of members. Members of a class may be made exempt from dues, assessments, and fees to the extent provided in the articles of incorporation or the bylaws. A member may become liable to the corporation for dues, assessments, or fees as provided by law.

(3) The amount and method of collection of dues, assessments, and fees may be fixed in the articles of incorporation or bylaws, or the articles of incorporation or bylaws may authorize the board of directors or its members to fix the amount and method of collection.

(4) The articles of incorporation or bylaws may provide reasonable means, such as termination and reinstatement of membership, to enforce the collection of dues, assessments, and fees.

(5) A creditor of a corporation may not bring a proceeding to reach the liability, if any, of a member of the corporation unless final judgment has been rendered in favor of the creditor against the corporation and execution has been returned unsatisfied in whole or in part or unless the proceeding would be useless.

(6) All creditors of a corporation, with or without reducing their claims to judgment, may intervene in any other creditor's proceeding brought pursuant to subsection (5) to reach and apply unpaid amounts due from the corporation. All members who owe unpaid amounts to the corporation may be joined in the proceeding.

(7) Satisfaction of a debt owed to a creditor by the

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corporation through payment of a member who owes unpaid amounts to the corporation satisfies the debt of the corporation to the creditor and the debt of the member to the corporation to the extent so paid by the member to the creditor.

Section 28. Section 617.0605, Florida Statutes, is amended to read:

617.0605 Transfer of membership interests.—

(1) Except as provided in the articles of incorporation or bylaws, a member of a corporation may not transfer a membership or any right arising from membership ~~except as otherwise allowed in this section.~~

(2) ~~Except as set forth in the articles of incorporation or bylaws of a mutual benefit corporation, a member of a mutual benefit corporation may not transfer a membership or any right arising from membership.~~

~~(3) Where the right to transfer a membership has been provided in the articles of incorporation or bylaws rights have been provided for one or more members of a mutual benefit corporation,~~ a restriction on such rights is not binding with respect to a member holding a membership issued before the adoption of the restriction unless the restriction is approved by the ~~members and the~~ affected member.

Section 29. Section 617.0606, Florida Statutes, is amended to read:

617.0606 Resignation of members.—

(1) ~~Except as may be provided in the articles of incorporation or bylaws of a corporation,~~ A member may resign at any time for any reason ~~of a mutual benefit corporation may not transfer a membership or any right arising from membership.~~

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(2) The resignation of a member does not relieve the member from any obligations ~~that the member may have to the corporation as a result of obligations~~ incurred or commitments made before resignation.

Section 30. Subsections (3) and (4) of section 617.0607, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

617.0607 Termination, expulsion, and suspension.—

(3) Any proceeding challenging an expulsion, suspension, or termination, including a proceeding in which the defective notice is alleged, must be commenced within 1 year after the effective date of the expulsion, suspension, or termination.

(4) A member who has been expelled or suspended or has had a membership suspended or terminated may be liable to the corporation for dues, assessments, or fees as a result of obligations incurred or commitments made before the expulsion, ~~or~~ suspension, or termination. The expulsion, suspension, or termination does not relieve the member of any obligations or commitments made before the expulsion, suspension, or termination.

(5) A corporation may, if authorized in the articles of incorporation or bylaws, levy fines or otherwise penalize its members. A fine or penalty, other than a late fee for nonpayment of dues, may not be levied until after the corporation has provided notice thereof to the member concerned and has afforded the affected member an opportunity to be heard on the matter.

Section 31. Section 617.0608, Florida Statutes, is amended to read:

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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the requisite number of votes necessary to authorize the action within 90 days after the date of the earliest dated consent ~~and is delivered in the manner required by this section.~~

(b) Any written consent may be revoked ~~before~~ prior to the date that the corporation receives the required number of consents to authorize the proposed action. A revocation is not effective unless in writing and until received by the corporation at its principal office ~~in this state~~ or its principal place of business, or received by the corporate secretary or other officer or agent of the corporation having custody of the book in which proceedings of meetings of members are recorded.

(c) 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, within 30 days after obtaining authorization by written consent, notice must be given to those members who are entitled to vote on the action but who have not consented in writing and to those members who are not entitled to vote. The notice must fairly summarize the material features of the authorized action.

(d) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

(e) If the action to which the members consent is such as would have required the filing of articles or a certificate under any other section of this chapter if such action had been voted on by members at a meeting, the articles or certificate filed under such other section must state that written consent has been given in accordance with this section.

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(f) Whenever action is taken pursuant to this section, the written consent of the members consenting ~~thereto to such action~~ or the written reports of inspectors appointed to tabulate such consents must be filed with the minutes of member proceedings.

(5) (a) A member may waive any notice required by this chapter, the articles of incorporation, or the bylaws before or after the date and time stated in the notice. The waiver must be in writing, signed electronically or otherwise by the member entitled to the notice, and delivered to the corporation for filing by the corporation with the minutes or corporate records ~~Notice of a meeting of members need not be given to any member who signs a waiver of notice, in person or by proxy, either before or after the meeting.~~ Unless required by the articles of incorporation or bylaws, neither the affairs to be transacted at nor the purpose of the meeting need to be specified in the waiver.

(b) Attendance of a member at a meeting waives objection to:

1. Lack, either in person or by proxy, constitutes waiver of notice or defective notice of the meeting, unless the member promptly objects to holding the meeting or transacting business at the beginning of the meeting and does not thereafter vote for or assent to action taken at the meeting; and

2. Consideration of a particular matter at the meeting which is not within the purposes described in the meeting notice ~~waiver of any and all objections to the place of the meeting, the time of the meeting, or the manner in which it has been called or convened,~~ unless the member objects to considering the matter when it is presented at the meeting attends a meeting

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solely for the purpose of stating, at the beginning of the meeting, any such objection or objections to the transaction of affairs.

(6) Subsections (1) and (3) do not apply to any corporation that is an association as defined in s. 720.301; a corporation regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723; or a corporation where membership in such corporation is required pursuant to a document recorded in the county official property records.

Section 33. Section 617.0721, Florida Statutes, is amended to read:

617.0721 Voting by members.—

(1) Members are not entitled to vote except as conferred by the articles of incorporation or the bylaws.

(2) A member who is entitled to vote may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by proxy ~~executed in writing by the member or by his or her duly authorized attorney in fact.~~

(3)(a) A member or the member's attorney-in-fact may appoint a proxy to vote or otherwise act for the member by:

1. Signing an appointment form, with his or her signature affixed, by any reasonable means, including, but not limited to, facsimile or electronic signature;

2. Transmitting or authorizing the transmission of an electronic signature to the person who will be appointed as the proxy or to a proxy solicitation firm, a proxy support service organization, a registrar, or an agent authorized by the person who will be designated as the proxy to receive such transmission; or

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3. Using such other means as provided for in the articles of incorporation or the bylaws.

(b) An appointment form must contain or be accompanied by information from which it can be determined that the member or the member's attorney in fact authorized the appointment of the proxy.

(4) Notwithstanding any provision to the contrary in the articles of incorporation or bylaws, any copy, facsimile transmission, or other reliable reproduction of the appointment form ~~original proxy~~ may be substituted or used in lieu of the original proxy for any purpose for which the original proxy could be used if the copy, facsimile transmission, or other reproduction is a complete reproduction of the appointment form ~~entire proxy~~. An appointment of a proxy is effective when a signed appointment in a record is received by the inspectors of election, the officer or agent of the corporation authorized to count votes, or the secretary. An appointment of a proxy is ~~not~~ valid for after 11 months ~~following the date of its execution~~ unless a longer period, which may not exceed 3 years, is expressly ~~otherwise~~ provided in the appointment form ~~proxy~~. 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 or incapacity is received by the inspectors of election, the officer or agent authorized to count votes, or the secretary before the proxy exercises his or her authority under the appointment. A member may revoke appointment of a proxy unless the appointment form or electronic transmission states that it is irrevocable and the appointment is coupled with an interest.

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(a) If directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail.

(b) A corporation may reject a vote, ballot, consent, waiver, demand, or proxy appointment if the person ~~secretary or other officer or agent~~ authorized to accept or reject such vote, ballot, consent, waiver, demand, or proxy appointment ~~tabulate votes~~, acting in good faith, has a reasonable basis to doubt ~~for doubting~~ the validity of the signature on it or the signatory's authority to sign for the member.

(5) (a) ~~(3)~~ If authorized by the board of directors, and subject to such guidelines and procedures as the board of directors may adopt, Members of any class, their attorneys-in-fact, and proxies may participate in any and proxy holders who are not physically present at a meeting of members may, by means of remote communication to the extent the board of directors authorizes such participation for such class. Participation by means of remote communication is subject to the guidelines and procedures adopted by the board of directors and must be in conformity with paragraph (b).+

~~(a) Participate in the meeting.~~

(b) Members, their attorneys-in-fact, and proxies participating in a members' meeting by means of remote communication authorized in paragraph (a) are ~~be~~ deemed to be present in person and may vote at the meeting if the corporation has implemented reasonable measures to:

1. ~~The corporation implements reasonable means to~~ Verify that each person participating remotely as a member is a member, a member's attorney-in-fact, or a proxy ~~deemed present and~~

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~~authorized to vote by means of remote communication is a member or proxy holder; and~~

2. ~~The corporation implements reasonable measures to~~ Provide such members, member's attorneys-in-fact, and proxies ~~or proxy holders~~ with a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate and to read or hear the proceedings of the meeting substantially concurrent with the proceedings.

(c) If any member, attorney-in-fact for a member, or proxy holder votes or takes other action at a members' meeting by means of remote communication, a record of such vote or other action ~~that member's participation in the meeting~~ must be maintained by the corporation in accordance with s. 617.1601.

(d) Unless the articles of incorporation, bylaws, or demands of members in accordance with s. 617.0701(3) require a meeting of members to be held at a geographic location, the board of directors may determine that any meeting of members will not be held at a geographic location, and instead will be held solely by means of remote communication, but only if the corporation implements the measures required by paragraph (b).

~~(6)(4)~~ If any entity corporation, ~~whether for profit or not for profit~~, is a member of a corporation organized under this chapter, the chair of the governing body ~~board~~, the president, any vice president, the secretary, or the treasurer of the member entity corporation, and any such officer or cashier or trust officer of a banking or trust corporation holding such membership, and any like officer of a foreign entity corporation ~~whether for profit or not for profit~~, holding such membership in

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a domestic corporation, ~~is shall be~~ deemed by the corporation in which membership is held to have the authority to vote on behalf of the member entity ~~corporation~~ and to execute proxies and written waivers and consents in relation thereto, unless, before a vote is taken or a waiver or consent is acted upon, it appears pursuant to a certified copy of the bylaws or other governing documents of the entity or a resolution of the governing documents ~~board of directors~~ or executive committee of the member entity ~~corporation~~ that such authority does not exist or is vested in some other officer or person. In the absence of such certification, a person executing any such proxies, waivers, or consents or presenting himself or herself at a meeting as one of such officers of a ~~corporate~~ member entity is shall be, for the purposes of this section, conclusively deemed to be duly elected, qualified, and acting as such officer and to be fully authorized. In the case of conflicting representation, the ~~corporate~~ member entity shall be represented by its senior officer, in the order stated in this subsection.

(7)(5) The articles of incorporation or the bylaws may provide that, in all elections for directors, every member entitled to vote has the right to cumulate the member's ~~his or her~~ votes and to give one candidate a number of votes equal to the number of votes the member ~~he or she~~ could give if one director were being elected multiplied by the number of directors to be elected or to distribute such votes on the same principles among any number of such candidates. A corporation may not have cumulative voting unless such voting is expressly authorized in the articles of incorporation.

(8)(6) If a corporation has no members or its members do

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not have the right to vote, the directors ~~shall~~ have the sole voting power.

(9)(7) Subsections (1), (7) ~~(5)~~, and (8) ~~(6)~~ do not apply to a corporation that is an association, as defined in s. 720.301, or a corporation regulated by chapter 718 or chapter 719.

Section 34. Section 617.0741, Florida Statutes, is created to read:

617.0741 Standing.—A director, an officer, or a member may not commence a proceeding in the right of a domestic or foreign corporation unless such director, officer, or member holds that position at the time the action is commenced and:

(1) Was a director, an officer, or a member when the conduct giving rise to the action occurred; or

(2) The person became a member through transfer or by operation of law from a person who was a member when the conduct giving rise to the action occurred.

Section 35. Section 617.0742, Florida Statutes, is created to read:

617.0742 Complaint; demand and excuse.—A complaint in a proceeding brought in the right of a corporation must be verified and allege with particularity:

(1) The demand, if any, made to obtain the action desired by the director, officer, or member from the board of directors; and

(2) Either:

(a) If such demand was made, that the demand was refused, rejected, or ignored by the board of directors before the 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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to read:

617.0746 Proceeds and expenses.—On termination of a derivative proceeding, the court may:

(1) Order the corporation to pay from the amount recovered by the corporation the plaintiff's reasonable expenses, including attorney fees and costs, incurred in the derivative proceeding if it finds in favor of the plaintiff in whole or in part; or

(2) Order the plaintiff to pay any of the defendant's reasonable expenses, including reasonable attorney fees and costs, incurred in defending the proceeding if it finds that the proceeding was commenced or maintained without reasonable cause or for an improper purpose.

Section 40. Section 617.0747, Florida Statutes, is created to read:

617.0747 Applicability to foreign corporations.—In any derivative proceeding in the right of a foreign corporation brought in the courts of this state, the matters covered by ss. 617.0741-617.0747 are governed by the laws of the jurisdiction of incorporation of the foreign corporation, except for ss. 617.0743, 617.0745, and 617.0746.

Section 41. Section 617.0803, Florida Statutes, is amended to read:

617.0803 Number of directors.—

~~(1)~~ A board of directors must consist of one three or more persons individuals, as may be with the number specified in or fixed in accordance with the articles of incorporation or the bylaws, as may be amended, except that a corporation that is exempt from federal income taxation under s. 501(c)(3) of the

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Internal Revenue Code of 1986, as amended, must have a board of directors that consists of three or more persons.

~~(2) The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the bylaws, but the corporation must never have fewer than three directors.~~

~~(3) Directors shall be elected or appointed in the manner and for the terms provided in the articles of incorporation or the bylaws.~~

Section 42. Section 617.0804, Florida Statutes, is created to read:

617.0804 Selection of directors.—

(1) The directors of a membership corporation, except for any initial directors named in the articles of incorporation or elected by the incorporators, shall be elected by the members entitled to vote at the time at the first annual meeting of members, and at each annual meeting thereafter. Notwithstanding this subsection, the articles of incorporation or bylaws may provide some other time or method of election, or provide that some or all of the directors are appointed by some other person or designated in some other manner.

(2) The directors of a nonmembership corporation, except for any initial directors named in the articles of incorporation or elected by the incorporators, shall be elected, appointed, or designated as provided in the articles of incorporation or bylaws. If no method of election, appointment, or designation is set forth in the articles of incorporation or bylaws, such directors are elected by the board of directors.

(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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if a majority of the directors then in office vote for the removal.

(c) The notice of a meeting to recall a member or members of the board of directors ~~must shall~~ state the specific directors sought to be removed.

(d) A proposed removal of a director at a meeting requires ~~shall require~~ a separate vote for each director whose removal is sought. Where removal is sought by written consent, a separate consent is required for each director to be removed.

(e) If removal is effected at a meeting, any vacancies created must be ~~shall be~~ filled by the members or directors eligible to vote for the removal.

(f) Any director who is removed from the board is not eligible to stand for reelection until the next annual meeting at which directors are elected.

(g) Any director removed from office must shall turn over to the board of directors within 72 hours any and all records of the corporation in such director's ~~his or her~~ possession.

(h) If a director who is removed does not relinquish such director's ~~his or her~~ office or turn over records as required under this section, the circuit court in the county where the corporation's principal office is located may summarily order the director to relinquish such director's ~~his or her~~ office and turn over corporate records upon application of any member.

(i) A director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office or such greater number as is set forth in the articles of incorporation or bylaws.

~~(2) A director of a corporation described in s. 501(c) of~~

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~~the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws, and the corporation may provide in the articles of incorporation or the bylaws that it is subject to the provisions of subsection (1).~~

Section 45. Present subsection (4) of section 617.0809, Florida Statutes, is redesignated as subsection (3) of that section, and subsections (1) and (2) and present subsection (3) of that section are amended, to read:

617.0809 Board vacancy.—

(1) Except as otherwise provided in subsection (2) or 617.0808(1)(f), the articles of incorporation, or the bylaws, if a any vacancy occurs ~~occurring~~ on the board of directors, including a vacancy resulting from an increase in the number of directors, the vacancy may be filled by a the affirmative vote of the majority of the remaining directors in office, even if though the remaining directors constitute less than a quorum, or by the sole remaining director or, if the vacancy is not so filled or if no director remains, by the members or, on the application of any person, by the circuit court of the county where the registered office of the corporation is located.

(2) Except as otherwise provided in the articles of incorporation or bylaws, Whenever a vacancy in the position of a director who is: occurs with respect to a director

(a) Elected by a voting group of members, a class, chapter or other organizational, unit of members, or a region or other geographic grouping of members group, the vacancy may be filled during the first 3 months after the vacancy occurs only by members of that voting class, chapter, unit, or group, chapter,

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unit, region, or grouping, or by a majority of the directors then in office elected by such voting group, chapter, unit, region, or grouping class, chapter, unit, or group. If the vacancy has not been filled within the 3-month period, the vacancy may be filled by vote of a majority of the directors remaining in office in accordance with subsection (1);

(b) Appointed by persons, other than the members, may be filled only by those persons; or

(c) Designated in the articles of incorporation or bylaws may not be filled by action of the board of directors.

~~(3) The term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected. Any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors, but only for a term of office continuing until the next election of directors by the members or, if the corporation has no members or no members having the right to vote thereon, for such term of office as is provided in the articles of incorporation or the bylaws.~~

Section 46. Section 617.08091, Florida Statutes, is created to read:

617.08091 Removal of directors by judicial proceedings.—

(1) The court of the county where the principal office of a corporation, or if one is not in this state, its registered office, is located may remove a director from office in a proceeding commenced by or in the right of the corporation if the court finds that:

(a) The director engaged in fraudulent conduct with respect to the corporation or its members, grossly abused the position

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of director, or intentionally inflicted harm on the corporation; and

(b) Considering the director's course of conduct and the inadequacy of other available remedies, removal is in the best interest of the corporation.

(2) Only a member, an officer, or a director may bring an action under this section, and such action must comply with the requirements of ss. 617.0742-617.0747. An action by a member may not be brought unless the complaint is filed by a member having, or is formally joined by members collectively having, no less than 10 percent of the corporation's voting power.

(3) In addition to removing the director, the court may bar the director from being reelected, redesignated, or reappointed for a period prescribed by the court.

(4) This section does not limit the equitable powers of the court to order other relief.

Section 47. Section 617.0820, Florida Statutes, is amended to read:

617.0820 Board meetings.—

(1) The board of directors may hold regular or special meetings in or out of this state.

(2) A majority of the directors present, whether or not a quorum exists, may adjourn any meeting of the board of directors to another time and place. Unless the bylaws otherwise provide, notice of any such adjourned meeting shall be given to the directors who were not present at the time of the adjournment and, unless the time and place of the adjourned meeting are announced at the time of the adjournment, to the other 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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with respect to a director's conflict of interest transaction, the person challenging the validity or seeking equitable relief, award of damages, or other sanctions has the burden of proving the lack of fairness of the transaction if:

1. The material facts of the transaction and the director's interest in the transaction were disclosed or known to the board of directors or committee that authorizes, approves, or ratifies the transaction and the transaction was authorized, approved, or ratified by a vote of a majority of the qualified directors, even if the qualified directors constitute less than a quorum of the board or the committee; however, the transaction may not be authorized, approved, or ratified under this subsection solely by a single director; or

2. The material facts of the transaction and the director's interest in the transaction were disclosed or known to the members who voted upon such transaction and the transaction was authorized, approved, or ratified by a majority of the votes cast by disinterested members or by the written consent of disinterested members representing a majority of the votes that could be cast by all disinterested members. A membership interest owned by or voted under the control of a director who has a relationship or an interest in the director's conflict of interest transaction may not be considered a membership interest owned by a disinterested member and may not be counted in a vote of members to determine whether to authorize, approve, or ratify a director's conflict of interest transaction under this subsection. The vote of those membership interests, however, is counted in determining whether the transaction is approved under other sections of this chapter. A majority of the membership

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interests, whether or not present, which are entitled to be counted in a vote on the transaction under this subsection, constitutes a quorum for the purpose of taking action under this section.

(b) If neither of the conditions provided in paragraph (a) have been satisfied, the person defending or asserting the validity of a director's conflict of interest transaction has the burden of proving its fairness in a proceeding challenging the validity of the transaction.

(4) The presence of or a vote cast by a director with an interest in the transaction does not affect the validity of an action taken in paragraph (3) (a) if the transaction is otherwise authorized, approved, or ratified as provided in subsection (3), but the presence or vote of the director may be counted for purposes of determining whether the transaction is approved under this chapter.

(5) In addition to other grounds for challenge, a party challenging the validity of the transaction is not precluded from asserting and proving that a particular director or member was not disinterested on grounds of financial or other interest for purposes of the vote on, consent to, or approval of the transaction.

(6) If directors' action under this section does not otherwise satisfy a quorum or voting requirement applicable to the authorization of the transaction by directors as required by the articles of incorporation, the bylaws, this chapter, or any other law, an action to satisfy such authorization requirements, whether as part of the same action or by way of another action, must be taken by the board of directors or a committee in order

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to authorize the transaction. In such action, the vote or consent of directors who are not disinterested may be counted.

(7) If members' action under this section does not satisfy a quorum or voting requirement applicable to the authorization of the transaction by members as required by the articles of incorporation, the bylaws, this chapter, or any other law, an action to satisfy such authorization requirements, whether as part of the same action or by way of another action, must be taken by the members in order to authorize the transaction. In such action, the vote or consent of members who are not disinterested members may be counted.

Section 52. Section 617.0834, Florida Statutes, is reordered and amended to read:

617.0834 Liability of directors and officers and directors of certain corporations and associations not for profit; immunity from civil liability.—

(1) A director or an officer ~~or director of a nonprofit organization recognized under s. 501(c)(3) or s. 501(c)(4) or s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, or of an agricultural or a horticultural organization recognized under s. 501(c)(5), of the Internal Revenue Code of 1986, as amended,~~ is not personally liable for monetary damages to the corporation or any person for any statement, vote, decision to take or not, ~~or failure to take an action, or any failure to take any action, as a director or an officer regarding organizational management or policy by an officer or director,~~ unless:

(a) The director or officer ~~or director~~ breached or failed to perform the director's or officer's his or her duties as a

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director or an officer ~~or director~~; and

(b) The director's or officer's ~~or director's~~ breach of, or failure to perform, the director's or officer's ~~his or her~~ duties constitutes any of the following:

1. A violation of the criminal law, unless the ~~officer or~~ director or officer had reasonable cause to believe the director's or officer's his or her conduct was lawful or had no reasonable cause to believe the director's or officer's his or her conduct was unlawful. A judgment or other final adjudication against a director or an officer ~~or director~~ in any criminal proceeding for violation of the criminal law estops that director or officer ~~or director~~ from contesting the fact that the director's or officer's his or her breach, or failure to perform, constitutes a violation of the criminal law, but does not estop the director or officer ~~or director~~ from establishing that the director or officer he or she had reasonable cause to believe that the director's or officer's his or her conduct was lawful or had no reasonable cause to believe that the director's or officer's his or her conduct was unlawful;

2. A transaction from which the director or officer ~~or director~~ derived an improper personal benefit, directly or indirectly; ~~or~~

3. In a proceeding by or in the right of the corporation to procure a judgment in its favor or by or in the right of a member, conscious disregard for the best interest of the corporation, or willful or intentional misconduct; or

4. In a proceeding by or in the right of someone other than the corporation or a member, recklessness or an act or omission that was committed in bad faith or with malicious purpose or in

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a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) A director or an officer is deemed not to have derived an improper personal benefit from any transaction if the transaction and the nature of any personal benefit derived by the director or officer are not prohibited by state or federal law or regulation and, without further limitation, the transaction is fair to the corporation at the time it is authorized, approved, or ratified as determined in accordance with s. 617.0832.

(3) The circumstances set forth in subsection (2) are not exclusive and do not preclude the existence of other circumstances under which a director or officer will be deemed not to have derived an improper benefit.

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

(c)(a) "Recklessness" means the acting, or omission to act, in conscious disregard of a risk:

1. Known, or so obvious that it should have been known, to the director or officer ~~or director~~; and

2. Known to the director or 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.

(a)(b) "Director" means a person who serves as a director, trustee, or member of the governing board of an organization.

(b)(c) "Officer" means a person who serves as an officer without compensation except reimbursement for actual expenses incurred or to be incurred.

Section 53. Subsection (4) of section 617.0835, Florida

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Statutes, is amended to read:

617.0835 Prohibited activities by private foundations.—

(4) ~~The provisions of Subsections (2) and (3) do not apply to any corporation that was incorporated before January 1, 1970, and that has been properly relieved from the requirements of 26 U.S.C. s. 508(e)(1) by a timely judicial proceeding to the extent that a court of competent jurisdiction determines that such application would be contrary to the terms of the articles of incorporation or organization or other instrument governing such corporation or governing the administration of charitable funds held by it and that the same may not properly be changed to conform to such subsections.~~

Section 54. Section 617.0844, Florida Statutes, is created to read:

617.0844 Standards of conduct for officers.—

(1) An officer, when discharging his or her duties, shall act:

(a) In good faith; and

(b) In a manner such officer reasonably believes to be in the best interests of the corporation.

(2) An officer, when becoming informed in connection with a decisionmaking function or devoting attention to an oversight function, shall discharge his or her duties with the care that an ordinary prudent person in a like position would reasonably believe appropriate under similar circumstances.

(3) In discharging his or her duties, an officer who does not have knowledge that makes reliance unwarranted is entitled to rely on the performance by any of the persons specified in 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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~~date of the amendment as provided in this act.~~

Section 56. Present paragraph (b) of subsection (1) and present subsections (2) and (3) of section 617.1002, Florida Statutes, are redesignated as subsections (2), (4), and (5), respectively, a new subsection (3) is added to that section, and present subsection (1) of that section is amended, to read:

617.1002 Procedure for amending articles of incorporation.—

(1) Unless the articles of incorporation provide otherwise ~~an alternative procedure~~, amendments to the articles of incorporation shall ~~must~~ be adopted ~~made~~ in the following manner:

(a) If there are members entitled to vote on a proposed amendment to the articles of incorporation, the proposed amendment shall first be adopted by the board of directors. ~~must adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members entitled to vote on the proposed amendment, which may be either an annual or a special meeting. Written notice setting forth the proposed amendment or a summary of the changes to be effected by the amendment must be given to each member entitled to vote at such meeting in accordance with the articles of incorporation or the bylaws. The proposed amendment shall be adopted upon receiving at least a majority, or any larger or smaller percentage specified in the articles of incorporation or the bylaws, of the votes which members present at such meeting or represented by proxy are entitled to cast, or~~

(b) Except as provided in subsection (3) or, with respect to restatements that do not require member approval, or s. 617.1007, the members shall approve the amendment.

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(c) In submitting the proposed amendment to the members for approval, the board of directors shall recommend that the members approve the amendment unless the board of directors determines that, because of a conflict of interest or other special circumstances, it should not make such a recommendation, in which case the board must inform the members of the basis for proceeding without such recommendation.

(d) The board of directors may set conditions for the approval of the amendment by the members or the effectiveness of the amendment.

(e) If the amendment is required to be approved by the members, and the approval is to be given at a meeting, the corporation must notify each member entitled to vote on the amendment of the meeting of members at which the amendment is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the amendment, and must contain or be accompanied by a copy of the amendment.

(f) Unless this chapter, the articles of incorporation, or the board of directors, acting pursuant to paragraph (d), requires a greater vote or a greater quorum, the approval of the amendment requires the approval of the members at a meeting at which the current required quorum exists.

(2)(b) If there are no members or if members are not entitled to vote on proposed amendments to the articles of incorporation, unless the articles of incorporation provide otherwise, an amendment may be adopted at a meeting of the board of directors by a majority vote of the directors then in office, or by the incorporators if no board has been elected. Unless the

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articles of incorporation provide otherwise, an amendment adopted by the board of directors under this subsection must also be approved, if the amendment changes or deletes a provision regarding the appointment of a director by persons other than the board, by those persons as if they constituted a voting group.

(3) Unless the articles of incorporation provide otherwise, the board of directors of a corporation with members entitled to vote on proposed amendments may adopt amendments to the corporation's articles of incorporation without approval of the members to:

(a) Extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(b) Delete the names and addresses of the initial directors;

(c) Delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the department;

(d) Delete any other information contained in the articles of incorporation which is solely of historical interest;

(e) Change the corporate name by substituting the word "corporation," "incorporated," or the abbreviation "Corp.," or "Inc.," for a similar word or abbreviation in the name, or by adding, deleting, or changing a geographical attribution for the name; or

(f) Restate without change all of the then operative provisions of the articles of incorporation as provided in s. 617.1007.

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Section 57. Section 617.1006, Florida Statutes, is amended to read:

617.1006 Contents of articles of amendment.—

(1) After an amendment to the articles of incorporation has been adopted and approved as required by this chapter, the corporation shall deliver to the department for filing articles of amendment which must be signed in accordance with ~~The articles of amendment must be executed by the corporation as provided in~~ s. 617.01201 and must set forth:

(a) ~~(1)~~ The name of the corporation;

(b) ~~(2)~~ The text of each amendment adopted or the information required by s. 617.01201(10), if applicable;

(c) If the amendment provides for an exchange, a reclassification, or a cancellation of memberships, provisions for implementing the amendment if not contained in the amendment itself, which may be made dependent upon facts objectively ascertainable outside the articles of amendment in accordance with s. 617.01201(10);

(d) The date of each amendment's adoption; and

(e) If the amendment:

1. Was adopted by the incorporators or the board of directors without member approval, a statement that the amendment was adopted by the incorporators or by the board of directors and that member approval was not required;

2. Required approval by the members, a statement that the amendment was duly approved by the members in the manner required by this chapter and by the articles of incorporation and bylaws; or

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; and

3910 (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; or

3936 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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restatement of, the survivor's articles of incorporation or other public organic record;

(e) The effective date and time of the merger, which may be on or after the filing date of filing the articles of merger; and

(f) Any other provision required by the laws under which any party to the merger is organized or by which it is governed, or by the articles of incorporation or organic rules of any such party.

(4) In addition to the requirements of subsection (3), a plan of merger may contain any other provision that is not prohibited by law.

(5) Terms of a plan of merger may be made dependent upon facts objectively ascertainable outside the plan in accordance with s. 617.01201(10).

(6) A plan of merger may be amended only with the consent of each party to the merger, except as provided in the plan. A domestic party to a merger may approve an amendment to a plan:

(a) In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended; or

(b) In the manner provided in the plan, except that an interest holder that was entitled to vote on or consent to the approval of the plan is entitled to vote on or consent to any amendment to the plan which will change:

1. The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received under the plan by the interest holders of any party to

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the merger;

2. The articles of incorporation of any domestic corporation, or the organic rules of any other type of entity, that will be the survivor of the merger, except for changes permitted by s. 617.1002(3) or by comparable provisions of the organic law of any other type of entity; or

3. Any of the other terms or conditions of the plan if the change would adversely affect the interest holder in any material respect.

Section 59. Section 617.1102, Florida Statutes, is amended to read:

617.1102 Limitation on merger.—A domestic corporation that holds property for a charitable purpose ~~not for profit organized under this chapter~~ may merge with one or more other eligible entities, ~~as identified in s. 607.1101(1),~~ only if the surviving entity of such merger is a domestic or foreign corporation ~~not for profit~~ or other eligible entity that has been organized as a nonprofit ~~not-for-profit~~ entity under a governing statute or other applicable law that allows such a merger.

Section 60. Section 617.1103, Florida Statutes, is amended to read:

(Substantial rewording of section.

See s. 617.1103, F.S., for present text.)

617.1103 Approval of plan of merger; abandonment of plan thereafter.—

(1) In the case of a domestic corporation that is a party to a merger, the plan of merger shall be adopted in the following manner if there are members of the domestic corporation entitled to vote on the merger:

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(a) The plan of merger shall first be adopted by the board of directors of such domestic corporation.

(b) Except as provided in paragraph (h), and in s. 617.1104, the members entitled to vote shall vote to adopt the plan of merger.

(c) In submitting the plan of merger to the members for approval, the board of directors shall recommend that the members approve the plan, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall inform the members of the basis for proceeding without such recommendation.

(d) The board of directors may set conditions for the approval of the proposed merger by the members or the effectiveness of the plan of merger.

(e) If the approval by members is to be given at a meeting, the corporation shall notify each member entitled to vote of the meeting of members at which the plan is submitted for approval in accordance with this chapter and the articles of incorporation and bylaws of the corporation. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger, regardless of whether the meeting is an annual or a special meeting, and contain or be accompanied by a copy of the plan. If the corporation is not to be the surviving entity, the notice must also include or be accompanied by a copy of the articles of incorporation and bylaws or the organic rules of the surviving entity.

(f) Unless this chapter, the articles of incorporation, or the board of directors, acting pursuant to paragraph (d),

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requires a greater vote or a greater quorum in the respective case, 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 and, if any class of members is entitled to vote as a separate voting group on the plan of merger, the approval of each such separate voting group at a meeting at which a quorum of the voting group is present by a majority of the votes entitled to be cast on the merger by that voting group.

(g) Subject to paragraph (h), unless otherwise provided in the articles of incorporation, 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.

(h) The articles of incorporation may expressly limit or eliminate the separate voting rights as to any class of members.

(2) If a domestic corporation that is a party to a merger has no members or if its members are not entitled to vote on a plan of merger, such plan may be adopted at a meeting of its board of directors by a majority vote of the directors then in office.

(3)(a) After a plan of merger has been approved and before articles of merger are effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, the plan may be abandoned by the board of directors in the same manner as the plan was approved by:

1. A domestic corporation; or

2. A merging domestic eligible entity if the organic law of

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the entity does not provide for amendment of a plan of merger.

(b) If a merger is abandoned under paragraph (a) after articles of merger have been delivered to the department for filing but before the articles of merger have become effective, a statement of abandonment signed by all the parties that signed the articles of merger shall be delivered to the department for filing before the articles of merger become effective. The statement takes effect on filing, whereupon the merger is deemed abandoned and does not become effective. The statement of abandonment must contain:

1. The name of each party to the merger;

2. The date on which the articles of merger were filed by the department; and

3. A statement that the merger has been abandoned in accordance with this section.

Section 61. Section 617.1104, Florida Statutes, is created to read:

617.1104 Short-form merger between parent and subsidiary or between subsidiaries.—

(1)(a) A domestic or foreign parent eligible entity that holds a membership in a domestic corporation that carries at least 80 percent of the voting power of each class of membership of the domestic corporation which has voting power may:

1. Merge the subsidiary into itself, or into another domestic or foreign eligible entity in which the parent eligible entity owns at least 80 percent of the voting power of each class and series of the outstanding interests that have voting power; or

2. Merge itself into the subsidiary.

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(b) Mergers under subparagraphs (a)1. and 2. do not require the approval of the board of directors or members of the subsidiary unless the articles of incorporation or organic rules of the parent eligible entity or the articles of incorporation of the subsidiary entity otherwise provide. The articles of merger relating to a merger under this section do not need to be signed by the subsidiary entity.

(2) The parent eligible entity shall, within 10 days after the effective date of a merger approved under subsection (1), notify each of the subsidiary entity's members that the merger has become effective.

(3) Except as provided for in subsections (1) and (2), a merger between a parent eligible entity and a domestic subsidiary corporation is governed by ss. 617.1101-617.1107, which are applicable to mergers generally.

Section 62. Section 617.1105, Florida Statutes, is amended to read:

(Substantial rewording of section.

See s. 617.1105, F.S., for present text.)

617.1105 Articles of merger.—

(1) After a plan of merger has been adopted and approved as required by this chapter or, if the merger is being effected pursuant to s. 617.1101(1)(b), the merger has been approved as required by the organic law governing the parties to the merger, the articles of merger must be signed by each party to the merger, except as provided in s. 617.1104. The articles of merger must set forth:

(a) The name, jurisdiction of formation, and type of entity 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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manner:

(1) If ~~a~~ the corporation has members entitled to vote, the corporation may sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property, with or without good will, on the terms and conditions and for the consideration determined by the corporation's board of directors, but only if the board of directors proposes and its members approve the proposed transaction in the following manner: ~~on the sale, lease, exchange, or other disposition of corporate property, the board of directors must adopt a resolution approving such sale, lease, exchange, or other disposition, and directing that it be submitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or special meeting. Written notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, or other disposition of all or substantially all of the property and assets of the corporation must be given to each member entitled to vote at such meeting in accordance with the articles of incorporation or the bylaws. At such meeting, the members may authorize such sale, lease, exchange, or other disposition and may approve or fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization requires at least a majority of the votes which members present at such meeting or represented by proxy are entitled to cast. After such authorization by a vote of members, the board of directors may, in its discretion, abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating to~~

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~~such sale, lease, exchange, or other disposition, without further action or approval by members.~~

(a) The board of directors shall first adopt a resolution approving the disposition, and thereafter, the disposition must also be approved by the corporation's members having voting rights thereon.

(b) In submitting the disposition to the members who have voting rights for approval, the board of directors shall recommend the proposed transaction to the members of record unless the board of directors makes a determination that because of a conflict of interest or other special circumstances it should not make such a recommendation, in which event the board of directors shall inform the members of the basis for its so proceeding without such recommendation.

(c) The board of directors may set conditions for approval of the disposition or the effectiveness of the disposition.

(d) If the disposition is required to be approved by the members under this subsection and if the approval is to be given at the meeting, the corporation must notify each member entitled to vote of the meeting of members at which the disposition is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the disposition and must contain a description of the disposition and the consideration to be received by the corporation.

(e) Unless this chapter, the articles of incorporation, or the board of directors acting pursuant to paragraph (c) requires a greater vote or a greater quorum, the approval of the 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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represented by proxy are entitled to cast.

(2) If the corporation has no members or if its members are not entitled to vote on a resolution to dissolve, the dissolution of the corporation may be authorized at a meeting of the board of directors by a majority vote of the directors then in office.

Section 68. Subsection (1) of section 617.1403, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

617.1403 Articles of dissolution.—

(1) At any time after dissolution is authorized, the corporation may dissolve by delivering to the department of State for filing articles of dissolution setting forth:

(a) The name of the corporation;

(b) If the corporation has members entitled to vote on dissolution, the date of the meeting of members at which the resolution to dissolve was adopted, a statement that the number of votes cast for dissolution was sufficient for approval, or a statement that such a resolution was adopted by written consent and executed in accordance with s. 617.0701; and

(c) If the corporation has no members or if its members are not entitled to vote on dissolution, a statement of such fact, the date of the adoption of such resolution by the board of directors, the number of directors then in office, and the vote for the resolution.

(3) For purposes of ss. 617.1401-617.1422, the term "dissolved corporation" means a corporation whose articles of dissolution have become effective and includes a successor entity, as defined in s. 617.01401.

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Section 69. Subsection (1) of section 617.1405, Florida Statutes, is amended, subsections (5) and (6) are added to that section, and subsection (4) of that section is reenacted, to read:

617.1405 Effect of dissolution.—

(1) A ~~dissolved~~ corporation that has dissolved continues its corporate existence but may not conduct its affairs except to the extent appropriate to wind up and liquidate its affairs, including:

(a) Collecting its assets;

(b) Disposing of its properties that will not be distributed in kind pursuant to the plan of distribution of assets adopted under s. 617.1406;

(c) Discharging or making provision for discharging its liabilities;

(d) Distributing its remaining property in accordance with the plan of distribution of assets adopted under s. 617.1406; and

(e) Doing every other act necessary to wind up and liquidate its affairs.

(4) The name of a dissolved corporation is not available for assumption or use by another corporation until 120 days after the effective date of dissolution unless the dissolved corporation provides the department with an affidavit, executed pursuant to s. 617.01201, authorizing the immediate assumption or use of the name by another corporation.

(5) For purposes of this section, the circuit court may appoint a trustee, custodian, receiver, or provisional director as described in s. 617.1435 for any property owned or acquired

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by the corporation who may engage in any act permitted in accordance with subsection (1) if any director or officer of the dissolved corporation is unwilling or unable to serve or cannot be located.

(6) 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.

Section 70. Section 617.1406, Florida Statutes, is amended to read:

617.1406 Plan of distribution of assets.—A plan providing for the distribution of assets, not inconsistent with this chapter ~~act~~ or the articles of incorporation, must be adopted by a corporation in the following manner:

(1) If the corporation has members entitled to vote on a plan of distribution of assets, the board of directors must adopt a resolution recommending a plan of distribution and directing its submission to a vote at a meeting of members entitled to vote thereon, which may be either an annual or a special meeting. Written notice setting forth the proposed plan of distribution or a summary thereof must be given to each member entitled to vote at such meeting in accordance with the articles of incorporation or the bylaws. Such plan of distribution shall be adopted upon receiving at least a majority of the votes which the members present at such meeting or represented by proxy are entitled to cast.

(2) If the corporation has no members or if its members are

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not entitled to vote on a plan of distribution, such plan may be adopted at a meeting of the board of directors by a majority vote of the directors then in office.

(3) A plan of distribution of assets must provide that:

(a) All liabilities and obligations of the corporation be paid and discharged, or adequate provisions be made therefor;

(b) Assets held by the corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, be returned, transferred, or conveyed in accordance with such requirements;

(c) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, ~~eleemosynary~~, benevolent, educational, or similar purposes, but not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution, be transferred or conveyed to one or more domestic or foreign corporations, trusts, societies, or organizations engaged in activities substantially similar to those of the dissolving corporation, as provided in the plan of distribution of assets;

(d) Other assets, if any, be distributed in accordance with the ~~provisions of the~~ articles of incorporation or the bylaws to the extent that the articles of incorporation or the bylaws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others; and

(e) Any remaining assets be distributed to such persons, trusts, societies, organizations, or domestic or foreign corporations, whether for profit or not for profit, as specified in the plan of distribution of assets.

(4) A copy of the plan of distribution of assets,

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authenticated by an officer of the corporation and containing the officer's certificate of compliance with the requirements of subsection (1) or subsection (2) must be filed with the department ~~of State~~.

Section 71. Section 617.1407, Florida Statutes, is amended to read:

617.1407 Unknown claims against dissolved corporation.—

(1) A dissolved corporation or successor entity may execute one of the following procedures to resolve payment of unknown claims:

(a) A dissolved corporation or successor entity may file notice of its dissolution with the department on the form prescribed by the department and request that persons with ~~having~~ claims against the corporation which are not known claims as defined in s. 617.1408(5) to the corporation or successor entity present them in accordance with the notice. The notice must:

1. State the name of the corporation that is the subject ~~and the date of the~~ dissolution;

2. State that the corporation is the subject of a dissolution and the effective date of the dissolution;

3. Specify ~~Describe~~ the information that must be included in a claim;

4. State that a claim must be in writing and provide a mailing address to which the claim may be sent; and

5. ~~3-~~ State that a claim against the corporation under this subsection will be ~~is~~ barred unless a proceeding to enforce the claim is commenced within 4 years after the date of the filing of the notice.

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(b) A dissolved corporation or successor entity may, within 10 days after filing articles of dissolution with the department, publish a "Notice of Corporate Dissolution." The notice must appear once a week for 2 consecutive weeks in a newspaper of general circulation in the county in the state in which the corporation has its principal office, if any, or, if none, in a county in the state in which the corporation owns real or personal property. Such newspaper shall meet the requirements as are prescribed by law for such purposes. The notice must:

1. State the name of the corporation that is the subject ~~and the date of the~~ dissolution;

2. State that the corporation is the subject of a dissolution and the effective date of the dissolution;

3. Specify ~~Describe~~ the information that must be included in a claim;

4. State that a claim must be in writing and provide a mailing address to which the claim may be sent; and

5. ~~3-~~ State that a claim against the corporation under this subsection will be ~~is~~ barred unless a proceeding to enforce the claim is commenced within 4 years after the filing date of the ~~second consecutive weekly publication~~ of the notice.

(2) If the dissolved corporation or successor entity complies with paragraph (1)(a) or paragraph (1)(b), unless ~~sooner barred by another statute limiting actions,~~ the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within 4 years after the date of filing the notice with the department or the date of the second

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consecutive weekly publication, as applicable:

(a) A claimant who was not given ~~did not receive~~ written notice under s. 617.1408(9), ~~or whose claim is not provided for under s. 617.1408(10), regardless of whether such claim is based on an event occurring before or after the effective date of dissolution.~~

(b) A claimant whose claim was timely sent to the dissolved corporation but on which no action was taken; ~~or~~

(c) A claimant whose claim was excluded as a known claim as defined in s. 617.1408(5)(b).

(3) This section does not preclude or relieve the corporation from its notification to claimants otherwise set forth in this chapter. A claim may be entered under this section:

~~(a) Against the dissolved corporation, to the extent of its undistributed assets; or~~

~~(b) If the assets have been distributed in liquidation, against a member of the dissolved corporation to the extent of such member's pro rata share of the claim or the corporate assets distributed to such member in liquidation, whichever is less; however, the aggregate liability of any member of a dissolved corporation may not exceed the amount distributed to the member in dissolution.~~

Section 72. Section 617.1408, Florida Statutes, is amended to read:

(Substantial rewording of section.

See s. 617.1408, F.S., for present text.)

617.1408 Known claims against dissolved corporation.

(1) A dissolved corporation or a successor entity may dispose of the known claims against it by giving written notice

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that satisfies the requirements of subsection (2) to its known claimants of the dissolution at any time after the effective date of the dissolution, but no later than the date that is 270 days before the date which is 3 years after the effective date of the dissolution.

(2) The written notice must:

(a) State the name of the corporation that is the subject of the dissolution;

(b) State that the corporation is the subject of a dissolution and the effective date of the dissolution;

(c) Specify the information that must be included in a claim;

(d) State that a claim must be in writing and provide a mailing address where a claim may be sent;

(e) State the deadline, which may not be less than 120 days after the date of the written notice is received by the claimant, by which the dissolved corporation must receive the claim;

(f) State that the claim will be barred if not received by the deadline;

(g) State that the dissolved corporation or successor entity may make distributions thereafter to other claimants and the members of the corporation or persons interested as having been such claimants without further notice; and

(h) Be accompanied by a copy of ss. 617.1405-617.14091.

(3) A dissolved corporation or successor entity may reject, in whole or in part, a claim submitted by a claimant and received before the deadline specified in the written notice pursuant to subsections (1) and (2) by mailing notice of the

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rejection to the claimant, on or before the date that is the earlier of 90 days after the dissolved corporation receives the claim, or the date that is at least 150 days before the date which is 3 years after the effective date of the dissolution. A rejection notice sent by the dissolved corporation pursuant to this subsection must state that the claim will be barred unless the claimant, not later than 120 days after the claimant receives the rejection notice, commences an action in the circuit court in the applicable county against the dissolved corporation to enforce the claim.

(4) A claim against a dissolved corporation is barred:

(a) If a claimant who is given written notice pursuant to this section does not deliver the claim to the dissolved corporation by the specified deadline; or

(b) If the claim was timely received by the dissolved corporation but was timely rejected by the dissolved corporation under subsection (3) and the claimant does not commence the required action in the applicable county within 120 days after the claimant receives the rejection notice.

(5)(a) For purposes of this chapter, "known claim" means any claim or liability that, as of the date of the giving of written notice described in subsections (1) and (2) above:

1. Has matured sufficiently on or before the date of dissolution to be legally capable of assertion against the dissolved corporation; or

2. Is unmatured as of the date of dissolution but will mature in the future solely because of the passage of time.

(b) For purposes of this chapter, "known claim" does not include a contingent liability or a claim based on an event

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occurring after the effective date of the dissolution.

(6) The giving of any notice pursuant to this section 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. Section 617.1409, Florida Statutes, is created to read:

617.1409 Court proceedings.—

(1) A dissolved corporation that has filed a notice under s. 617.1407(1)(a) or published a notice under s. 617.1407(1)(b) may file an application with the circuit court in the applicable county for a determination of the amount and form of security to be provided for payment of claims that are not known claims as defined in s. 617.1408(5) but that, based on the facts known to the dissolved corporation, are reasonably estimated to arise after the effective date of dissolution. Provisions need not be made for any claim that is or is reasonably anticipated to be barred under s. 617.1407(2).

(2) Within 10 days after the filing of the application pursuant to subsection (1), notice of the proceeding must be given by the dissolved corporation to each claimant holding a claim whose identity and contingent claim is known to the dissolved corporation.

(3) In any proceeding under this section, the court may appoint a guardian ad litem to represent all claimants whose identities are unknown. The reasonable fees and expenses of such guardian ad litem, including all reasonable expert witness fees,

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must be paid by the dissolved corporation.

(4) Provisions by the dissolved corporation for security in the amount and the form ordered by the court under subsection (1) satisfies the dissolved corporation's obligations with respect to claims that are contingent, have not been made known to the dissolved corporation, or are based on an event occurring after the effective date of dissolution, and such claims may not be enforced against a person who received assets in liquidation.

Section 74. Section 617.14091, Florida Statutes, is created to read:

617.14091 Limitation on director liability for a dissolved corporation; claims against dissolved corporation; enforcement.-

(1) Directors of a dissolved corporation or governing persons of a successor entity that has disposed of claims under s. 617.1407, s. 617.1408, or s. 617.1409 are not personally liable to the claimants of the dissolved corporation.

(2) For a claim that is not barred by s. 617.1407 or s. 617.1408, or by any other law, limiting actions may be enforced:

(a) Against the dissolved corporation, to the extent of its undistributed assets; or

(b) Except as provided in s. 617.1409(4), if the assets have been distributed in liquidation, against a member of the dissolved corporation to the extent of the member's pro rata share of the claim or the corporate assets distributed to the member in liquidation, whichever is less, provided that the aggregate liability of any member of a dissolved corporation arising under s. 617.1408 or otherwise may not exceed the total amount distributed to the member in dissolution.

Section 75. Subsection (1) of section 617.1420, Florida

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Statutes, is amended, and subsections (3) and (4) are added to that section, to read:

617.1420 Grounds for administrative dissolution.-

(1) The department ~~of State~~ may commence a proceeding under s. 617.1421 to administratively dissolve a corporation if:

(a) The corporation has failed to file its annual report and pay the annual report filing fee by 5 p.m. Eastern Time on the third Friday in September;

(b) The corporation is without a registered agent or registered office in this state for 30 days or more;

(c) The corporation does not notify the department ~~of State~~ within 30 days after its registered agent or registered office has been changed, after its registered agent has resigned, or after its registered office has been discontinued;

(d) The corporation has failed to answer truthfully and fully, within the time prescribed by this chapter act, interrogatories propounded by the department ~~of State~~; or

(e) The corporation's period of duration stated in its articles of incorporation has expired.

(3) If the department determines that one or more grounds exist for administratively dissolving a corporation under paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), or paragraph (1)(d), the department shall serve notice in a record to the corporation of its intent to administratively dissolve the corporation. Issuance of the notice may be made by electronic transmission to a corporation that has provided the department with an e-mail address.

(4) If, within 60 days after sending the notice of intent 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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(3) A court in a proceeding brought to dissolve a corporation may issue injunctions, appoint a receiver or custodian during the proceeding ~~pendente lite~~ with all powers and duties the court directs, take other action required to preserve the corporate assets wherever located, and carry on the affairs of the corporation until a full hearing can be held.

(4) If the court determines that any party has commenced, continued, or participated in a proceeding under s. 617.1430, and has acted arbitrarily, frivolously, vexatiously, or in bad faith, the court may award reasonable attorney fees and costs to the other parties to the proceeding who have been affected adversely by such actions.

Section 79. Subsections (1) through (5) of section 617.1432, Florida Statutes, are amended to read:

617.1432 Receivership or custodianship.—

(1) A court in a judicial proceeding brought under s. 617.1430 to dissolve a corporation may appoint one or more receivers to wind up and liquidate, or one or more custodians to manage, the affairs of the corporation, except as otherwise provided herein. The court shall hold a hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. The court appointing a receiver or custodian has exclusive jurisdiction over the corporation and all of its property wherever located. A court may not appoint a custodian or a receiver in a judicial proceeding brought under s. 617.1430(2)(a) or s. 617.1430(2)(b) if the members, directors, or any person authorized in the articles of incorporation, by agreement or otherwise, or a court pursuant to s. 617.1435, have

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provided for the appointment of a provisional director or other means for the resolution of the deadlock, but the court may enforce the remedy so provided, if appropriate.

(2) The court may appoint a natural person or an eligible entity ~~a corporation~~ authorized to act as a receiver or custodian. The eligible entity ~~corporation~~ may be a domestic ~~corporation~~ or a foreign eligible entity ~~corporation~~ authorized to transact business in this state. The court may require the receiver or custodian to post bond, with or without sureties, in an amount the court directs.

(3) The court shall describe the powers and duties of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers:

(a) The receiver:

1. May dispose of all or any part of the assets of the corporation wherever located, at a public or private sale, if authorized by the court; and

2. May sue and defend in the receiver's ~~his or her~~ own name as receiver of the corporation in all courts of this state.

(b) The custodian may exercise all of the powers of the corporation, through or in place of its board of directors or officers, to the extent necessary to manage the affairs of the corporation in the best interests of its members and creditors.

(4) The court during a receivership may redesignate the receiver to act as a custodian, and during a custodianship may redesignate the custodian to act as a receiver, if doing so is consistent with the mission of the corporation and in the best interests of the corporation, and its members, if any, and 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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617.0401. To obtain or maintain a certificate of authority to transact business in this state, the foreign corporation:

~~(a) May add the word "corporation" or "incorporated" or the abbreviation "corp." or "inc." or words of like import, which clearly indicate that it is a corporation instead of a natural person or partnership or other business entity; however, the name of a foreign corporation may not contain the word "company" or the abbreviation "co."; or~~

~~(b) May use an alternate name to transact business in this state if its real name is unavailable. Any alternate corporate name adopted for use in this state must be cross-referenced to the real corporate name in the records of the Division of Corporations. If the real corporate name of the corporation becomes available in this state or if the corporation chooses to change its alternate name, a copy of the resolution of its board of directors, changing or withdrawing the alternate name and executed as required by s. 617.01201, must be delivered for filing.~~

(2) The corporate name, including the alternate name, of a foreign corporation must be distinguishable, within the records of the Division of Corporations, from:

(a) Any corporate name of a corporation for profit incorporated or authorized to transact business in this state.

(b) The alternate name of another foreign corporation authorized to transact business in this state.

(c) The corporate name of a nonprofit not-for-profit corporation incorporated or authorized to transact business in this state.

(d) The names of all other entities or filings, except

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fictitious name registrations pursuant to s. 865.09, organized, or registered under the laws of this state, that are on file with the Division of Corporations.

(3) A foreign corporation that adopts an alternate name under subsection (1) and obtains a certificate of authority with the alternate name need not comply with s. 865.09 with respect to the alternate name.

(4) So long as a foreign corporation maintains a certificate of authority with an alternate name, it may transact business in this state under the alternate name unless the foreign corporation is authorized under s. 865.09 to transact business in this state under another name.

(5) If a foreign corporation authorized to transact business in this state changes its corporate name to one that does not satisfy the requirements of s. 617.0401, such corporation may not transact business in this state under the changed name until the corporation adopts a name satisfying the requirements of s. 617.0401 and obtains an amended certificate of authority under s. 617.1504.

(6) Notwithstanding this section, a foreign corporation may register under a name that is not otherwise distinguishable on the records of another entity registered with the department if:

(a) The other entity consents to the use and submits an undertaking in a form satisfactory to the Secretary of State to change its name to a name that is distinguishable upon the records of the department from the name of the applying corporation; or

(b) The applicant delivers to the department a certified 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~~ ~~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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agent ~~has resigned or that its registered office has been discontinued within 30 days after the date of such resignation or discontinuance.~~

(d)(5) The foreign corporation does not deliver for filing a statement of a change under s. 617.1508 within 30 days after the change in the name or address of the agent has occurred, unless, within 30 days after the change occurred, either:

1. The registered agent files a statement of change under s. 617.1508; or

2. The change was made in accordance with s. 617.1508(4) or s. 617.1504(1)(e);

(e) The foreign corporation has failed to amend its certificate of authority to reflect a change in its name on the records of the department or its jurisdiction of incorporation;

(f) The foreign corporation's period of duration stated in its articles of incorporation has expired;

(g) An incorporator, director, officer, or agent of the foreign corporation signs ~~signed~~ a document that he or she knew was false in a ~~any~~ material respect with the intent that the document be delivered to the department ~~of State~~ for filing;:-

(h)(6) The department receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the jurisdiction under the law of which the foreign corporation is incorporated stating that it has been dissolved or is no longer active on the official's record; or ~~disappeared as the result of a merger.~~

(i)(7) The foreign corporation has failed to answer truthfully and fully, within the time prescribed by this chapter act, interrogatories propounded by the department ~~of State~~.

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(2) Revocation of a foreign corporation's certificate of authority for failure to file an annual report shall occur on the fourth Friday in September of each year. The department shall issue a notice in a record of the revocation to the revoked foreign corporation. Issuance of the notice may be made by electronic transmission to a foreign corporation that has provided the department with an e-mail address.

(3) If the department determines that one or more grounds exist under paragraph (1)(b) for revoking a foreign corporation's certificate of authority, the department shall issue a notice in a record to the foreign corporation of the department's intent to revoke the certificate of authority. Issuance of the notice may be made by electronic transmission to a foreign corporation that has provided the department with an e-mail address.

(4) If, within 60 days after the department sends the notice of intent to revoke in accordance with subsection (3), and the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the department that each ground determined by the department does not exist, the department shall revoke the foreign corporation's authority to transact business in this state and issue a notice in a record of revocation which states the grounds for revocation. Issuance of the notice may be made by electronic transmission to a foreign corporation that has provided the department with an e-mail address.

(5) Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered 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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custodian of the particular records demanded to pay the member's costs, including reasonable ~~attorney~~ ~~attorney's~~ fees, reasonably incurred to obtain the order and enforce its rights under this section unless the corporation establishes that the corporation, or the officer, director, or agent, as the case may be, provides that it or he or she refused inspection in good faith because it ~~or he or she~~ had:

(a) A reasonable basis for doubt about the right of the member to inspect or copy the records demanded; or

(b) Required reasonable restrictions on the disclosure, use, or distribution of, and reasonable obligations to maintain the confidentiality of, such records demanded to which the demanding member had been unwilling to agree.

(3) If the court orders inspection or copying of the records demanded, it may impose reasonable restrictions on their confidentiality and the use or distribution of the records by the demanding member.

Section 105. Section 617.1605, Florida Statutes, is amended to read:

617.1605 Financial reports for members.—

(1) A corporation, upon a member's written demand, shall furnish that member its latest annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries or affiliates, as appropriate, and which include a balance sheet as of the end of the fiscal year and a statement of operations for that year. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on such basis.

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(2) A corporation must deliver or make available the latest annual financial statements to such member within 5 business days after the request if the annual financial statements have already been prepared and are available. If the annual financial statements have not been prepared for the fiscal year requested, the corporation must notify the member within 5 business days that the annual financial statements have not yet been prepared and must deliver or make available such annual financial statements to the member within 60 days after the corporation receives the request, or within such additional time thereafter as is reasonably necessary to enable the corporation to prepare its annual financial statements if, for reasons beyond the corporation's control, it is unable to prepare its annual financial statements within the prescribed period.

(3) A corporation may fulfill its responsibilities under this section by delivering the specified annual financial statements by posting the specified annual financial statements on its website or by any other generally recognized means.

(4) Notwithstanding subsections (1), (2), and (3):

(a) As a condition to delivering or making available annual financial statements to any requesting member, the corporation may require the requesting member to agree to reasonable restrictions on the confidentiality, use, and distribution of such annual financial statements; and

(b) The corporation may, if it reasonably determines that the member's request is not made in good faith or for a proper purpose, decline to deliver or make available such annual financial statements to that member.

(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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its certificate of authority to transact business in this state ~~corporation was incorporated or a foreign corporation was authorized to conduct affairs.~~ Subsequent annual reports must be delivered to the department ~~of State~~ between January 1 and May 1 of ~~each the subsequent~~ calendar year thereafter. If one or more forms of annual report are submitted for a calendar year, the department shall file each of them and make the information contained in them part of the official record. The first form of annual report filed in a calendar year shall be considered the annual report for that calendar year, and each report filed after that one in the same calendar year shall be treated as an amended report for that calendar year ~~years~~.

~~(5)(6)~~ Information in the annual report must be current as of the date the annual report is delivered to the department for filing ~~executed on behalf of the corporation.~~

~~(7)~~ If an additional report is received, the department shall file the document and make the information contained therein part of the official record.

~~(6)(8)~~ Any domestic corporation or foreign corporation that fails to file an annual report ~~that which~~ complies with the requirements of this section may not prosecute or maintain ~~or defend~~ any action in any court of this state until the ~~such~~ report is filed and all fees and penalties ~~taxes~~ due under this chapter ~~act~~ are paid, and ~~such corporation~~ is subject to dissolution or cancellation of its certificate of authority to transact business ~~conduct its affairs~~ as provided in this chapter ~~act~~.

~~(7)(9)~~ The department shall prescribe the forms, which may be in an electronic format, on which to make the annual report

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called for in this section and may substitute the uniform business report, pursuant to s. 606.06, as a means of satisfying the requirement of this ~~chapter section~~.

(8) As a condition of a merger under s. 617.1101, each party to a merger which exists under the laws of this state, and each party to a merger which exists under the laws of another jurisdiction and has a certificate of authority to transact business or conduct its affairs in this state, must be active and current in filing its annual reports in the records of the department through December 31 of the calendar year in which the articles of merger are submitted to the department for filing.

(9) As a condition of a conversion of an entity to a corporation under s. 617.1804, the entity, if it exists under the laws of this state or if it exists under the laws of another jurisdiction and has a certificate of authority to transact business or conduct its affairs in this state, must be active and current in filing its annual reports in the records of the department through December 31 of the calendar year in which the articles of conversion are submitted to the department for filing.

(10) As a condition of a conversion of a domestic corporation to another type of entity under s. 617.1804, the domestic corporation converting to the other type of entity must be active and current in filing its annual reports in the records of the department through December 31 of the calendar year in which the articles of conversion are submitted to the department for filing.

(11) As a condition of domestication of a domestic 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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to vote on the domestication, the plan of domestication must be approved by such members. In submitting the plan of domestication to the members for approval, the board of directors shall recommend that the members approve the plan, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors must inform the members of the basis for its so proceeding without such recommendation.

(3) The board of directors may set conditions for approval of the plan of domestication by the members or the effectiveness of the plan of domestication.

(4) If the plan of domestication is required to be approved by the members, and if the approval of the members is to be given at a meeting, the corporation must notify each member entitled to vote on the domestication of the meeting of members at which the plan of domestication is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan of domestication and must contain or be accompanied by a copy of the plan. The notice must include or be accompanied by a written copy of the organic rules of the domesticated corporation as they will be in effect immediately after the domestication.

(5) Unless this chapter, the articles of incorporation, the bylaws, or the board of directors acting pursuant to subsection (3) require a greater vote or a greater quorum in the respective case, approval of the plan of domestication requires:

(a) The approval of the members entitled to vote on the domestication at a meeting at which a quorum exists consisting

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of a majority of the votes entitled to be cast on the plan; and

(b) If any class of members is entitled to vote as a separate group on the plan of domestication, the approval of each class of members voting as a separate voting group at a meeting at which a quorum of the voting group exists consisting of a majority of the votes entitled to be cast on the plan by that voting group.

(6) The articles of incorporation may expressly limit or eliminate the separate voting rights provided in paragraph (5) (b) as to any class of members, except when the public organic rules of the foreign corporation resulting from the domestication include what would be in effect an amendment that would entitle the class to vote as a separate voting group if it were a proposed amendment of the articles of incorporation of a domestic domesticating corporation.

(7) If, as a result of a domestication, one or more members of a domestic domesticating corporation would become subject to interest holder liability, approval of the plan of domestication must require the signing in connection with the domestication, by each such member, of a separate written consent to become subject to such interest holder liability, unless in the case of a member that already has interest holder liability with respect to the domesticating corporation, the terms and conditions of the interest holder liability with respect to the domesticated corporation are substantially identical to those of the existing interest holder liability, other than for changes that eliminate or reduce such interest holder liability.

(8) In addition to the adoption and approval of the plan of 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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taken effect, a plan of domestication of a domestic corporation adopted under s. 617.180301(3) may be amended:

(a) In the same manner as the plan of domestication was approved, if the plan does not provide for the manner in which it may be amended; or

(b) In the manner provided in the plan of domestication, except that an interest holder who was entitled to vote on or consent to approval of the plan is entitled to vote on or consent to any amendment of the plan which will change:

1. The amount or kind of eligible interests or other rights, obligations, rights to acquire eligible interests, cash, other property, or any combination of the foregoing, to be received by any of the interest holders of the domesticating corporation under the plan;

2. 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, except for changes that do not require approval of the interest holder of the domesticated corporation under its proposed organic rules as set forth in the plan of domestication; or

3. Any of the other terms or conditions of the plan, if the change would adversely affect the interest holder in any material respect.

(2) After a plan of domestication has been adopted and approved by a domestic corporation as required by this chapter, and before the articles of domestication have become effective, the plan may be abandoned by the corporation in the same manner as the plan was approved by the corporation without action by its interest holders in accordance with any procedures set forth

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in the plan or, if no such procedures are set forth in the plan, in the manner determined by the board of directors of the domestic corporation.

(3) If a domestication is abandoned after the articles of domestication have been delivered to the department for filing but before the articles of domestication become effective, a statement of abandonment signed by the domesticating corporation must be delivered to the department for filing before the articles of domestication become effective. The statement shall take effect upon filing, and the domestication shall be deemed abandoned and may not become effective. The statement of abandonment must contain:

(a) The name of the domesticating corporation;

(b) The date on which the articles of domestication were filed by the department; and

(c) A statement that the domestication has been abandoned in accordance with this section.

Section 112. Section 617.18034, Florida Statutes, is created to read:

617.18034 Effect of domestication.—

(1) When a domestication becomes effective:

(a) All real property and other property owned by the domesticating corporation, including any interests therein and all title thereto, and every contract right and other right possessed by the domesticating corporation, are the property, contract rights, and other rights of the domesticated corporation without transfer, reversion, or impairment;

(b) All debts, obligations, and other liabilities of the 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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combination of the foregoing of the domestic corporation, into:

1. Shares.

2. Other securities.

3. Eligible interests.

4. Obligations.

5. Rights to acquire shares, other securities, or eligible interests.

6. Cash.

7. Other property.

8. Other rights.

(d) The other terms and conditions of the conversion.

(e) The full text, as it will be in effect immediately after the conversion becomes effective, of the organic rules of the converted eligible entity, which are to be in writing.

(2) In addition to the requirements of subsection (1), a plan of conversion may contain any other provision not prohibited by law.

(3) The terms of a plan of conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with s. 617.01201(10).

Section 116. Section 617.18043, Florida Statutes, is created to read:

617.18043 Action on a plan of conversion.—In the case of a conversion of a domestic corporation to a domestic or foreign eligible entity other than a domestic corporation, the plan of conversion must be adopted in the following manner:

(1) Except as provided in the articles of incorporation or bylaws, the plan of conversion must first be adopted by the board of directors of such domestic corporation. If the

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converting corporation does not have any members entitled to vote on the conversion, a plan of conversion is adopted by the corporation when it has been adopted by the board of directors pursuant to this section.

(2) (a) If the converting corporation has members entitled to vote on the conversion, the plan of conversion must then be approved by such members.

(b) In submitting the plan of conversion to the members for approval, the board of directors must recommend that the members approve the plan of conversion, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors must inform the members of the basis for proceeding without such recommendation.

(3) The board of directors may set conditions for approval of the plan of conversion by the members or the effectiveness of the plan of conversion.

(4) If a plan of conversion is required to be approved by the members, and if the approval of the members is to be given at a meeting, the corporation must notify each member entitled to vote on the conversion of the meeting of members at which the plan of conversion is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan of conversion and must contain or be accompanied by a copy of the plan. The notice must include or be accompanied by a written copy of the organic rules of the converted eligible entity as they will be in effect immediately after the conversion.

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(5) Unless this chapter, the articles of incorporation, bylaws, or the board of directors acting pursuant to subsection (3) require a greater vote or a greater quorum in the respective case, approval of the plan of conversion requires:

(a) The approval of the members entitled to vote on the conversion at a meeting at which a quorum exists consisting of a majority of the votes entitled to be cast on the plan; and

(b) If any class of members is entitled to vote as a separate group on the plan of conversion, the approval of each class of members voting as a separate voting group at a meeting at which a quorum of the voting group exists consisting of a majority of the votes entitled to be cast on the plan by that voting group.

(6) If, as a result of the conversion, one or more members of the converting domestic corporation would become subject to interest holder liability, approval of the plan of conversion must require the signing in connection with the conversion, by each such member, of a separate written consent to become subject to such interest holder liability, unless in the case of a member that already has interest holder liability with respect to the converting corporation, the terms and conditions of the interest holder liability with respect to the converted entity are substantially identical to those of the existing interest holder liability, other than for changes that eliminate or reduce such interest holder liability.

(7) If the converted eligible entity is a partnership or limited partnership, a member of the converting domestic corporation may not, as a result of the conversion, become a general partner of the partnership or limited partnership,

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unless such member specifically consents in writing to becoming a general partner of such partnership or limited partnership, and, unless such written consent is obtained from each such member, such conversion may not become effective under s. 617.18044. Any member providing such consent in writing is deemed to have voted in favor of the plan of conversion pursuant to which the member became a general partner.

(8) In addition to the adoption and approval of the plan of conversion by the board of directors and any members entitled to vote on the conversion as required by this section, the plan of conversion must also be approved in writing by any person or group of persons whose approval is required under the articles of incorporation or bylaws or whose approval is required to amend the articles of incorporation or bylaws.

Section 117. Section 617.18044, Florida Statutes, is created to read:

617.18044 Articles of conversion; effectiveness.—

(1) After a plan of conversion of a domestic corporation has been adopted and approved as required by this chapter, or a domestic or foreign eligible entity, other than a domestic corporation, that is the converting eligible entity has approved a conversion as required by its organic law, articles of conversion must be signed by the converting eligible entity as required by s. 617.01201 and must:

(a) State the name, governing jurisdiction, and type of entity of the converting eligible entity;

(b) State the name, governing jurisdiction, and type of entity of the converted eligible entity;

(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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approved, if the plan does not provide for the manner in which it may be amended; or

(b) In the manner provided in the plan of conversion, except that an interest holder that was entitled to vote on or consent to approval of the plan is entitled to vote on or consent to any amendment of the plan which will change:

1. The amount or kind of interests; obligations; rights to acquire other interests; cash; other property; or any combination of the foregoing, to be received by any of the interest holders of the converting corporation under the plan;

2. The organic rules of the converted eligible entity which will be in effect immediately after the conversion becomes effective, except for changes that do not require approval of the eligible interest holders of the converted eligible entity under its organic law or organic rules; or

3. Any other terms or conditions of the plan, if the change would adversely affect such interest holders in any material respect.

(2) After a plan of conversion has been adopted and approved by a converting eligible entity that is a domestic corporation in the manner required by this chapter and before the articles of conversion become effective, the plan may be abandoned by the domestic corporation without action by its interest holders in accordance with any procedures set forth in the plan or, if no such procedures are set forth in the plan, in the manner determined by the board of directors of the domestic corporation.

(3) If a conversion is abandoned after the articles of conversion have been delivered to the department for filing but

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before the articles of conversion have become effective, a statement of abandonment signed by the converting eligible entity must be delivered to the department for filing before the articles of conversion become effective. The statement takes effect upon filing, and the conversion is deemed abandoned and may not become effective. The statement of abandonment must contain:

(a) The name of the converting eligible entity;

(b) The date on which the articles of conversion were filed by the department; and

(c) A statement that the conversion has been abandoned in accordance with this section.

Section 119. Section 617.18046, Florida Statutes, is created to read:

617.18046 Effect of conversion.—

(1) When a conversion becomes effective:

(a) All real property and other property owned by the converting eligible entity, including any interest therein and all title thereto, and every contract right and other right possessed by the converting eligible entity remain the property, contract rights, and other rights of the converted eligible entity without transfer, reversion, or impairment;

(b) All debts, obligations, and other liabilities of the converting eligible entity remain the debts, obligations, and other liabilities of the converted eligible entity;

(c) The name of the converted eligible entity may be substituted for the name of the converting eligible entity in any pending action or proceeding;

(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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the conversion becomes effective.

(4) A conversion does not require the converting eligible entity to wind up its affairs and does not constitute or cause the dissolution or termination of the entity.

(5) Property held for charitable purposes under the laws of this state by a domestic or foreign eligible entity immediately before a conversion becomes effective may not, as a result of the conversion, be diverted from the purposes for which it was donated, granted, devised, or otherwise transferred except and to the extent permitted by or pursuant to the laws of this state addressing cy pres or dealing with nondiversion of charitable assets.

(6) Any bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to the converting eligible entity and which takes effect or remains payable after the conversion inures to the converted eligible entity.

(7) A trust obligation that would govern property if transferred to the converting eligible entity applies to property that is to be transferred to the converted eligible entity after the conversion becomes effective.

Section 120. Section 617.2005, Florida Statutes, is amended to read:

617.2005 Extinct churches and religious societies; dissolution.—Any church or religious society in this state which has ceased or failed to maintain religious worship or service, or to use its property for religious worship or services according to the tenets, usages, and customs of a church of the denomination of which it is a member in this state for the space

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of 2 consecutive years, or whose membership has so diminished in numbers or in financial strength as to render it impossible for such church or society to maintain religious worship or services, or to protect its property from exposure to waste and dilapidation for a period of 2 years, shall be extinct. Upon an action filed by a member of the church or religious society, the facts being established to the satisfaction of the circuit court in and for the county in which such church or society has been situated, an order of such court may be made dissolving the church or religious society and the property of such church or society, or the property which may be held in trust for such church or society, may by court order be transferred to and the title and possession thereof vested in the denomination of which such church or society was a member. A copy of the decree of dissolution must ~~shall~~ be filed with the department ~~of State~~.

Section 121. Section 617.2006, Florida Statutes, is amended to read:

617.2006 Incorporation of labor unions or bodies.—

(1) Any group or combination of groups of workers or wage earners, bearing the name labor, organized labor, federation of labor, brotherhood of labor, union labor, union labor committee, trade union, trades union, union labor council, building trades council, building trades union, allied trades union, central labor body, central labor union, federated trades council, local union, state union, national union, international union, district labor council, district labor union, American Federation of Labor, Florida Federation of Labor, or any component parts or significant words of such terms, whether the same be used in juxtaposition or with interspace, may be

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incorporated under this chapter act.

(2)(1) In addition to the requirements of ss. 617.02011 and 617.0202, the articles of incorporation for a labor union or body ~~must~~ shall set forth the necessity for the incorporation, ~~shall~~ be subscribed to by not less than five persons, and ~~shall~~ be acknowledged by all of the subscribers, who shall also make and subscribe to an oath, to be endorsed on the articles of incorporation, that it is intended in good faith to carry out the purposes and objects set forth in the articles of incorporation. The ~~articles of incorporation shall be filed in the office of the clerk of the circuit court of the county in which the labor union or body is organized, and the approval of the judge of the circuit court shall be obtained.~~

(2) The subscribers of the articles of incorporation shall give notice of their intention to obtain approval thereof by the circuit judge. Such notice shall state the name of the judge, the date the articles of incorporation will be presented, and the general nature and necessity of the articles of incorporation. Notice shall be published in a newspaper of general circulation in the county in which the labor union or body is organized at least once, or posted at the courthouse door in counties having no newspapers, at least 10 days prior to the date the articles of incorporation will be presented to the judge.

(3) When presented to the judge, the articles of incorporation shall be accompanied by a petition, signed and sworn to by the subscribers, stating fully the aims and purposes of such organization and the necessity therefor.

(4) ~~Upon the filing of the articles of incorporation and~~

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~~the petition, and the giving of such notice, the circuit judge to whom such petition may be addressed shall, upon the date stated in such notice, take testimony and inquire into the admissions and purposes of such organization and the necessity therefor, and upon such hearing, if the circuit judge shall be satisfied that the allegations set forth in the petition and articles of incorporation have been substantiated, and shall find that such organization will not be harmful to the community in which it proposes to operate, or to the state, and that it is intended in good faith to carry out the purposes and objects set forth in the articles of incorporation, and that there is a necessity therefor, the judge shall approve the articles of incorporation and endorse his or her approval thereon. Upon the filing of the articles of incorporation with its endorsements thereupon with the Department of State and payment of the filing fees specified in s. 617.0122, the subscribers and their associates and successors shall be a corporation by the name given.~~

(5) Any person may intervene by filing an answer to the petition stating his or her reasons, if any, and be heard thereon, why the circuit judge shall not approve the articles of incorporation.

(6) ~~The existence, amendment of the articles of incorporation, and dissolution of any such corporation shall be in accordance with this act.~~

Section 122. Subsection (7) of section 39.8298, Florida Statutes, is amended to read:

39.8298 Guardian ad Litem direct-support organization.-

(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 If the department ~~of State~~ so requires, the use of these forms  
 6893 are shall be mandatory.

6894 (2) The department ~~of State~~ may prescribe and furnish on  
 6895 request forms for other documents required or permitted to be  
 6896 filed by this chapter act, but their use may shall not be  
 6897 mandatory.

6898 Section 127. Section 617.0122, Florida Statutes, is amended  
 6899 to read:

6900 617.0122 Fees for filing documents and issuing  
 6901 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 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 ~~eleemosynary~~, 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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617.1623 Corporate information available to the public; application to corporations incorporated by circuit courts and by special act of the Legislature.—

(1) (a) Each corporation incorporated in this state shall maintain a registered agent and registered office in accordance with s. 617.0501, and current information regarding the corporations incorporated in this state must ~~shall~~ be readily available to the public. At a minimum, such information must include the text of the charter or articles of incorporation and all amendments thereto, the name of the corporation, the date of incorporation, the street address of the principal office of the corporation, the corporation's federal employer identification number, the name and business street address of each officer, the name and business street address of each director, the name of its registered agent, and the street address of its registered office.

(b) Any corporation which has a charter approved by a circuit judge under former chapter 617, Florida Statutes 1989, or a charter granted by the Legislature on or before September 1, 1959, the effective date of chapter 59-427, Laws of Florida, must file with the department ~~of State~~, not later than July 1, 1992, a copy of its charter and all amendments thereto, certified by the clerk of the circuit court of the county wherein recorded, together with a registration containing the provisions required in paragraph (a), as to charters and amendments granted by circuit judges, and by the department ~~of State~~, as to legislative charters, and the corporation thereafter is ~~shall be~~ subject to the requirements of ss. 617.0501 and 617.1622.

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(d) Any corporation dissolved pursuant to paragraph (c) shall be reinstated upon application to the department ~~of State~~, signed by an officer or director thereof, accompanied by a copy of its charter and all amendments thereto, certified by the clerk of the circuit court of the county wherein recorded, as to charters and amendments granted by circuit judges, and by the department ~~of State~~, as to legislative charters, together with a registration containing the provisions required in paragraph (a), and the payment of all fees due from the time of dissolution computed at the rate provided by law at the time the corporation applies for reinstatement.

(e) Whenever the application for reinstatement is approved and filed by the department ~~of State~~, the corporate existence is ~~shall be~~ deemed to have continued without interruption from the date of dissolution. The reinstatement terminates any personal liability of the directors, officers, or agents of the corporation incurred on account of actions taken during the period between dissolution and reinstatement. Upon reinstatement, the corporation is ~~shall be~~ subject to the requirements of ss. 617.0501 and 617.1622.

Section 148. Section 617.1701, Florida Statutes, is amended to read:

617.1701 Application to existing domestic corporation.—This ~~chapter act~~ applies to all domestic corporations in existence on July 1, 1991, that were incorporated under any general statute of this state providing for incorporation of nonprofit corporations ~~not for profit~~ if power to amend or repeal the statute under which the corporation was incorporated was 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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does not take effect upon filing the certificate of conversion and articles of incorporation, the delayed effective date for the conversion, subject to the limitation in s. 617.0123(1) ~~s. 617.0123(2)~~, must be a date certain and the same as the effective date of the articles of incorporation.

(4) When the certificate of conversion and articles of incorporation are filed with the department, or upon the delayed effective date, the association is converted to the domestic corporation, and the corporation becomes subject to this chapter. However, notwithstanding s. 617.0123, the existence of the corporation is deemed to have commenced when the association was initially formed under ss. 604.09-604.14.

(5) Conversion of a limited agricultural association to a domestic corporation does not affect any obligation or liability of the association that was incurred before the conversion.

(6) When a conversion takes effect under this section, all rights, privileges, and powers of the converting association, all property, real, personal, and mixed, and all debts due to the association, as well as all other assets and causes of action belonging to the association, are vested in the domestic corporation to which the association is converted and are the property of the corporation as they were of the association. The title to any real property that is vested by deed or otherwise in the converting association does not revert and is not impaired by the operation of this chapter, but all rights of creditors and all liens upon any property of the association are preserved unimpaired, and all debts, liabilities, and duties of the association attach to the domestic corporation and are enforceable against it to the same extent as if the debts,

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liabilities, and duties had been incurred or contracted by the corporation.

(7) The limited agricultural association is not required to wind up its affairs or pay its liabilities and distribute its assets. Conversion does not constitute a dissolution of the association but is a continuation of the association's existence in the form of the domestic corporation.

(8) Before a limited agricultural association may file a certificate of conversion with the department, unless otherwise specified in the association's articles of association or bylaws, the conversion must be approved by a majority vote of the association's members, and the articles of incorporation must be approved by the same authorization required for approval of the conversion. As part of the approval, the converting association may provide a plan or other record of conversion which describes the manner and basis of converting the membership interests in the association into membership interests in the domestic corporation. The plan or other record may also contain other provisions relating to the conversion, including, but not limited to, the right of the converting association to abandon the proposed conversion or an effective date for the conversion that is consistent with paragraph (3) (d).

Section 154. Section 617.1904, Florida Statutes, is amended to read:

617.1904 Estoppel.—~~A~~ ~~No~~ body of persons acting as a corporation may not ~~shall~~ be permitted to set up the lack of legal organization as a defense to an action against them as a corporation, nor may ~~shall~~ any person sued on a contract made

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with the corporation or sued for an injury to its property or a wrong done to its interests be permitted to set up the lack of such legal organization in such person's ~~his or her~~ defense.

Section 155. Subsection (2) of section 617.1907, Florida Statutes, is amended to read:

617.1907 Effect of repeal or amendment of prior acts.—

(2) If a penalty or punishment imposed for violation of a statute repealed or amended by this chapter is reduced by this chapter act, the penalty or punishment if not already imposed shall be imposed in accordance with this chapter.

Section 156. Section 617.1908, Florida Statutes, is amended to read:

617.1908 Applicability of Florida Business Corporation Act.—Except as made applicable by specific reference in any other section of this chapter, part I of chapter 607, the Florida Business Corporation Act, does not apply to any nonprofit corporations ~~not for profit~~.

Section 157. Section 617.2001, Florida Statutes, is amended to read:

617.2001 Corporations which may be incorporated hereunder; incorporation of certain medical services corporations.—

(1) Corporations may be organized and incorporated under this chapter act for any one or more lawful purposes not for pecuniary profit. However, nonprofit corporations ~~not for profit~~ which may be incorporated under any other law of this state governing particular types of corporations may not be incorporated under this chapter act.

(2) A nonprofit corporation ~~not for profit~~ organized before ~~prior to~~ December 1, 1987, pursuant to ~~the provisions of~~ chapter

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85-56, Laws of Florida, or to ~~the provisions of~~ s. 2, chapter 87-296, Laws of Florida, may conduct the practice of medicine, conduct programs of medical education, and carry on major medical research efforts.

Section 158. Section 617.2002, Florida Statutes, is amended to read:

617.2002 Nonprofit corporation ~~not for profit~~ organized pursuant to s. 2, ch. 87-296; requirements.—A nonprofit corporation ~~not for profit~~ organized pursuant to ~~the provisions of~~ s. 2, chapter 87-296, Laws of Florida, must meet the following requirements:

(1) At least 25 percent of its physicians must have a full-time contract for the provision of medical services with the corporation, be currently certified as specialists by the appropriate American specialty boards accredited by the Council on Medical Education of the American Medical Association, and have clinical privileges at one or more hospitals in this state.

(2) A hospital owned by a corporation organized pursuant to s. 2, chapter 87-296, Laws of Florida, must provide Medicaid and charity care.

Section 159. Section 617.2003, Florida Statutes, is amended to read:

617.2003 Proceedings to revoke articles of incorporation or charter or prevent its use.—If any member or citizen complains to the Department of Legal Affairs that any corporation organized under this chapter act was organized or is being used as a cover to evade any of the laws against crime, or for purposes inconsistent with those stated in its articles of incorporation or charter, or that an officer or director of a

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corporation has participated in a sale or transaction that is affected by a conflict of interest or from which the officer or director ~~he or she~~ derived an improper personal benefit, either directly or indirectly, and submits ~~shall submit~~ prima facie evidence to sustain such charge, together with sufficient money to cover court costs and expenses, the department shall institute and in due course prosecute to final judgment such legal or equitable proceedings as may be considered advisable either to revoke the articles of incorporation or charter, to prevent its improper use, or to recover on behalf of the corporation or its unknown beneficiaries any profits improperly received by the corporation or its officers or directors.

Section 160. Section 617.2007, Florida Statutes, is amended to read:

617.2007 Sponge packing and marketing corporations.—Persons engaged in the business of buying, selling, packing, and marketing commercial sponges may incorporate under this chapter ~~aet~~ to aid in facilitating the orderly cooperative buying, selling, packing, and marketing of commercial sponges. Such association is not a combination in restraint of trade or an illegal monopoly or an attempt to lessen competition or fix prices arbitrarily, and any marketing contract or agreement by the corporation and its members, or the exercise of any power granted by this chapter ~~aet~~ is not illegal or in restraint of trade.

Section 161. Section 617.2101, Florida Statutes, is amended to read:

617.2101 Corporation authorized to act as trustee.—Any corporation, organized under this chapter ~~aet~~, may act as

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trustee of property whenever the corporation has either a beneficial, contingent, or remainder interest in such property. Any corporation may accept and hold the legal title to property, the beneficial interest of which is owned by any other ~~eleemosynary institution or~~ nonprofit corporation or fraternal, benevolent, charitable, or religious society or association.

Section 162. Subsection (1) of section 617.221, Florida Statutes, is amended to read:

617.221 Membership associations.—

(1) As used in this section, the term "membership association" means a nonprofit ~~not-for-profit~~ corporation, including a department or division of such corporation, the majority of whose board members are constitutional officers who, pursuant to s. 1001.32(2), operate, control, and supervise public entities that receive annual state appropriations through a statutorily defined formulaic allocation that is funded and prescribed annually in the General Appropriations Act or the substantive bill implementing the annual appropriations act. The term does not include a labor organization as defined in s. 447.02 or an entity funded through the Justice Administrative Commission.

Section 163. Subsection (3) of section 620.2108, Florida Statutes, is amended to read:

620.2108 Filings required for merger; effective date.—

(3) Each constituent limited partnership shall deliver the certificate of merger for filing in the Department of State unless the constituent limited partnership is named as a party or constituent organization in articles of merger or a certificate of merger filed for the same merger in accordance

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with ~~s. 605.1025~~, s. 607.1105, s. 617.1108, or s. 620.8918(1) and (2) and such articles of merger or certificate of merger substantially complies with the requirements of this section. In such a case, the other articles of merger or certificate of merger may also be used for purposes of s. 620.2109(3).

Section 164. Subsection (3) of section 620.8918, Florida Statutes, is amended to read:

620.8918 Filings required for merger; effective date.—

(3) Each domestic constituent partnership shall deliver the certificate of merger for filing with the Department of State, unless the domestic constituent partnership is named as a party or constituent organization in articles of merger or a certificate of merger filed for the same merger in accordance with s. 605.1025, s. 607.1105, ~~s. 617.1108~~, or s. 620.2108(3). The articles of merger or certificate of merger must substantially comply with the requirements of this section. In such a case, the other articles of merger or certificate of merger may also be used for purposes of s. 620.8919(3). Each domestic constituent partnership in the merger shall also file a registration statement in accordance with s. 620.8105(1) if it does not have a currently effective registration statement filed with the Department of State.

Section 165. Paragraph (b) of subsection (1) and subsections (5), (8), and (9) of section 628.910, Florida Statutes, are amended to read:

628.910 Incorporation options and requirements.—

(1) A pure captive insurance company may be:

(b) Incorporated as a public benefit, mutual benefit, or religious nonprofit corporation with members in accordance with

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the Florida Nonprofit ~~Not-For-Profit~~ Corporation Act.

(5) The articles of incorporation, the certificate issued pursuant to this section, and the organization fees required by the Florida Business Corporation Act or the Florida Nonprofit ~~Not-For-Profit~~ Corporation Act, as applicable, must be transmitted to the Secretary of State, who must record the articles of incorporation and the certificate.

(8) A captive insurance company formed as a corporation or a nonprofit corporation, pursuant to ~~the provisions of~~ this chapter, has the privileges and is subject to the ~~provisions of~~ the general corporation law, including the Florida Nonprofit ~~Not-For-Profit~~ Corporation Act for nonprofit corporations, as applicable, as well as the applicable provisions contained in this chapter. If a conflict occurs between ~~a provision of~~ the general corporation law, including the Florida Nonprofit ~~Not-For-Profit~~ Corporation Act for nonprofit corporations, as applicable, and ~~a provision of~~ this chapter, the latter controls. The provisions of this title pertaining to mergers, consolidations, conversions, mutualizations, and redomestications apply in determining the procedures to be followed by a captive insurance company in carrying out any of the transactions described in such provisions, except that the office may waive or modify the requirements for public notice and hearing in accordance with rules the office may adopt addressing categories of transactions. If a notice of public hearing is required, but no one requests a hearing, the office may cancel the hearing.

(9) The articles of incorporation or bylaws of a captive 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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does not, that the board of directors adopted the restatement;  
or

(b) If the restatement contains an amendment to the  
articles of incorporation requiring member approval, the  
information required by s. 617.1006.

Section 181. For the purpose of incorporating the amendment  
made by this act to section 617.0302, Florida Statutes, in a  
reference thereto, paragraph (a) of subsection (5) of section  
295.21, Florida Statutes, is reenacted to read:

295.21 Florida Is For Veterans, Inc.—

(5) POWERS.—In addition to the powers and duties prescribed  
in chapter 617 and the articles and bylaws adopted thereunder,  
the board of directors may:

(a) Make and enter into contracts and other instruments  
necessary or convenient for the exercise of its powers and  
functions. However, notwithstanding s. 617.0302, the corporation  
may not issue bonds.

The credit of the State of Florida may not be pledged on behalf  
of the corporation.

Section 182. For the purpose of incorporating the amendment  
made by this act to section 617.0830, Florida Statutes, in a  
reference thereto, paragraph (b) of subsection (4) of section  
409.987, Florida Statutes, is reenacted to read:

409.987 Lead agency procurement; boards; conflicts of  
interest.—

(4) In order to serve as a lead agency, an entity must:

(b) Be governed by a board of directors or a board

committee composed of board members. Board members shall provide

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oversight and ensure accountability and transparency for the  
system of care. The board of directors shall provide fiduciary  
oversight to prevent conflicts of interest, promote  
accountability and transparency, and protect state and federal  
funding from misuse. The board of directors shall act in  
accordance with s. 617.0830. The membership of the board of  
directors or board committee must be described in the bylaws or  
articles of incorporation of each lead agency, which must  
provide that at least 75 percent of the membership of the board  
of directors or board committee must be composed of persons  
residing in this state, and at least 51 percent of the state  
residents on the board of directors must reside within the  
service area of the lead agency. The lead agency shall ensure  
that board members participate in annual training related to  
their responsibilities. The department shall set forth minimum  
training criteria in the contracts with the lead agencies.  
However, for procurements of lead agency contracts initiated on  
or after July 1, 2014:

1. At least 75 percent of the membership of the board of  
directors must be composed of persons residing in this state,  
and at least 51 percent of the membership of the board of  
directors must be composed of persons residing within the  
service area of the lead agency. If a board committee governs  
the lead agency, 100 percent of its membership must be composed  
of persons residing within the service area of the lead agency.

2. The powers of the board of directors or board committee  
include, but are not limited to, approving the lead agency's  
budget and setting the lead agency's operational policy and  
procedures. A board of directors must additionally have the

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power to hire the lead agency's executive director, unless a board committee governs the lead agency, in which case the board committee must have the power to confirm the selection of the lead agency's executive director.

Section 183. For the purpose of incorporating the amendment made by this act to section 617.0830, Florida Statutes, in a reference thereto, subsection (1) of section 718.1265, Florida Statutes, is reenacted to read:

718.1265 Association emergency powers.—

(1) To the extent allowed by law, unless specifically prohibited by the declaration of condominium, the articles, or the bylaws of an association, and consistent with s. 617.0830, the board of administration, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the locale in which the condominium is located, may exercise the following powers:

(a) Conduct board meetings, committee meetings, elections, and membership meetings, in whole or in part, by telephone, real-time videoconferencing, or similar real-time electronic or video communication with notice given as is practicable. Such notice may be given in any practicable manner, including publication, radio, United States mail, the Internet, electronic transmission, public service announcements, and conspicuous posting on the condominium property or association property or any other means the board deems reasonable under the circumstances. Notice of decisions also may be communicated as provided in this paragraph.

(b) Cancel and reschedule any association meeting.

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(c) Name as assistant officers persons who are not directors, which assistant officers shall have the same authority as the executive officers to whom they are assistants during the state of emergency to accommodate the incapacity or unavailability of any officer of the association.

(d) Relocate the association's principal office or designate alternative principal offices.

(e) Enter into agreements with local counties and municipalities to assist counties and municipalities with debris removal.

(f) Implement a disaster plan or an emergency plan before, during, or following the event for which a state of emergency is declared which may include, but is not limited to, shutting down or off elevators; electricity; water, sewer, or security systems; or air conditioners.

(g) Based upon advice of emergency management officials or public health officials, or upon the advice of licensed professionals retained by or otherwise available to the board, determine any portion of the condominium property or association property unavailable for entry or occupancy by unit owners, family members, tenants, guests, agents, or invitees to protect the health, safety, or welfare of such persons.

(h) Require the evacuation of the condominium property in the event of an evacuation order in the locale in which the condominium is located. If a unit owner or other occupant of a condominium fails or refuses to evacuate the condominium property or association property for which the board has required evacuation, the association is immune from liability or 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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responsible, but which are necessary to prevent further injury, contagion, or damage to the cooperative property. In such event, the unit owner on whose behalf the board has contracted is responsible for reimbursing the association for the actual costs of the items or services, and the association may use its lien authority provided by s. 719.108 to enforce collection of the charges. Such items or services may include the drying of the unit, the boarding of broken windows or doors, the replacement of a damaged air conditioner or air handler to provide climate control in the unit or other portions of the property, and the sanitizing of the cooperative property.

(l) Notwithstanding a provision to the contrary, and regardless of whether such authority does not specifically appear in the cooperative documents, levy special assessments without a vote of the owners.

(m) Without unit owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association if operating funds are insufficient. This paragraph does not limit the general authority of the association to borrow money, subject to such restrictions contained in the cooperative documents.

Section 185. For the purpose of incorporating the amendment made by this act to section 617.0830, Florida Statutes, in a reference thereto, subsection (1) of section 720.316, Florida Statutes, is reenacted to read:

720.316 Association emergency powers.—

(1) To the extent allowed by law, unless specifically prohibited by the declaration or other recorded governing documents, and consistent with s. 617.0830, the board of

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directors, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the area encompassed by the association, may exercise the following powers:

(a) Conduct board meetings, committee meetings, elections, or membership meetings, in whole or in part, by telephone, real-time videoconferencing, or similar real-time electronic or video communication after notice of the meetings and board decisions is provided in as practicable a manner as possible, including via publication, radio, United States mail, the Internet, electronic transmission, public service announcements, conspicuous posting on the common area, or any other means the board deems appropriate under the circumstances. Notice of decisions may also be communicated as provided in this paragraph.

(b) Cancel and reschedule an association meeting.

(c) Designate assistant officers who are not directors. If the executive officer is incapacitated or unavailable, the assistant officer has the same authority during the state of emergency as the executive officer he or she assists.

(d) Relocate the association's principal office or designate an alternative principal office.

(e) Enter into agreements with counties and municipalities to assist counties and municipalities with debris removal.

(f) Implement a disaster or an emergency plan before, during, or following the event for which a state of emergency is declared, which may include, but is not limited to, turning on or shutting off elevators; electricity; water, sewer, or

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security systems; or air conditioners for association buildings.

(g) Based upon the advice of emergency management officials or public health officials, or upon the advice of licensed professionals retained by or otherwise available to the board, determine any portion of the common areas or facilities unavailable for entry or occupancy by owners or their family members, tenants, guests, agents, or invitees to protect their health, safety, or welfare.

(h) Based upon the advice of emergency management officials or public health officials or upon the advice of licensed professionals retained by or otherwise available to the board, determine whether the common areas or facilities can be safely inhabited, accessed, or occupied. However, such determination is not conclusive as to any determination of habitability pursuant to the declaration.

(i) Mitigate further damage, injury, or contagion, including taking action to contract for the removal of debris and to prevent or mitigate the spread of fungus, including mold or mildew, by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the common areas or facilities or sanitizing the common areas or facilities.

(j) Notwithstanding a provision to the contrary, and regardless of whether such authority does not specifically appear in the declaration or other recorded governing documents, levy special assessments without a vote of the owners.

(k) Without owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association if operating funds are

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insufficient. This paragraph does not limit the general authority of the association to borrow money, subject to such restrictions contained in the declaration or other recorded governing documents.

Section 186. For the purpose of incorporating the amendment made by this act to section 617.0832, Florida Statutes, in a reference thereto, subsections (2) and (5) of section 718.3027, Florida Statutes, are reenacted to read:

718.3027 Conflicts of interest.—

(2) If a director or an officer, or a relative of a director or an officer, proposes to engage in an activity that is a conflict of interest, as described in subsection (1), the proposed activity must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to, the meeting agenda. The association shall comply with the requirements of s. 617.0832, and the disclosures required by s. 617.0832 shall be entered into the written minutes of the meeting. Approval of the contract or other transaction requires an affirmative vote of two-thirds of all other directors present. At the next regular or special meeting of the members, the existence of the contract or other transaction shall be disclosed to the members. Upon motion of any member, the contract or transaction shall be brought up for a vote and may be canceled by a majority vote of the members present. If the contract is canceled, the association is only liable for the reasonable value of the goods and services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.

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(5) A contract entered into between a director or an officer, or a relative of a director or an officer, and the association, which is not a timeshare condominium association, that has not been properly disclosed as a conflict of interest or potential conflict of interest as required by this section or s. 617.0832 is voidable and terminates upon the filing of a written notice terminating the contract with the board of directors which contains the consent of at least 20 percent of the voting interests of the association.

Section 187. For the purpose of incorporating the amendment made by this act to sections 617.0832 and 617.0834, Florida Statutes, in references thereto, paragraphs (a) and (b) of subsection (2) and subsection (3) of section 720.3033, Florida Statutes, are reenacted to read:

720.3033 Officers and directors.—

(2) If the association enters into a contract or other transaction with any of its directors or a corporation, firm, association that is not an affiliated homeowners' association, or other entity in which an association director is also a director or officer or is financially interested, the board must:

(a) Comply with the requirements of s. 617.0832.

(b) Enter the disclosures required by s. 617.0832 into the written minutes of the meeting.

(3) An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback. As used in this subsection, the term "kickback" means any thing or service of value for which consideration has not been provided for an officer's, a director's, or a manager's benefit or for the

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benefit of a member of his or her immediate family from any person providing or proposing to provide goods or services to the association. An officer, a director, or a manager who knowingly solicits, offers to accept, or accepts a kickback commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and is subject to monetary damages under s. 617.0834. If the board finds that an officer or a director has violated this subsection, the board must immediately remove the officer or director from office. The vacancy shall be filled according to law until the end of the officer's or director's term of office. However, an officer, a director, or a manager may accept food to be consumed at a business meeting with a value of less than \$25 per individual or a service or good received in connection with trade fairs or education programs.

Section 188. For the purpose of incorporating the amendment made by this act to section 617.0834, Florida Statutes, in a reference thereto, paragraph (a) of subsection (13) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—

(13) (a) Notwithstanding any provisions of chapter 607, chapter 617, or chapter 718, an officer, director, or agent of an owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, shall discharge its duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner it reasonably believes to be in the interests of the owners' association. An officer, director, or agent of an

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owners' association, including a timeshare management firm and any individual licensed under part VIII of chapter 468 employed by the timeshare management firm, is exempt from liability for monetary damages in the same manner as provided in s. 617.0834 unless such officer, director, agent, or firm breached or failed to perform its duties and the breach of, or failure to perform, its duties constitutes a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 189. For the purpose of incorporating the amendment made by this act to sections 617.0830 and 617.0834, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 718.111, Florida Statutes, is reenacted to read:

718.111 The association.—

(1) CORPORATE ENTITY.—

(d) As required by s. 617.0830, an officer, director, or agent shall discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the interests of the association. An officer, director, or agent shall be liable for monetary damages as provided in s. 617.0834 if such officer, director, or agent breached or failed to perform his or her duties and the breach of, or failure to perform, his or her duties constitutes a violation of criminal law as provided in s. 617.0834;

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constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Forgery of a ballot envelope or voting certificate used in a condominium association election is punishable as provided in s. 831.01, the theft or embezzlement of funds of a condominium association is punishable as provided in s. 812.014, and the destruction of or the refusal to allow inspection or copying of an official record of a condominium association that is accessible to unit owners within the time periods required by general law in furtherance of any crime is punishable as tampering with physical evidence as provided in s. 918.13 or as obstruction of justice as provided in chapter 843. An officer or director charged by information or indictment with a crime referenced in this paragraph must be removed from office, and the vacancy shall be filled as provided in s. 718.112(2)(d)2. until the end of the officer's or director's period of suspension or the end of his or her term of office, whichever occurs first. If a criminal charge is pending against the officer or director, he or she may not be appointed or elected to a position as an officer or a director of any association and may not have access to the official records of any association, except pursuant to a court order. However, if the charges are resolved without a finding of guilt, the officer or director must be reinstated for the remainder of his or her term of office, if any.

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

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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

Judiciary

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

554

Bill Number or Topic

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@ukd-firm.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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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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	<b>Fav/CS</b>
2.			ACJ	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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 witnesses<sup>5</sup> – and either party may file pre-trial motions asking the court to

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<sup>1</sup> U.S. Dept. of Justice, *220. Attorney's Fees*, Civil Resource Manual, <https://www.justice.gov/archives/jm/civil-resource-manual-220-attorneys-fees>.

<sup>2</sup> Article V, ss. 5 and 6, Fla. Const.

<sup>3</sup> 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).

<sup>4</sup> 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).

<sup>5</sup> 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,<sup>6</sup> the lawsuit may then proceed to trial; such trials may be before a jury, in which case the jury determines questions of fact<sup>7</sup> 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.<sup>8</sup> In either case, at the trial’s conclusion, the judge issues a final judgment,<sup>9</sup> and may also issue orders on any post-trial motions filed by the parties, which may include motions for attorney fees and costs.<sup>10</sup>

### ***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.<sup>11</sup> Currently, Florida has six DCAs – that is, one DCA serving each of Florida’s six appellate districts.<sup>12</sup>

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.<sup>13</sup> Furthermore, the appellant generally must have “preserved” the trial court’s error, by making a specific, contemporaneous objection to the trial court;<sup>14</sup> 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.<sup>15</sup>

<sup>6</sup> 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).

<sup>7</sup> “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](https://www.law.cornell.edu/wex/question_of_fact) (last visited Jan. 22, 2026).

<sup>8</sup> “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](https://www.law.cornell.edu/wex/question_of_law) (last visited Jan. 22, 2026).

<sup>9</sup> 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](https://www.law.cornell.edu/wex/final_judgment) (last visited Jan. 22, 2026).

<sup>10</sup> *Stockman v. Downs*, 573 So. 2d 835, 838 (Fla. 1991).

<sup>11</sup> 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.

<sup>12</sup> Art. V, s. 3, Fla. Const.; s. 35.01, F.S.

<sup>13</sup> 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.

<sup>14</sup> *Castor v. State*, 365 So. 2d 701 (Fla. 1978).

<sup>15</sup> “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,<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup>

### ***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.<sup>19</sup> 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."<sup>20</sup> 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,

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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).

<sup>16</sup> 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).

<sup>17</sup> 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.

<sup>18</sup> 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.

<sup>19</sup> 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).

<sup>20</sup> 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.<sup>21</sup>

### **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.<sup>22</sup> 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.<sup>23</sup>

### ***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”<sup>24</sup> 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.<sup>25</sup> 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

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<sup>21</sup> *State v. Vickery*, 961 So. 2d 309 (Fla. 2007).

<sup>22</sup> 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).

<sup>23</sup> 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).

<sup>24</sup> “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](https://www.law.cornell.edu/wex/family_law) (last visited Jan. 22, 2026).

<sup>25</sup> *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.<sup>26</sup> 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.<sup>27</sup> 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.<sup>28</sup>

### ***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.<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup> 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.<sup>32</sup> 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.”<sup>33</sup>

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<sup>26</sup> *Id.*

<sup>27</sup> *Haslauer v. Haslauer*, 381 So. 3d 662 (Fla. 1st DCA 2024).

<sup>28</sup> *Id.* at 666.

<sup>29</sup> 696 So. 2d 697 (Fla. 1997).

<sup>30</sup> *Id.* at 700.

<sup>31</sup> 826 So. 2d 221 (Fla. 2002).

<sup>32</sup> *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).

<sup>33</sup> *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*.”<sup>34</sup> 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.”<sup>35</sup>

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.].”<sup>36</sup> 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.<sup>37</sup>

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.<sup>38</sup> 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.].”<sup>39</sup> 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.<sup>40</sup>

<sup>34</sup> Emphasis added.

<sup>35</sup> Compare s. 61.16(1), F.S., with s. 742.045, F.S.

<sup>36</sup> *Beckford v. Drogan*, 216 So. 3d 1 (Fla. 4th DCA 2017); *McNulty v. Bowser*, 233 So. 3d 1277 (Fla. 5th DCA 2018).

<sup>37</sup> *C.T. v. T.G.*, 397 So. 3d 219 (Fla. 6th DCA 2024); *Perez-Palm v. Rodriguez*, 2025 WL 1243790 (Fla. 3d DCA 2025).

<sup>38</sup> *C.T. v. T.G.*, 397 So. 3d at 221.

<sup>39</sup> *Perez-Palma v. Rodriguez*, 2025 WL 1243790 (Fla. 3d DCA 2025).

<sup>40</sup> *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...”<sup>41</sup> 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.<sup>42</sup>

### ***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.<sup>43</sup> 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.<sup>44</sup> 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.<sup>45</sup> 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,<sup>46</sup> while criminal contempt proceedings punish a contemnor for failing to comply with the court’s order through sanctions that may include jail time.<sup>47</sup> 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

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<sup>41</sup> *Schneider v. Schneider*, 32 So. 3d 151 (Fla. 4th DCA 2010).

<sup>42</sup> *Schultheis v. Schultheis*, No. 3D23-1250 (Fla. 3d DCA 2025).

<sup>43</sup> 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.

<sup>44</sup> Section 38.23, F.S.

<sup>45</sup> *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).

<sup>46</sup> 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).

<sup>47</sup> *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.<sup>48</sup>

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

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<sup>48</sup> *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.<sup>49</sup> 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.<sup>50</sup>

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.,<sup>51</sup> proceeding *pro se* – a person without legal representation<sup>52</sup> – 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;<sup>53</sup>
- 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 security<sup>54</sup> 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

<sup>49</sup> 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.”).

<sup>50</sup> Workgroup, *supra* note 49.

<sup>51</sup> 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.

<sup>52</sup> Legal Information Institute, *Pro Se*, [https://www.law.cornell.edu/wex/pro\\_se](https://www.law.cornell.edu/wex/pro_se) (last visited Jan. 22, 2026).

<sup>53</sup> An action may not be included in the total count where the litigant commenced, prosecuted, or maintained the action in good faith.

<sup>54</sup> “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 68.093(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 prejudice<sup>55</sup> 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 judgment<sup>56</sup> 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.

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<sup>55</sup> 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](https://www.law.cornell.edu/wex/with_prejudice) (last visited Jan. 22, 2026).

<sup>56</sup> 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](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.<sup>57</sup> A purely procedural or remedial law may apply retroactively without offending the Constitution,<sup>58</sup> but a substantive law generally may not apply retroactively absent clear legislative intent to the contrary.<sup>59</sup> 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.<sup>60</sup> 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.”<sup>61</sup>

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.<sup>62</sup> 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.<sup>63</sup>

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<sup>57</sup> 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).

<sup>58</sup> 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.

<sup>59</sup> *State Farm Mutual Automobile Ins. Co. v. Laforet*, 658 So. 2d 55 (Fla. 1995).

<sup>60</sup> *Menendez*, 35 So. 3d at 877.

<sup>61</sup> *L. Ross, Inc. v. R.W. Roberts Const. Co.*, 481 So. 2d 484 (Fla. 1986).

<sup>62</sup> *Young v. Altenhaus*, 472 So. 2d 1152 (Fla. 1985).

<sup>63</sup> 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.

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

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721864

LEGISLATIVE ACTION

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

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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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proceeding seeking relief under this chapter, including enforcement, ~~and~~ modification, and appellate proceedings and appeals.

(2) An award of attorney fees, suit money, and costs, whether temporary or final, may be awarded retroactively and prospectively as equity requires. Attorney fees, suit money, and costs incurred in pursuing an award of such fees, money, and costs may be included in any award under this section.

(3) In those cases in which an action is brought for enforcement and the court finds that the noncompliant party is without justification in the refusal to follow a court order, the court may not award attorney ~~attorney's~~ fees, suit money, and costs to the noncompliant party.

(4) An application for attorney ~~attorney's~~ fees, suit money, or costs, whether temporary or final ~~otherwise, may shall~~ not require corroborating expert testimony in order to support an award under this chapter.

(5) The trial court has ~~shall have~~ continuing jurisdiction to make temporary attorney ~~attorney's~~ fees and costs 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.

(6) In determining entitlement to, and the amount of, an award of attorney fees, suit money, and costs, the court may consider whether a good faith offer of settlement was rejected.

(7)(a) If a party directly engages in vexatious or bad faith litigation, the court may:

1. Award attorney fees, suit money, and costs as a sanction 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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Florida Rules of Criminal Procedure, whether denominated direct or indirect criminal contempt, the court may ~~shall have~~ authority to:

(a) Appoint an attorney to prosecute said contempt.

(b) Assess attorney ~~attorney's~~ fees and costs against the ~~contemnor~~ ~~contemptor~~ after the court makes a determination of the contemnor's ~~contemptor's~~ ability to pay such costs and fees.

(c) Order that the amount be paid directly to the attorney, who may enforce the order in his or her name.

Section 2. Section 742.045, Florida Statutes, is amended to read:

742.045 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 proceeding seeking relief under this chapter, including enforcement, ~~and~~ modification, and appellate proceedings.

(2) An award of attorney fees, suit money, and costs, whether temporary or final, may be awarded retroactively and prospectively as equity requires. Attorney fees, suit money, and costs incurred in pursuing an award of such fees, money, and costs may be included in any award under this section.

(3) An application for attorney ~~attorney's~~ fees, suit money, or costs, whether temporary or final ~~otherwise~~, may ~~shall~~ not require corroborating expert testimony in order to support an award under this chapter.

(4) In determining entitlement to, and the amount of, an award of attorney fees, suit money, and costs, the court may



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consider whether a good faith offer of settlement was rejected.

(5) (a) If a party directly engages in vexatious or bad faith litigation, the court may:

1. Award attorney fees, suit money, and costs as a sanction against the opposing party; or

2. Deny or reduce an award of attorney fees, suit money, and costs to the offending party.

(b) An order entered under this subsection addressing vexatious or bad faith litigation must include written findings identifying the specific conduct the party engaged in and the reasons the court granted, denied, or reduced such fees, money, and costs.

(6) The court may order that the amount of the attorney fees, suit money, and costs be paid directly to the attorney, who may enforce the order in his or her name. However, payment of support owed to the obligee has priority over fees, costs, and expenses.

(7) In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Revenue may ~~shall~~ not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

Section 3. This act shall take effect upon becoming a law.

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





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And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to attorney fees, suit money, and costs; amending ss. 61.16 and 742.045, F.S.; authorizing a court to order attorney fees, suit money, and costs in appellate proceedings; providing that an award of attorney fees, suit money, and costs may be awarded retroactively and prospectively; authorizing the inclusion of certain fees, money, and costs in an award of attorney fees, suit money, and costs; providing that payment of support owed to the obligee has priority over fees, costs, and expenses; authorizing the court to consider if a good faith offer of settlement was rejected when awarding attorney fees, suit money, and costs; authorizing the court to award, deny, or reduce attorney fees, suit money, and costs under certain circumstances; requiring the court to make certain written findings; providing an effective date.

By Senator Grall

29-00875-26

2026644

A bill to be entitled

An act relating to attorney fees, suit money, and costs; amending ss. 61.16 and 742.045, F.S.; authorizing a court to order attorney fees, suit money, and costs in appellate proceedings; providing that an award of attorney fees, suit money, and costs may be awarded retroactively and prospectively; authorizing the inclusion of certain fees, money, and costs in an award of attorney fees, suit money, and costs; authorizing the court to consider if a good faith offer of settlement was rejected when awarding attorney fees, suit money, and costs; authorizing the court to award, deny, or reduce attorney fees, suit money, and costs under certain circumstances; requiring the court to make certain written findings; providing applicability; providing an effective date.

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

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 proceeding seeking relief under this chapter, including enforcement, ~~and~~ modification, ~~and~~ appellate proceedings ~~and~~ appeals.

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

29-00875-26

2026644

(2) An award of attorney fees, suit money, and costs, whether temporary or final, may be awarded retroactively and prospectively as equity requires. Attorney fees, suit money, and costs incurred in pursuing an award of such fees, money, and costs may be included in any award under this section.

(3) In those cases in which an action is brought for enforcement and the court finds that the noncompliant party is without justification in the refusal to follow a court order, the court may not award attorney ~~attorney's~~ fees, suit money, and costs to the noncompliant party.

(4) An application for attorney ~~attorney's~~ fees, suit money, or costs, whether temporary or final ~~otherwise~~, may shall not require corroborating expert testimony in order to support an award under this chapter.

(5) The trial court ~~has~~ shall have continuing jurisdiction to make temporary attorney ~~attorney's~~ fees and costs 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.

(6) In determining entitlement to, and the amount of, an award of attorney fees, suit money, and costs, the court may consider whether a good faith offer of settlement was rejected.

(7) (a) If a party, directly or through the party's attorney, engages in vexatious or bad faith litigation, the court may:

1. Award attorney fees, suit money, and costs as a sanction against the opposing party; or

2. Deny or reduce an award of attorney fees, suit money, and costs to the offending party.

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

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(b) An order entered under this subsection addressing vexatious or bad faith litigation must include written findings identifying the specific conduct the party engaged in and the reasons the court granted, denied, or reduced such fees, money, and costs. In all cases, the court may order that the amount be paid directly to the attorney, who may enforce the order in that attorney's name.

(8) In determining whether to make attorney attorney's fees and costs awards at the appellate level, the court shall primarily consider the relative financial resources of the parties, unless an appellate party's cause is deemed to be frivolous.

(9) In all cases, the court may order that the award of attorney fees, suit money, and costs be paid directly to the attorney, who may enforce such order in his or her name.

(10) In Title IV-D cases, attorney attorney's fees, suit money, and costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Revenue shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

(11)(2) In an action brought pursuant to Rule 3.840, Florida Rules of Criminal Procedure, whether denominated direct or indirect criminal contempt, the court may shall have authority to:

(a) Appoint an attorney to prosecute said contempt.

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2026644

(b) Assess attorney attorney's fees and costs against the ~~contemnor~~ ~~contemptor~~ after the court makes a determination of the ~~contemnor's~~ ~~contemptor's~~ ability to pay such costs and fees.

(c) Order that the amount be paid directly to the attorney, who may enforce the order in his or her name.

Section 2. Section 742.045, Florida Statutes, is amended to read:

742.045 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 proceeding seeking relief under this chapter, including enforcement, ~~and~~ modification, and appellate proceedings.

(2) An award of attorney fees, suit money, and costs, whether temporary or final, may be awarded retroactively and prospectively as equity requires. Attorney fees, suit money, and costs incurred in pursuing an award of such fees, money, and costs may be included in any award under this section.

(3) An application for attorney attorney's fees, suit money, or costs, whether temporary or ~~final~~ otherwise, ~~may shall~~ not require corroborating expert testimony in order to support an award under this chapter.

(4) In determining entitlement to, and the amount of, an award of attorney fees, suit money, and costs, the court may consider whether a good faith offer of settlement was rejected.

(5)(a) If a party, directly or through the party's attorney, engages in vexatious or bad faith litigation, the court may:

29-00875-26

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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

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 644

Bill Number or Topic

721864

Amendment Barcode (if applicable)

Name

William Norvel, Esq

Phone

561. 689. 4378

Address

2041 Vista Pkwy, Ste. 202

Email

wnorvel@susslerlaw.com

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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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>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup> Each local government must maintain a comprehensive plan to guide future development.<sup>2</sup>

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

### ***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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

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<sup>1</sup> Section 163.3167(1), F.S.

<sup>2</sup> Section 163.3167(2), F.S.

<sup>3</sup> Section 163.3194(3), F.S.

<sup>4</sup> Section 163.3177(3) and (6), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> 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.

<sup>7</sup> Section 163.3177(6)(a)1., F.S.

<sup>8</sup> 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.<sup>9</sup>

### ***Compatibility***

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.<sup>10</sup> 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.”<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup>

### **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.<sup>15</sup>

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement its adopted comprehensive plan.<sup>16</sup> Local governments are encouraged to use innovative land development regulations<sup>17</sup> and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.<sup>18</sup> Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.<sup>19</sup>

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<sup>9</sup> 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)).

<sup>10</sup> Section 163.3194(3), F.S.

<sup>11</sup> Section 163.3164(9), F.S.

<sup>12</sup> Section 163.3177(6)(a)2., F.S.

<sup>13</sup> Section 163.3202(2)(b), F.S.

<sup>14</sup> See, e.g., s. 5.10 (Residential Compatibility Standards), Land Development Code of Maitland, Florida.

<sup>15</sup> Section 163.3164(26), F.S.

<sup>16</sup> Section 163.3202(1), F.S.

<sup>17</sup> Section 163.3202(3), F.S.

<sup>18</sup> Sections 125.01055 and 166.04151, F.S.

<sup>19</sup> 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 densities<sup>20</sup> and intensities<sup>21</sup> over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> 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

<sup>20</sup> "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.

<sup>21</sup> "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.

<sup>22</sup> 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)).

<sup>23</sup> See Indian River County, *Planning and Development Services FAQ*, [https://indianriver.gov/services/community\\_development/faq.php#collapse1250b0](https://indianriver.gov/services/community_development/faq.php#collapse1250b0) (last visited Jan. 29, 2026).

<sup>24</sup> 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>.

<sup>25</sup> See *id.*; see also Town of Redington Shores, *Planning and Zoning Board*, <https://townofredingtonshores.com/boards-committees/> (last visited Jan. 29, 2026).

<sup>26</sup> See, e.g., *City of Tallahassee, Variance*, [https://www.talgov.com/growth/gm\\_permits\\_lues/Variance\\_33](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.<sup>27</sup>

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 sprawl<sup>28</sup> 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.<sup>29</sup>

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.<sup>30</sup>

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.<sup>31</sup>

### 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.

<sup>27</sup> Section 163.3164(4), F.S.

<sup>28</sup> "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.

<sup>29</sup> Section 163.3162(4), F.S.

<sup>30</sup> *Id.*

<sup>31</sup> 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,<sup>32</sup> the Florida wildlife corridor,<sup>33</sup> or a military installation or range.<sup>34</sup>

---

<sup>32</sup> As designated in ss. 380.055, 380.0551, 380.0552, 380.0553, or 380.0555, F.S.

<sup>33</sup> As defined in s. 259.1055(4), F.S.

<sup>34</sup> 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

~~LOCAL GOVERNMENT COMPREHENSIVE PLAN. The owner of a parcel of land defined as an agricultural enclave under s. 163.3164 may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 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. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.~~

~~(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the 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. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith~~



174210

~~negotiations for purposes of paragraph (c).~~

~~(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the 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, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.~~

~~(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.~~

~~(i)~~ (d) Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of any of the following areas:

1. The Wekiva Study Area, as described in s. 369.316. ~~or~~
2. The Everglades Protection Area, as defined in s. 373.4592(2).

3. Any area of critical state concern, as designated in s. s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s. 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

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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

Page 2 of 8

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

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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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schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).

~~(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the 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, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.~~

~~(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.~~

~~(h)(d)~~ Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of any of the following areas:

1. The Wekiva Study Area, as described in s. 369.316, ~~or~~
2. The Everglades Protection Area, as defined in s. 373.4592(2).
3. A military installation or range identified in s. 163.3175(2).

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Section 2. Subsection (4) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel or parcels that, as of January 1, 2025:

(a) Are ~~is~~ owned or controlled by a single person or entity;

(b) Have ~~Has~~ been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before ~~prior to~~ the date of any comprehensive plan amendment or development application;

(c) 1. Are ~~is~~ surrounded on at least 75 percent of their ~~its~~ perimeter by:

a.1. A parcel or parcels ~~Property~~ that have ~~has~~ existing industrial, commercial, or residential development; ~~or~~

b.2. A parcel or parcels ~~Property~~ that the local government has designated, in the local government's ~~comprehensive plan,~~ zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such parcel or parcels ~~property~~ is existing industrial, commercial, or residential development; or

c. A combination of an interstate highway and a parcel or parcels that are within an urban service district, area, or line and that the local government has designated in the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes;

2. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the

578-02034-26

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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**

10 Feb

Meeting Date

SB 686

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

LEN Rocippi

Phone

908403 3140

Address

5288 SW 85th St

Email

LMRWVY@outlook.com

Street

OCOLA

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. [2020-2022 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

Feb 10, 2026

Meeting Date

Judiciary

Committee

686

Bill Number or Topic

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 \(flsenate.gov\)](#)

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

686

Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave  
Street

Email DMartinez@AFPHQ.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**

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

02/10/24

Meeting Date

Judiciary

Committee

686

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Amina Spahic (Am-EEENA  
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:

Florida For All

☐

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

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

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

S-001 (08/10/2021)

2/6/26

Meeting Date

Judiciary

Committee

Name **Adam Basford**

Address **516 N Adams St**

Street

**Tallahassee**

City

**FL**

State

**32301**

Zip

The Florida Senate

## APPEARANCE RECORD

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

686

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **8502247173**

Email **abasford@aif.com**

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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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>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup> Cyberattacks are usually aimed at accessing, changing, or destroying sensitive information; extorting money from users via ransomware; or interrupting normal business processes.<sup>2</sup> 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.<sup>3</sup> The standards must be consistent with generally accepted best practices for cybersecurity, including the National Institute of Standards and Technology (NIST) Cybersecurity Framework.<sup>4</sup> A local government must notify Florida Digital Service<sup>5</sup> (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.<sup>6</sup>

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.

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> Section 282.3185(4)(a), F.S.

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

<sup>5</sup> 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.

<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup>

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.<sup>9</sup> Reporting a level 1 or 2 incident is optional and there is no deadline.<sup>10</sup>

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.<sup>11</sup>

### ***Florida Information Protection Act (FIPA)<sup>12</sup>***

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,

<sup>7</sup> Section 282.318(3)(c)9.a., F.S.

<sup>8</sup> Section 282.3185(5)(a), F.S.

<sup>9</sup> Section 282.3185(5)(b)1., F.S.

<sup>10</sup> Section 282.3185(5)(c), F.S.

<sup>11</sup> Section 282.3185(6), F.S.

<sup>12</sup> Section 501.171, F.S.; Chapter 2014-189, Laws of Fla.



to take “reasonable measures to protect and secure” a consumer’s personal information.<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup>

The FIPA requires covered entities, including governmental entities,<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup>

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.<sup>19</sup> 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.<sup>20</sup> 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).<sup>21</sup>

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<sup>13</sup> Section 501.171(2), F.S.

<sup>14</sup> Section 501.171(1)(g)1., F.S.

<sup>15</sup> Section 501.171(1)(g)2., F.S.

<sup>16</sup> 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.

<sup>17</sup> Section 501.171(4)(a), F.S.

<sup>18</sup> Section 501.171(4)(c), F.S.

<sup>19</sup> Section 501.171(3), F.S.

<sup>20</sup> Section 501.171(5), F.S.

<sup>21</sup> 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.<sup>22</sup>

### ***Cybersecurity Standards***

The National Institute of Standards and Technology (NIST) is a non-regulatory federal agency within the U.S. Department of Commerce.<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup>

Other guidelines and frameworks referenced in the bill are:

<b>Cybersecurity Standards and Applicable Privacy Laws</b>	
<b>Standard</b>	<b>Description</b>
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.

<sup>22</sup> Section 501.171(9)(b), F.S.

<sup>23</sup> NIST, *NIST History*, <https://www.nist.gov/history> (last visited Jan. 21, 2026).

<sup>24</sup> 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).

<sup>25</sup> 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. <sup>26</sup>
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. <sup>27</sup> 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. <sup>28</sup>
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). <sup>29</sup>
Center for Internet Security Critical Security Controls (CIS)	A prescriptive and simplified set of best practices for strengthening cybersecurity for different organizations. <sup>30</sup>

<sup>26</sup> 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).

<sup>27</sup> 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).

<sup>28</sup> 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).

<sup>29</sup> 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).

<sup>30</sup> 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. <sup>31</sup>
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. <sup>32</sup>
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. <sup>33</sup>
Secure Controls Framework	A meta-framework incorporating various cybersecurity and data privacy controls to help organizations build secure and compliant programs. <sup>34</sup>
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

<sup>31</sup> 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).

<sup>32</sup> 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).

<sup>33</sup> Secureframe, *What is SOC2?*, <https://secureframe.com/hub/soc-2/what-is-soc-2> (last visited Jan. 21, 2026).

<sup>34</sup> 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. <sup>35</sup>
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. <sup>36</sup>
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. <sup>37</sup>
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. <sup>38</sup>

<sup>35</sup> Centers for Disease Control and Prevention, *Health Insurance Portability and Accountability Act of 1996 (HIPPA)*, [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](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).

<sup>36</sup> 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).

<sup>37</sup> 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).

<sup>38</sup> 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. <sup>39</sup>

### 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.<sup>40</sup> 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.<sup>41</sup> 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.<sup>42</sup>

### Burden of Proof and Legal Presumptions

The burden of proof refers to the obligation to establish a material fact in a legal dispute.<sup>43</sup> Generally, the party asserting a fact bears the burden.<sup>44</sup> 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

<sup>39</sup> 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](https://www.fbi.gov/file-repository/cjis/cjis_security_policy_v5-9_20200601.pdf/view) (last visited Jan. 21, 2026).

<sup>40</sup> Fla. Std. Jury Instr. Civil 401.3, *Negligence*.

<sup>41</sup> 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.

<sup>42</sup> 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).

<sup>43</sup> Black's Law Dictionary (12th ed. 2024), burden of proof.

<sup>44</sup> 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.<sup>45</sup> In some instances, statutory or common law presumptions shift the burden of proof to the opposing party unless sufficiently rebutted.<sup>46</sup>

### **Sovereign Immunity**

Sovereign immunity is a legal doctrine that prevents the government from being sued without its consent.<sup>47</sup> The State Constitution allows the Legislature to waive this immunity,<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> 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.<sup>51</sup> 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.<sup>52</sup> 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.<sup>53</sup>

### **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.<sup>54</sup>

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

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<sup>45</sup> 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.

<sup>46</sup> See Black's Law Dictionary (12th ed. 2024), presumption; Cornell Law School, Presumption (last visited January 14, 2026).

<sup>47</sup> 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).

<sup>48</sup> Art. X, s. 13, FLA. CONST.

<sup>49</sup> Section 768.28(5), F.S.

<sup>50</sup> *Id.*

<sup>51</sup> Section 768.28, F.S.

<sup>52</sup> Section 768.28(9), F.S.

<sup>53</sup> *Id.*

<sup>54</sup> Legal Information Institute, Cornell Law School, *Class Action*, [https://www.law.cornell.edu/wex/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.<sup>55</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 282.3185, F.S., to prohibit a local government, which includes counties and municipalities,<sup>56</sup> 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 subdivision<sup>57</sup> 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 recovery<sup>58</sup> 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.

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<sup>55</sup> 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).

<sup>56</sup> See s. 282.3185(2), F.S., which defines a “local government” for purposes of the section as a county or municipality.

<sup>57</sup> 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.

<sup>58</sup> 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.<sup>59</sup>

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

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<sup>59</sup> 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.<sup>60</sup>

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.

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<sup>60</sup> 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

A bill to be entitled

An act relating to cybersecurity standards and liability; amending s. 282.3185, F.S.; prohibiting local governments from imposing certain cybersecurity standards or processes on vendors; defining the term "vendor"; prohibiting local governments from adopting or enforcing certain cybersecurity standards or processes; creating s. 768.401, F.S.; defining terms; 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; providing that a private cause of action is not established; providing that the fact that a specified defendant could have obtained a liability shield or a presumption against liability is not admissible as evidence of negligence, does not constitute negligence per se, and may not be used as evidence of fault; specifying that the defendant in certain actions has a certain burden of proof; providing applicability; providing a directive to the Division of Law Revision; providing an effective date.

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

Page 1 of 6

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

585-02205-26

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Section 1. Paragraph (a) of subsection (4) of section 282.3185, Florida Statutes, is amended to read:

282.3185 Local government cybersecurity.—

(4) CYBERSECURITY STANDARDS.—

(a) 1. Each local government shall adopt cybersecurity standards that safeguard its data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The cybersecurity standards must be consistent with generally accepted best practices for cybersecurity, including the National Institute of Standards and Technology Cybersecurity Framework.

2. A local government may not impose cybersecurity standards or processes on a vendor which exceed the standards or processes established under this paragraph, except as necessary to comply with state or federal laws, or with industry-specific requirements applicable to regulated sectors. For purposes of this paragraph, "vendor" means a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity that contracts with a local government to provide information technology commodities or services.

3. A local government may not adopt or enforce any cybersecurity standards or processes that are inconsistent with this paragraph for contracts entered into or amended on or after July 1, 2026.

Section 2. Section 768.401, Florida Statutes, is created to read:

768.401 Limitation on liability for cybersecurity incidents.—

Page 2 of 6

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

585-02205-26

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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

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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.

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No. 106-102, as amended, and its implementing regulations.

c. The Federal Information Security Modernization Act of 2014, Pub. L. No. 113-283.

d. The Health Information Technology for Economic and Clinical Health Act requirements in 45 C.F.R. parts 160 and 164.

e. The Criminal Justice Information Services (CJIS) Security Policy.

f. Other similar requirements mandated by state or federal laws or regulations.

(4) A covered entity's or a third-party agent's cybersecurity program's compliance with paragraph (3)(b) may be demonstrated by providing documentation or other evidence of an assessment, conducted internally or by a third-party, reflecting that the covered entity's or third-party agent's cybersecurity program has implemented the requirements of that paragraph.

(5) A covered entity or a third-party agent must update its cybersecurity program to incorporate any revisions of relevant frameworks or standards or of applicable state or federal laws or regulations within 1 year after the latest publication date stated in any such revisions in order to retain protection from liability.

(6) This section does not establish a private cause of action.

(7) If a civil action is filed against a local government, a covered entity, or a third-party agent that failed to implement a cybersecurity program in compliance with this section, the fact that such defendant could have obtained a liability shield or presumption against liability upon compliance is not admissible as evidence of negligence, does not

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2026692c1

constitute negligence per se, and may not be used as evidence of fault under any other theory of liability.

(8) In a civil action relating to a cybersecurity incident, if the defendant is a local government covered by subsection (2) or a covered entity or third-party agent covered by subsection (3), the defendant has the burden of proof to establish substantial compliance with this section.

(9) This section applies to any putative class action filed before, on, or after the effective date of this act.

Section 3. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

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 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", is written over a horizontal line.

Sen. Tom Leek  
Florida Senator, District 7

The Florida Senate

**APPEARANCE RECORD**

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2/10

Meeting Date

Judiciary

Committee

692

Bill Number or Topic

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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S-001 (08/10/2021)



10 Feb 26

The Florida Senate  
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SB 692

Meeting Date

Senate Judiciary

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Henry J. "Harry" Graben

Phone

850-510-9173

Address

203 North Gadsden St

Email

grabenh8@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.

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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2/10/26  
Meeting Date  
S Judiciary  
Committee

692  
Bill Number or Topic  
  
Amendment Barcode (if applicable)

Name Cameron Fink Phone 850 933 4665  
Address 516 N Adams St Email cfinke@att.com  
Tallahassee FL 32301  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☐ 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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Judiciary

Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name Jahvin Gordon, Florida Chamber of Commerce Phone 786-288-1424

Address 136 South Bronough Street Email Jahvin11@gmail.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 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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2/10/2026

Meeting Date

Judiciary

Committee

The Florida Senate

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692

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sam Wagoner**

Phone **850-701-3603**

Address **300 S Bronough St**

Street

Email **swagoner@flcities.com**

**TLH**

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 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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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

Amendment Barcode (if applicable)

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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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SB 692

Bill Number or Topic

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Meeting Date

Judiciary

Committee

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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Bill Number or Topic

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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Meeting Date

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Committee

SB 692

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JEFF SCALA

Phone

(727) 637-4081

Address

100 S Monroe

Street

Tallahassee

City

FL

State

32301

Zip

Email

jscala@fl-counties.com

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

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 \(flsenate.gov\)](#)

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

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

692

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Michael Carlson**

Phone **8505449576**

Address **215 South Monroe St. Ste. 835**

Email **michael.carlson@piff.net**

Street

**Tallahassee**

City

**32301**

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 \(flsenate.gov\)](#)

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 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	<b>Fav/CS</b>
2.	Davis	Cibula	JU	<b>Favorable</b>
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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup>

Running a red light is a noncriminal traffic infraction, punishable as a moving violation.<sup>4</sup> The statutory base fine is \$158, but with additional fees and surcharges, the total penalty may be up to \$256.<sup>5</sup>

Florida law also requires that the driver of a vehicle approaching an intersection with a stop sign to stop before entering the intersection.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup>

### Traffic Infractions Requiring a Mandatory Hearing

Any person cited for any traffic infraction listed below must appear before a designated official for a hearing:

---

<sup>1</sup> Section 316.074(1), F.S. There are also exceptions granted to drivers of authorized emergency vehicles.

<sup>2</sup> Section 316.075(1)(c), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Section 316.074(6), F.S.

<sup>5</sup> 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](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025_Distribution_Schedule_-.pdf) (last visited January 23, 2026).

<sup>6</sup> 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.

<sup>7</sup> *Id.*

<sup>8</sup> Section 316.123(2)(b), F.S.

<sup>9</sup> 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](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 injury<sup>10</sup> 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;<sup>11</sup>
- Any infraction related to unsecured loads;<sup>12</sup> or
- Any speeding infraction involving exceeding the speed limit by 30 mph or more.<sup>13,14</sup>

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.<sup>15</sup>

### **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 influence<sup>16</sup> 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.<sup>17</sup>

---

<sup>10</sup> 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.

<sup>11</sup> Section 316.172(1)(b), F.S.

<sup>12</sup> Sections 316.520(1) and (2), F.S.

<sup>13</sup> Sections 316.183(2), s. 316.187, or s. 316.189, F.S.

<sup>14</sup> Section 318.19, F.S.

<sup>15</sup> Section 318.14(5), F.S.

<sup>16</sup> Section 316.193, F.S. This provision applies to convictions and pleas after October 1, 2007.

<sup>17</sup> 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:<sup>18</sup>

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.

<sup>18</sup> 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

Page 1 of 6

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596-02240-26

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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

Page 2 of 6

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596-02240-26

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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

596-02240-26

20261054c1

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:

(a) Fifty percent shall be allocated equally among all  
 99 Level I, Level II, and pediatric trauma centers in recognition  
 100 of readiness costs for maintaining trauma services.

(b) Fifty percent shall be allocated among Level I, Level  
 101 II, and pediatric trauma centers based on each center's relative  
 102 volume of trauma cases as calculated using the hospital  
 103 discharge data collected pursuant to s. 408.061.

Section 2. Section 318.19, Florida Statutes, is amended to  
 104 read:

318.19 Infractions requiring a mandatory hearing.—Any  
 105 person cited for the infractions listed in this section does  
 106 ~~shall~~ not have the provisions of s. 318.14(2), (4), and (9)  
 107 available to him or her but must appear before the designated  
 108 official at the time and location of the scheduled hearing:

(1) Any infraction which results in a crash that causes the  
 109 death of another;

(2) Any infraction which results in a crash that causes  
 110 "serious bodily injury" of another as defined in s. 316.1933(1);  
 111

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

Page 5 of 6

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596-02240-26

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.

Page 6 of 6

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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](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

February 10, 2026

Meeting Date

Judiciary

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1054

Bill Number or Topic

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**

2/10/26

Meeting Date

1054

Bill Number or Topic

Judiciary

Committee

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

Name

Laura Donaldson

Phone

813-495-0575

Address

2901 West Busch Blvd, Ste 201

Street

Email

ldonaldson@floridafgla.com

City

Tampa,

State

FL

Zip

33618

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Collier 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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S-001 (08/10/2021)

The Florida Senate

2/10/26 - 12 PM

**APPEARANCE RECORD**

1054 - Traffic Infractions

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 **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. [2020-2022JointRules.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
<b>2024</b>	<b>154</b>	<b>994</b>	<b>5942</b>	<b>11913</b>	<b>47073</b>
Ran Red Light	94	661	3935	7854	26198
Ran Stop Sign	60	333	2007	4059	20875
<b>2025</b>	<b>127</b>	<b>996</b>	<b>5776</b>	<b>10972</b>	<b>43998</b>
Ran Red Light	82	622	3815	7253	24710
Ran Stop Sign	45	374	1961	3719	19288
<b>Grand Total</b>	<b>281</b>	<b>1990</b>	<b>11718</b>	<b>22885</b>	<b>91071</b>



**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

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BILL: SJR 1104

INTRODUCER: Senator Massullo

SUBJECT: Religious Expression in Public Schools

DATE: February 9, 2026

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	<b>Favorable</b>
2.	Davis	Cibula	JU	<b>Favorable</b>
3.			RC	

---

**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.<sup>1</sup> 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.<sup>2</sup> An amendment generally becomes effective on the first Tuesday after the first Monday in January following the election, unless the amendment specifies otherwise.<sup>3</sup> An amendment proposed by joint resolution must receive approval by at least 60 percent of the electors voting on the measure.<sup>4</sup>

### 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, ...”<sup>5</sup> 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.”<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup>

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<sup>1</sup> FLA. CONST. art. XI, s. 1.

<sup>2</sup> FLA. CONST. art. XI, s. 5(a).

<sup>3</sup> FLA. CONST. art. XI, s. 5(e).

<sup>4</sup> FLA. CONST. art. XI, s. 5(e).

<sup>5</sup> U.S. CONST. amend I.

<sup>6</sup> FLA. CONST. art. 1, ss. 3 and 4.

<sup>7</sup> *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup>

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."<sup>13</sup> 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.<sup>14</sup>

### **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.

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<sup>9</sup> *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000).

<sup>10</sup> *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022).

<sup>11</sup> *Id.*

<sup>12</sup> *Cambridge Christian School, Inc. v. Florida High School Athletic Association, Inc.*, 115 F. 4<sup>th</sup> 1266 (2024).

<sup>13</sup> Ch. 2023-97, s. 6, Laws of Fla, now codified at s. 1006.185, F.S.

<sup>14</sup> 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](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.<sup>15</sup> 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.<sup>16</sup>

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.<sup>17</sup>

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.<sup>18</sup>

### **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.

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<sup>15</sup> Section 1002.206(2), F.S.

<sup>16</sup> Section 1002.206(3) and (4), F.S.

<sup>17</sup> Section 1003.45, F.S.

<sup>18</sup> 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.<sup>19</sup> Ballot summaries of proposed constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.<sup>20</sup>

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.<sup>21</sup> 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.<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup>

<sup>19</sup> 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.

<sup>20</sup> Section 101.161(1), F.S.

<sup>21</sup> *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 509 (1969).

<sup>22</sup> *Good News Club v. Milford Central School.*, 533 U.S. 98 (2001).

<sup>23</sup> *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 301–17 (2000).

<sup>24</sup> *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,<sup>25</sup> 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.

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<sup>25</sup> 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.

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

---

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:

65 CONSTITUTIONAL AMENDMENT

66 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", with a long horizontal flourish extending to the right.

---

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

Email

JohnLabriola@ctcflo.org

Street

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)

The Florida Senate  
**APPEARANCE RECORD**

SJR 1104

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Meeting Date

2/10/26

Committee

Sen. Jud. Comm.

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

Bill Number or Topic

SJR-1104

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:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SJR 1104

02/10/20

Meeting Date

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 \(flsenate.gov\)](#)

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

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 \(flsenate.gov\)](#)

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

SJR 1104

Bill Number or Topic

2/10/20

Meeting Date

Judiciary Committee

Committee

Amendment Barcode (if applicable)

Name Amanda Langworthy

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:

☒ 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)

The Florida Senate

**APPEARANCE RECORD**

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

2/10/26

Meeting Date

SR1104

Bill Number or Topic

Amendment Barcode (if applicable)

Judiciary

Committee

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

STR 1104

Bill Number or Topic

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

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SJR 1104

Bill Number or Topic

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

Senate Judiciary  
Committee

Amendment Barcode (if applicable)

Name Spike Roma

Phone /

Address 1680 Fruitville  
Street

Email /

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:

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/10/26

Meeting Date

Judiciary

Committee

STR1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lola Smyth

Phone 863-25-3631

Address 15014 sunnyday dr  
Street

Email lolasmythofficial@gmail.com

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  
Senate professional staff conducting the meeting

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



☐ Information

**OR**

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)

07/10/26

Meeting Date

Ford

Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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

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

Amendment Barcode (if applicable)

Name

Isabella Rodriguez

Phone

305 300 5093

Address

12903 SW 50th UN

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

**APPEARANCE RECORD**

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

2-10-28

Meeting Date

SJR 1104

Bill Number or Topic

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**

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

2/10

Meeting Date

Judiciary

Committee

1104

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)

The Florida Senate

**APPEARANCE RECORD**

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

10 Feb 26

Meeting Date

SB 1104

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Kathleen Murray - Citizens Defending Freedom

Phone

757-438-6790

Address

11674 Gran Crique Ct N

Street

Email

kmurray@cedfusa.com

Jacksonville

City

FL

State

32223

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

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

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  
Senate professional staff conducting the meeting

2/10/26

Meeting Date

Judiciary

Committee

SB 1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address on file

Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida 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

Judicial Committee  
Committee

SJR 1104  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sarah Ensley Phone \_\_\_\_\_

Address 1600 Fruitvale 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: Ediles 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 Waitkevich

Phone

561 307 3428

Address

2600 N. Flieger Dr. #207  
West Palm Beach FL 33407

Street

City

State

Zip

Email

drjoanwaitkevich.com

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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

SSR 1104

Bill Number or Topic

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

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

2/10/26

Meeting Date

Judiciary

Committee

SB 1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Rain Johnson

Phone

8633880729

Address

1080 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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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

Judiciary

Committee

SJR 1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name Corey Bleakley

Phone 407 795 5896

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:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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

SB 1104

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Kara Gross**

Phone **786-363-4436**

Address **4343 West Flagler St.**

Email **kgross@aclufl.org**

Street

**Miami**

City

**FL**

State

**32312**

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

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**

Meeting Date

2/10/26

Bill Number or Topic

SSR 1104

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

Committee

Sen. Jod Comm.

Amendment Barcode (if applicable)

Name

Ulises ARIAS

Phone

305 913-5436

Address

7171 SW 5 Terr

Email

Ulises4Jesus@hotmail.com

Street

Miami FL

City

State

Zip

33144

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without  
compensation or sponsorship.☐I am a registered lobbyist,  
representing:☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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

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

S-001 (08/10/2021)

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

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

---

Prepared By: The Professional Staff of the Committee on Judiciary

---

BILL: 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><b>Fav/CS</b></u>
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<u><b>Favorable</b></u>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup> 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 Nations<sup>2</sup> placed the land west of the Jordan River<sup>3</sup> under British administration as part of the Mandate for Palestine.<sup>4</sup> In 1947, the United Nations adopted the Partition Resolution<sup>5</sup> proposing separate Jewish and Arab states, but the plan was never implemented.<sup>6</sup> After Britain withdrew in May 1948, Israel declared independence and armed conflict immediately erupted resulting in the 1948 Arab-Israeli War.<sup>7</sup>

At the conclusion of the Arab-Israeli War in mid-1949, the parties agreed to formal armistice lines<sup>8</sup> 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.<sup>9</sup> The city of Jerusalem was divided, with Israel holding the western portion and Jordan holding the Eastern portion.<sup>10</sup> In 1950, Jordan formally annexed the West Bank, a move that was recognized by only Great Britain and Pakistan.<sup>11</sup>

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> 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).

<sup>5</sup> See United Nations, *Resolution 181(II) Future Government of Palestine* (Nov. 29, 1947), <https://www.un.org/unispal/document/auto-insert-185393/>.

<sup>6</sup> 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/>.

<sup>7</sup> See Britannica, *The Arab-Israeli War of 1948*, <https://www.britannica.com/event/1948-Arab-Israeli-War> (last visited Jan. 29, 2026).

<sup>8</sup> 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](https://avalon.law.yale.edu/20th_century/arm03.asp#:~:text=9,of%20either%20Party%20relating%20thereto).

<sup>9</sup> 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>.

<sup>10</sup> 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).

<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup>

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.<sup>14</sup> K-12 students and their parents are afforded numerous statutory rights pertaining to student education.<sup>15</sup>

### **Public School Instructional Materials**

The Florida Statutes address instructional materials for K-12 public education.<sup>16</sup> 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.<sup>17</sup> Instructional materials are items having intellectual content that by design serve as major tools for assisting in the instruction of a subject or course.<sup>18</sup> They must be consistent with district goals and applicable state academic standards and course descriptions provided in state law.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> 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

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<sup>12</sup> See Britannica, *Six-Day War*, <https://www.britannica.com/event/Six-Day-War> (last visited Jan. 29, 2026).

<sup>13</sup> See Britannica, *West Bank*, <https://www.britannica.com/place/West-Bank> (last visited Jan. 29, 2026).

<sup>14</sup> Section 1002.20, F.S.

<sup>15</sup> *Id.* For example, students and parents retain certain rights relating to reproductive health and disease education. Section 1002.20(3)(d), F.S.

<sup>16</sup> 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.

<sup>17</sup> Section 1006.28(2), F.S.

<sup>18</sup> 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.).

<sup>19</sup> Section 1006.28(2)(b), F.S.

<sup>20</sup> Section 1006.28(1)(a)1., F.S.

<sup>21</sup> Section 1006.29(2), F.S.



circulating libraries that may be needed for proper operation of the district school system.<sup>22</sup> A library media center is any collection of books, ebooks, periodicals, or videos maintained and accessible on the site of a school.<sup>23</sup>

Publishers may offer sections of state-adopted instructional materials in digital or electronic formats at reduced rates to districts, schools, and teachers.<sup>24</sup> 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.<sup>25</sup>

### ***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.<sup>26</sup> Reviewers must objectively evaluate materials with Florida's state-adopted standards in mind.<sup>27</sup> Based on reviewer recommendations, the Commissioner of Education (Commissioner) then selects and adopts instructional materials for each grade and subject under consideration.<sup>28</sup>

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.<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup> 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 31<sup>st</sup> in the year preceding the adoption.<sup>32</sup> If

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<sup>22</sup> Section 1006.28(2)(d), F.S.

<sup>23</sup> Section 1006.28(1)(a)3., F.S.

<sup>24</sup> Section 1006.29(2), F.S.

<sup>25</sup> Section 1006.38(3), F.S.

<sup>26</sup> Section 1006.29(5), F.S.

<sup>27</sup> Section 1006.31(2), F.S.

<sup>28</sup> Section 1006.34(2), F.S.

<sup>29</sup> Section 1006.36(1), F.S.

<sup>30</sup> Section 1006.36(2), F.S.

<sup>31</sup> 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>.

<sup>32</sup> 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.<sup>33</sup>

The following chart shows the adoption schedule for instructional materials through Fiscal Year 2030–2031.<sup>34</sup>

<b>Adoption Year</b>	<b>Subject Area</b>	<b>Specifications and Criteria Available</b>	<b>State Adoption Process</b>	<b>Effective Date of Contract (April 1 - March 31)</b>
2026-2027	Mathematics and Computer Science, <b>K-12</b>	January 2025	June 2025-July 2026	2027-2032
2027-2028	Social Studies, <b>K-12</b>	January 2026	June 2026-July 2027	2028-2033
2028-2029	Science, <b>K-12</b>	January 2027	June 2027-July 2028	2029-2034
2029-2030	English Language Arts, <b>K-12</b>	January 2028	June 2028-July 2029	2030-2035
2030-2031	Career and Technical Education, <b>9-12</b> ; Health and Physical Education, <b>K-12</b> ; Performing and Visual Arts, <b>K-12</b> ; World Languages, <b>K-12</b>	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.<sup>35</sup> 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 1<sup>st</sup> each year.<sup>36</sup> Unless a school district has implemented its own instructional materials program,<sup>37</sup> any instructional materials purchased using state funds must be aligned with the state academic standards<sup>38</sup> and included on the state-

<sup>33</sup> Section 1006.36(2), F.S.

<sup>34</sup> 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).

<sup>35</sup> See Florida Department of Education, *Funding for Florida School Districts, 2024-2025*, available at <https://www.fldoe.org/file/7507/Fefpdist.pdf>.

<sup>36</sup> Section 1006.40(1), F.S.

<sup>37</sup> See s. 1006.283(1), F.S.

<sup>38</sup> See s. 1003.41(1), F.S.

adopted instructional materials list.<sup>39</sup> 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.<sup>40</sup>

### 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.

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<sup>39</sup> Section 1006.40(3)(a), F.S. Materials not on the state adopted list include library books, reference books, and nonprint materials.

<sup>40</sup> 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.

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

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By the Committee on Governmental Oversight and Accountability;  
and Senator Massullo

585-02206-26

20261106c1

A bill to be entitled

An act relating to recognizing Judea and Samaria;  
providing a short title; creating s. 1.016, F.S.;  
providing legislative intent; defining terms;  
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; prohibiting instructional materials and  
library media center collections adopted by certain  
entities on or after a specified date from using the  
term "West Bank"; providing an effective date.

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

Section 1. This act may be cited as the "Recognizing Judea  
and Samaria Act."

Section 2. Section 1.016, Florida Statutes, is created to  
read:

1.016 Recognizing Judea and Samaria.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
to:

(a) Refer to the land liberated by Israel from Jordan  
during the 1967 Six-Day War by its historical name of "Judea and  
Samaria," with the land south of Jerusalem being considered  
"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

"Samaria."

(b) No longer use the term "West Bank" in official  
government materials.

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

(a) "Official government material" means a guidance, rule,  
material, briefing, press release, communication, or work  
product document prepared by a state agency.

(b) "State agency" means every department, division,  
office, board, commission, and institution of this state.

(3) PROHIBITIONS.—A state agency may not use the term "West  
Bank" to refer to Judea and Samaria in an official government  
material or use moneys to create an official government material  
that refers to Judea and Samaria as "West Bank."

Section 3. Instructional materials, as defined in s.  
1006.28(1)(a), Florida Statutes, and library media center  
collections that are 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 by its historical name of "Judea and Samaria,"  
with the land south of Jerusalem being considered "Judea" and  
the land north of Jerusalem being considered "Samaria." Such  
materials and collections adopted on or after July 1, 2026, by a  
district school board or charter school governing board may not  
use the term "West Bank" to refer to Judea and Samaria.

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", with a long horizontal flourish extending to the right.

---

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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

S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

2/10/26

Meeting Date

SB 1106

Bill Number or Topic

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

City

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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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  
Judiciary  
Committee

1106  
Bill Number or Topic  
  
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

Judiciary

Committee

SB 1106

Bill Number or Topic

Name

Matthew Grocholske

Phone

8632247501

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:

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

2/10/26  
Meeting Date

SB 106  
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 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 \(flsenate.gov\)](#)

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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

2/10/24

Meeting Date

Judiciary

Committee

SB 1106

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ashe Bradley

Phone

Address

Street

Tampa

City

FL

State

33615

Zip

Email

Speaking:

☒ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

2-10-26

Meeting Date

Senate Judiciary

Committee

SB 1106

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Spike Roma

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:**

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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**

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

02/10/26

Meeting Date

Judicial

Committee

1106

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Seneca Bristol

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

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Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

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I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
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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

2/10/24

Meeting Date

Judiciary

Committee

Kimberly Cox

Name

Phone

Address

Email

Street

City

State

Zip

1106

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

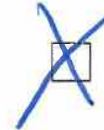
**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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S-001 (08/10/2021)

2/10/26

Meeting Date

Indecency

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

CS/SB 1106

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dr. Joan Waitkevich

Phone

561 307 3418

Address

[WAIT-KA-VITS]  
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:

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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

Judiciary

Committee

SB 1106

Bill Number or Topic

Amendment Barcode (if applicable)

Name Shirley T. HERMAN

Phone 561-5967730

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:

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2/10/2026

Meeting Date

Subcom

Committee

1106

Bill Number or Topic

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

1512 Vision Lakes Dr  
Street

Email

quantisedecho@gmail.com

Flamingo Island  
City

FL  
State

32003  
Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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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

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

CS/SB1106

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:**

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I am appearing without  
compensation or sponsorship.

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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**

2/10/26

Meeting Date

Jubiciang

Committee

CS/SB 1106

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Rain Johnson

Phone 8633880729

Address 1680 Fruitville rd  
Street

Email rain@voicesoffloridagov.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

Judiciary

Committee

SB 1106

Bill Number or Topic

Amendment Barcode (if applicable)

Name

YARELIZ MENDEZ-ZAMORA

Phone

Address

Street

Email

City

State

Zip

33025

Speaking:

☐

For

☐

Against

☐

Information

**OR**

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**

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Senate professional staff conducting the meeting

CS/SB1106

Bill Number or Topic

2/10/26

Meeting Date

Judiciary

Committee

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**

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02/10/24

Meeting Date

Judiciary

Committee

1104

Bill Number or Topic

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:

Florida For All

☐

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/10/26  
Meeting Date

Judiciary Committee  
Committee

SB 1106  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sarah Eastley 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:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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SB 1106

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Email

Street

City

State

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)

**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	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup>

Accordingly, if both parents are available,<sup>2</sup> 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.<sup>3</sup>

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

---

<sup>1</sup> Section 61.13(2)(c)1., F.S.

<sup>2</sup> 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.

<sup>3</sup> 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.<sup>4</sup>

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."<sup>5</sup> Situations in which a child or children are "exposed to substantial emotional abuse or trauma by a parent or custodian" may also warrant

---

<sup>4</sup> Section 61.13(4)(c), F.S.

<sup>5</sup> *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.<sup>6</sup> Even in those instances, “every reasonable effort should be made to ensure both parties have an opportunity to be heard.”<sup>7</sup> “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.”<sup>8</sup>

### **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.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> 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.<sup>12</sup>

### **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.<sup>13</sup>

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.<sup>14</sup>

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<sup>6</sup> *Capps v. Capps*, No. 4D2025-3371, 2025 WL 3649320, at \*3 (Fla. Dist. Ct. App. Dec. 17, 2025).

<sup>7</sup> *Ashby v. Murray*, 113 So.3d 951, 954 (Fla. 5th DCA 2013).

<sup>8</sup> *Haddix v. Emret*, 992 So.2d 883, 886 (Fla. 2d DCA 2008).

<sup>9</sup> *McGovern v. Clark*, 298 So. 3d 1244, 1248 (Fla. 5th DCA 2020).

<sup>10</sup> Section 741.031(1), F.S.

<sup>11</sup> Section 741.031(2), F.S.

<sup>12</sup> Section 741.031(2), F.S.

<sup>13</sup> 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>.

<sup>14</sup> 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.”<sup>15</sup> 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.<sup>16</sup> Even in those instances, “every reasonable effort should be made to ensure both parties have an opportunity to be heard.”<sup>17</sup>

**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.<sup>18</sup>

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.<sup>19</sup> A law setting deadlines is invalid as an

<sup>15</sup> *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).

<sup>16</sup> *Capps v. Capps*, No. 4D2025-3371, 2025 WL 3649320, at \*3 (Fla. Dist. Ct. App. Dec. 17, 2025).

<sup>17</sup> *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”).

<sup>18</sup> *Mil. Park Fire Control Tax Dist. No. 4 v. DeMarois*, 407 So. 2d 1020, 1021 (Fla. 4th DCA 1981).

<sup>19</sup> *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.”<sup>20</sup>

**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.<sup>21</sup> 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.

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<sup>20</sup> *Id.*

<sup>21</sup> 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.

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

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537224

LEGISLATIVE ACTION

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

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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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affirmatively seeking to establish temporary parental responsibility and time-sharing. Such motion must be filed separately from the initial petition for dissolution or petition to establish paternity, as applicable. The initiating party must attach a proposed temporary parenting plan to the motion. The responding party must file and serve a proposed temporary parenting plan within 10 days after receipt of service of the verified motion and attached proposed temporary parenting plan. However, failure of the responding party to file or serve a proposed temporary parenting plan is not a bar to moving forward on the motion. Portions of the proposed temporary parenting plans which are not in dispute must be adopted as a voluntary agreed schedule between the parties. Absent good cause, the court shall conduct a hearing on the contested issues within 30 days after the motion is served. The court may not refer the parties to mediation as a condition precedent to the court setting or conducting a hearing unless the court has the consent of both parties. The court shall issue an order on temporary parental responsibility and time-sharing within 30 days after the conclusion of the evidentiary hearing.

2. An evidentiary hearing on a motion to enforce compliance with an existing time-sharing order. The court shall conduct a hearing on a motion seeking to enforce compliance with an existing time-sharing order within 5 business days after the motion is served. If the judge assigned to the case is not able to conduct the hearing within 5 business days, an available family division judge must conduct the hearing during regular business hours. The court shall issue an order within 5 days after the conclusion of the evidentiary hearing.



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(b)1. Beginning July 1, 2027, and annually each July 1 thereafter, the Office of the State Courts Administrator shall prepare and publish on its website a publicly accessible annual report on evidentiary hearings held under paragraph (a) in each judicial circuit. The report must include, at a minimum, all of the following:

a. The number of evidentiary hearings held under subparagraphs (a)1. and 2.

b. The average time from the filing of a motion to the issue of an order.

c. Rates of compliance with the statutory timeframes for rulings on motions.

2. Upon publication, the Office of the State Courts Administrator shall submit the report to the President of the Senate and the Speaker of the House of Representatives.

3. Reports prepared under this paragraph may not contain personal identifying information of litigants or minor children.

4. The Supreme Court may adopt rules to implement this section, including data collection and reporting standards.

Section 2. Subsections (1) and (2) of section 742.031, Florida Statutes, are amended to read:

742.031 Hearings; court orders for support, hospital expenses, and attorney fees.—

(1) Hearings for the purpose of establishing or refuting the allegations of the complaint and answer must be held in the chambers and may be restricted to persons, in addition to the parties involved and their counsel, as the judge in his or her discretion may direct. The court shall determine the issues of paternity of the child and the ability of the parties ~~parents~~ to



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support the child. Each party's social security number must be recorded in the file containing the adjudication of paternity. If the court finds that the alleged father is the father of the child, it must so order. If appropriate, the court may order the father to pay the complainant, her guardian, or any other person assuming responsibility for the child moneys sufficient to pay reasonable attorney fees, hospital or medical expenses, cost of confinement, and any other expenses incident to the birth of the child and to pay all costs of the proceeding. Bills for pregnancy, childbirth, and scientific testing are admissible as evidence without requiring third-party foundation testimony and constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. The court shall order either or both parties ~~parents~~ owing a duty of support to the child to pay support under chapter 61. The court must issue, upon motion by a party, a temporary order requiring child support for a minor child under s. 61.30 pending an administrative or judicial determination of parentage if there is clear and convincing evidence of paternity on the basis of genetic tests or other evidence. The court shall ~~may~~ also make a determination of an appropriate parenting plan, including a time-sharing schedule, in accordance with chapter 61.

~~(2) If a judgment of paternity contains only a child support award with no parenting plan or time-sharing schedule, the obligee parent shall receive all of the time sharing and sole parental responsibility without prejudice to the obligor parent. If a paternity judgment contains no such provisions, the mother shall be presumed to have all of the time sharing and sole parental responsibility.~~



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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to family law; amending s. 61.13,  
F.S.; requiring that certain time-sharing matters be  
accorded priority on a court's calendar; providing  
procedural requirements for evidentiary hearings on  
motions seeking to establish temporary parental  
responsibility and time-sharing and on motions to  
enforce compliance with existing time-sharing orders;  
requiring the Office of the State Courts Administrator  
to prepare and publish on its website a publicly  
accessible annual report for certain evidentiary  
hearings held in each judicial circuit; requiring that  
the report include specified information; requiring  
the office to submit the report to the Legislature;  
prohibiting the reports from containing certain  
personal identifying information; authorizing the  
Supreme Court to adopt rules; amending s. 742.031,  
F.S.; requiring, rather than authorizing, a court to  
make a determination of appropriate parenting plans in  
certain proceedings; deleting provisions requiring the  
obligee parent to receive, or the mother to be  
presumed to have, all time-sharing and sole parental  
responsibility under certain circumstances; providing





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an effective date.

By Senator Grall

29-01215A-26

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A bill to be entitled

An act relating to family law; amending s. 26.20, F.S.; 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 a chief judge to assign a circuit judge to be available for certain hearings; amending s. 61.13, F.S.; requiring that certain time-sharing matters be accorded priority on a court's calendar; providing procedural requirements for evidentiary hearings on pleadings seeking temporary parental responsibility and time-sharing schedules and on motions to enforce compliance with existing time-sharing orders or agreements; amending s. 742.031, F.S.; 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; deleting provisions requiring the obligee parent to receive, or the mother to be presumed to have, all time-sharing and sole parental responsibility under certain circumstances; providing an effective date.

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

Section 1. Section 26.20, Florida Statutes, is amended to read:

26.20 Availability of judge for hearings.—At least one circuit judge in each circuit must be available at all times to

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

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hold and conduct hearings with limited notice. In each circuit, there must be at least one judge available on Saturdays, Sundays, holidays, and after hours on weekdays to hear motions for a temporary injunction ex parte in domestic violence cases and motions to enforce time-sharing orders issued or agreements entered into pursuant to s. 61.13 or s. 742.031. The chief judge shall ~~may~~ assign a judge for this purpose.

Section 2. Subsection (10) is added to section 61.13, Florida Statutes, to read:

61.13 Support of children; parenting and time-sharing; powers of court.—

(10) The following time-sharing matters must be accorded priority on the court's calendar:

(a) An evidentiary hearing on an initial pleading seeking temporary parental responsibility and time-sharing schedule not agreed to by the parties. Each parent must file a proposed temporary parenting plan with the clerk of the court as part of his or her initial pleading seeking temporary affirmative relief. Portions of the proposed temporary parenting plans which are in agreement with each other must be adopted as a voluntary agreed schedule between the parents before an evidentiary hearing. Absent good cause, the court shall set a hearing on the contested issues within 30 days after the pleading is filed. The court may not refer the parties to mediation as a condition precedent to the court holding a hearing unless the court has the consent of both parties. The court shall issue an order on temporary parental responsibility and time-sharing within 30 days after the evidentiary hearing.

(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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compliance with an existing time-sharing order or agreement. The court shall set a hearing on a motion seeking to enforce compliance with an existing time-sharing order or agreement within 5 business days after the motion is filed. If the judge assigned to the case is not able to conduct the hearing within 5 business days, a judge who is available pursuant to s. 26.20 must hold the hearing, which may occur during regular business hours, on a Saturday, Sunday, or holiday, or after hours on a weekday.

Section 3. Subsections (1) and (2) of section 742.031, Florida Statutes, are amended to read:

742.031 Hearings; court orders for support, hospital expenses, and attorney fees.—

(1) Hearings for the purpose of establishing or refuting the allegations of the complaint and answer must be held in the chambers and may be restricted to persons, in addition to the parties involved and their counsel, as the judge in his or her discretion may direct. The court shall determine the issues of paternity of the child and the ability of the parents to support the child. Each party's social security number must be recorded in the file containing the adjudication of paternity. If the court finds that the alleged father is the father of the child, it must so order. If appropriate, the court may order the father to pay the complainant, her guardian, or any other person assuming responsibility for the child moneys sufficient to pay reasonable attorney fees, hospital or medical expenses, cost of confinement, and any other expenses incident to the birth of the child and to pay all costs of the proceeding. Bills for pregnancy, childbirth, and scientific testing are admissible as

29-01215A-26

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evidence without requiring third-party foundation testimony and constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. The court shall order either or both parents owing a duty of support to the child to pay support under chapter 61. The court must issue, upon motion by a party, a temporary order requiring child support for a minor child under s. 61.30 pending an administrative or judicial determination of parentage if there is clear and convincing evidence of paternity on the basis of genetic tests or other evidence. The court shall, upon motion by a party, issue ~~may also make a determination of~~ an appropriate parenting plan, including a time-sharing schedule, in accordance with chapter 61.

~~(2) If a judgment of paternity contains only a child support award with no parenting plan or time-sharing schedule, the obligee parent shall receive all of the time-sharing and sole parental responsibility without prejudice to the obligor parent. If a paternity judgment contains no such provisions, the mother shall be presumed to have all of the time-sharing and sole parental responsibility.~~

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

Judiciary

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1128

Bill Number or Topic

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

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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”<sup>1</sup> must hold the hearing, which may occur during regular business hours,

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<sup>1</sup> 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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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,"<sup>2</sup> 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.

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<sup>2</sup> 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
<b>Total</b>	<b>20,333</b>	<b>51,852</b>	<b>102,662</b>	<b>174,847</b>

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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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>	<b>Favorable</b>
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup>

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.”<sup>2</sup>

### **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.<sup>3</sup>

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<sup>1</sup> 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/>.

<sup>2</sup> Fla. Admin. Code R. 6A-14.0718.

<sup>3</sup> 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](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.<sup>4</sup> The Act establishes the Florida Commission on Human Relations (the Commission) within the Department of Management Services.<sup>5</sup> The Commission is empowered to receive, initiate, investigate, conciliate, hold hearings on, and act upon complaints alleging discriminatory practices.<sup>6</sup> 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.<sup>7</sup>

**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.<sup>8</sup> 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.<sup>9</sup>

**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.<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> Local government authority has been liberally construed when

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<sup>4</sup> Section 760.01, F.S.

<sup>5</sup> Sections 760.03 and 760.04, F.S.

<sup>6</sup> Section 760.06(5), F.S.

<sup>7</sup> Section 760.021(1), F.S.

<sup>8</sup> See ss. 125.01 and 166.021, F.S. (prescribing the powers and duties of counties and municipalities, respectively).

<sup>9</sup> See ss. 125.66 and 166.041, F.S. (prescribing the procedures for adoption of ordinances and resolutions for counties and municipalities, respectively).

<sup>10</sup> FLA. CONST. art. VIII, s. 1(f).

<sup>11</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>12</sup> FLA. CONST. art. VIII, s. 2(b); see also s. 166.021(1), F.S.

<sup>13</sup> 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. 4<sup>th</sup> 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.<sup>14</sup>
- The sale of souvenir photographs.<sup>15</sup>
- The prohibition of motorized scooter rentals.<sup>16</sup>

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.<sup>17</sup> 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.<sup>18</sup>

### ***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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup>

### **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.”<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup>

<sup>14</sup> *West v. Town of Lake Placid*, 97 Fla. 127, 120 So. 361 (1929).

<sup>15</sup> *City of Winter Park v. Montesi*, 448 So. 2d 1242 (Fla. 5<sup>th</sup> DCA 1984).

<sup>16</sup> *Classy Cycles, Inc. v. Panama City Beach*, 301 So. 3d 1046 (Fla. 1<sup>st</sup> DCA 2019).

<sup>17</sup> *Dennis v. City of Key West*, 381 So. 2d 312 (Fla. 3d DCA 1980).

<sup>18</sup> *See Hardage v. City of Jacksonville Beach*, 399 So. 2d 1077 (Fla. 1<sup>st</sup> DCA 1981).

<sup>19</sup> *See City of Jacksonville v. American Environmental Services Inc.*, 699 So. 2d 255, 256 (Fla. 1<sup>st</sup> DCA 1997).

<sup>20</sup> *See id.*

<sup>21</sup> *See, e.g.*, s. 790.33, F.S. (expressly preempting the regulation of firearms and ammunition).

<sup>22</sup> BLACK’S LAW DICTIONARY (12<sup>th</sup> ed. 2024).

<sup>23</sup> FLA. CONST. art. IV, s. 7.

<sup>24</sup> *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.<sup>25</sup> 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.<sup>26</sup> 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.<sup>27</sup> If the official is acquitted, found not guilty, or otherwise cleared of the charges, the Governor must revoke the suspension.<sup>28</sup>

### 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.

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<sup>25</sup> *Id.*

<sup>26</sup> Section 112.51(1)-(3), F.S.

<sup>27</sup> Section 112.51(5), F.S.

<sup>28</sup> 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.<sup>29</sup>

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.

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<sup>29</sup> 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 (12<sup>th</sup> 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	.	
	.	
	.	
	.	

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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



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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.

(b) "Diversity, equity, and inclusion" means any effort to:

1. 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;

2. 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

3. 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.

(c) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a county which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(d) "Diversity, equity, and inclusion officer" means a



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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





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by a county required for compliance with state or federal laws or regulations.

(b) This section does not prohibit a county from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments and memorials authorized by chapter 265 or recognizing the events forming the basis for such monuments or memorials.

(c) This section does not prohibit 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.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.



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4. Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

5. 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.

(8) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a county employee whose sole function is the provision of such administrative support.

Section 2. Section 166.04971, Florida Statutes, is created to read:

166.04971 Prohibition of official actions of municipalities 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 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.

(b) "Diversity, equity, and inclusion" means any effort to:

1. 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;



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2. 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

3. 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.

(c) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a municipality which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(d) "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 municipality whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(2) A municipality may not fund or promote, directly or indirectly, or take any official action, including, but not limited to, the adoption or enforcement of ordinances,



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resolutions, rules, regulations, programs, or policies, as it relates to diversity, equity, and inclusion. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

(3) A municipality may not expend any funds, regardless of source, to establish, sustain, support, or staff a diversity, equity, and inclusion office or to employ, contract, or otherwise engage a person to serve as a diversity, equity, and inclusion officer.

(4) Any member of the governing body of a municipality or other municipal official acting in an official capacity who violates this section commits misfeasance or malfeasance in office.

(5) A 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.

(6) An action in circuit court may be brought by a resident of the municipality against a municipality that violates this section. The court may enter a judgment awarding declaratory and injunctive relief, damages, and costs.

(7)(a) This section does not prohibit any official action by the governing body of a municipality required for compliance with state or federal laws or regulations.

(b) This section does not prohibit a municipality from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances, including those designated in chapter 683.



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3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments and memorials authorized by chapter 265 or recognizing the events forming the basis for such monuments or memorials.

(c) This section does not prohibit 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.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

5. 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.

(8) This section does not apply to:

(a) The actions of a body composed of nonelected



403934

volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a municipal employee whose sole function is the provision of such administrative support.

Section 3. Section 287.139, Florida Statutes, is created to read:

287.139 Prohibition against using diversity, equity, and inclusion material.—A potential recipient of a county or municipal contract or grant shall certify to the county or municipality, as applicable, before being awarded such contract or grant that the potential recipient does not and will not use county or municipal funds in requiring its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials relating to diversity, equity, and inclusion as defined in ss. 125.595(1) and 166.04971(1).

Section 4. Section 287.139, Florida Statutes, created by this act 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, s. 287.139, Florida Statutes, created by this act applies to contracts executed or renewed after January 1, 2027.

Section 5. This act shall take effect January 1, 2027.

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

And the title is amended as follows:

Delete everything before the enacting clause



403934

and insert:

A bill to be entitled  
An act relating to official actions of local governments; creating ss. 125.595 and 166.04971, F.S.; defining terms; 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; prohibiting counties and municipalities, respectively, from expending funds for diversity, equity, and inclusion offices or for diversity, equity, and inclusion officers; 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; prohibiting counties and municipalities, respectively, from providing or authorizing funds to be used to promote diversity, equity, and inclusion initiatives; authorizing a cause of action against counties and municipalities, respectively; authorizing a court to enter a judgment awarding certain relief, damages, and costs; providing construction and applicability; creating s. 287.139, F.S.; requiring potential recipients of county or municipal contracts or grants to make a certain certification to the county or municipality before being awarded such contract or grant; providing for



403934

272

applicability; providing an effective date.



By Senator Yarborough

4-00723B-26

20261134\_\_

A bill to be entitled

An act relating to official actions of local governments; creating ss. 125.595 and 166.04971, F.S.; defining terms; 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; prohibiting counties and municipalities, respectively, from expending funds for diversity, equity, and inclusion offices or for diversity, equity, and inclusion officers; 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; authorizing a cause of action against counties and municipalities, respectively; authorizing a court to enter a judgment awarding certain relief, damages, and costs; providing construction and applicability; creating s. 287.139, F.S.; requiring potential recipients of county or municipal contracts or grants to make a certain certification to the county or municipality before being awarded such contract or grant; providing an effective date.

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

Page 1 of 9

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

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20261134\_\_

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) "Diversity, equity, and inclusion" means any effort to:

1. 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;

2. 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

3. 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.

(b) "Diversity, equity, and inclusion office" means any office, division, department, agency, center, or other unit of a county which coordinates, creates, develops, designs, implements, organizes, plans, or promotes policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

Page 2 of 9

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

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(c) "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 county whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, meetings, activities, procedures, or similar actions relating to diversity, equity, and inclusion.

(2) A county may not fund or promote, directly or indirectly, or take any official action, including, but not limited to, the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies, as it relates to diversity, equity, and inclusion. Any such existing ordinances, resolutions, rules, regulations, programs, or policies are void.

(3) A county may not expend any funds, regardless of source, to establish, sustain, support, or staff a diversity, equity, and inclusion office or to employ, contract, or otherwise engage a person to serve as a diversity, equity, and inclusion officer.

(4) A county commissioner or other county official acting in an official capacity who violates this section commits misfeasance or malfeasance in office.

(5) An action in circuit court may be brought by a resident of the county against a county that violates this section. The court may enter a judgment awarding declaratory and injunctive relief, damages, and costs.

(6) (a) This section does not prohibit any official action by a county required for compliance with state or federal laws

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or regulations.

(b) This section does not prohibit a county from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments and memorials authorized by chapter 265 or recognizing the events forming the basis for such monuments or memorials.

(c) This section does not prohibit 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.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring

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males and females have access to public health services  
corresponding to their biological sex.

5. 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.

(7) This section does not apply to:

(a) The actions of a body composed of nonelected  
volunteers; or

(b) Basic administrative support provided to a body  
composed of nonelected volunteers, unless such administrative  
support is provided by a county employee whose sole function is  
the provision of such administrative support.

Section 2. Section 166.04971, Florida Statutes, is created  
to read:

166.04971 Prohibition of official actions of municipalities  
relating to diversity, equity, and inclusion; penalty; remedy.—

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

(a) "Diversity, equity, and inclusion" means any effort to:

1. 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;

2. 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

3. Promote or adopt training, programming, or activities  
designed or implemented with reference to race, color, sex,

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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.

(b) "Diversity, equity, and inclusion office" means any  
office, division, department, agency, center, or other unit of a  
municipality which coordinates, creates, develops, designs,  
implements, organizes, plans, or promotes policies, programming,  
training, practices, meetings, activities, procedures, or  
similar actions relating to diversity, equity, and inclusion.

(c) "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 municipality whose  
duties include coordinating, creating, developing, designing,  
implementing, organizing, planning, or promoting policies,  
programming, training, practices, meetings, activities,  
procedures, or similar actions relating to diversity, equity,  
and inclusion.

(2) A municipality may not fund or promote, directly or  
indirectly, or take any official action, including, but not  
limited to, the adoption or enforcement of ordinances,  
resolutions, rules, regulations, programs, or policies, as it  
relates to diversity, equity, and inclusion. Any such existing  
ordinances, resolutions, rules, regulations, programs, or  
policies are void.

(3) A municipality may not expend any funds, regardless of  
source, to establish, sustain, support, or staff a diversity,

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equity, and inclusion office or to employ, contract, or otherwise engage a person to serve as a diversity, equity, and inclusion officer.

(4) Any member of the governing body of a municipality or other municipal official acting in an official capacity who violates this section commits misfeasance or malfeasance in office.

(5) An action in circuit court may be brought by a resident of the municipality against a municipality that violates this section. The court may enter a judgment awarding declaratory and injunctive relief, damages, and costs.

(6) (a) This section does not prohibit any official action by the governing body of a municipality required for compliance with state or federal laws or regulations.

(b) This section does not prohibit a municipality from doing any of the following:

1. Recognizing or promoting holidays designated by federal law, including those designated in 5 U.S.C. s. 6103.

2. Recognizing or promoting state holidays and special observances, including those designated in chapter 683.

3. Recognizing or promoting patriotic and national observances recognized by federal law, including those designated in 36 U.S.C. ss. 101-148.

4. Recognizing or honoring the individuals and groups recognized and honored by the monuments and memorials authorized by chapter 265 or recognizing the events forming the basis for such monuments or memorials.

(c) This section does not prohibit the use of equal opportunity or equal employment opportunity materials designed

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to inform a person about the prohibition against discrimination based on protected status under state or federal law.

(d) This section may not be construed to conflict with:

1. Section 553.865 or analogous state and federal laws protecting the right of males and females to restrooms and changing facilities corresponding to their biological sex.

2. Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters.

3. Section 1000.05 or analogous state and federal laws prohibiting discrimination based on biological sex in educational programs, sports, activities, and employment.

4. Chapter 381 or analogous state and federal laws ensuring males and females have access to public health services corresponding to their biological sex.

5. 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.

(7) This section does not apply to:

(a) The actions of a body composed of nonelected volunteers; or

(b) Basic administrative support provided to a body composed of nonelected volunteers, unless such administrative support is provided by a municipal employee whose sole function is the provision of such administrative support.

Section 3. Section 287.139, Florida Statutes, is created to read:

287.139 Prohibition against using diversity, equity, and inclusion material.—A potential recipient of a county or

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20261134

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

Judiciary

Committee

The Florida Senate

# APPEARANCE RECORD

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

1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Rep Kim Buchanan

Phone

(770) 313-9965

Address

3046 McCord Blvd

Email

~~parson~~ parsonpoet@gmail.com

Street

Tallahassee FL 32303

City

State

Zip

Speaking:

☐ For



☐ Information

OR

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

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 \(flsenate.gov\)](#)

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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

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)



The Florida Senate  
**APPEARANCE RECORD**

SB 1134

Meeting Date

SB 1134 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 Barker

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.

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2/10/11

Meeting Date

W34

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

NR

Hines

Phone

727-4529889

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 \(flsenate.gov\)](#)

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

2/10/26

Meeting Date

S. Judiciary

Committee

SB 1134

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Councilman Kevin Burns

Phone \_\_\_\_\_

Address 776 NE 125<sup>th</sup> St.

Street

Email kburns@northmiami.gov

North Miami FL 33161

City

State

Zip

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

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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

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

SB 1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JEFF SCALA

Phone

727 637-4081

Address

100 S Monroe

Email

jscala@fl-congress.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 Counties

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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

2/10/2026

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-Grand.com

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Equal Grand.

☐

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

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

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

S-001 (08/10/2021)

February 10, 2026

Meeting Date

Judiciary

Committee

Name **Jonathan Webber**

Address **PO Box 1018**

Street

**Tallahassee**

City

**FL**

State

**32302**

Zip

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

Amendment Barcode (if applicable)

Phone **9545934449**

Email **jonathan.webber@splcenter.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:

**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. §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

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 \(flsenate.gov\)](#)

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

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 Gracholske

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. [2020-2022 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

SB 1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name

MASON MAHON BURNHAM

Phone

Address

90 27<sup>th</sup> AVE. S.

Street

Email

mmburnham@quail.com

JACKSONVILLE BEACH, FL 32250

City

State

Zip

Speaking:

☐ For



☐ Information

OR

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)

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

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 \(flsenate.gov\)](#)

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**

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

2/10/26

Meeting Date

Judiciary

Committee

SB 1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ashe Bradley

Phone

Address

Street

Tampa

City

FL

State

33615

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/10/20

Meeting Date

Judiciary

Committee

1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Judy Sheklin

Phone

904 910-0714

Address

1985 Bristol De Mar

Email

jshckline@flsenate.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. [2020-2022 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

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 Roma

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

2-10-24

Meeting Date

Judiciary

Committee

1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kimberly Cop

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**

Meeting Date \_\_\_\_\_

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

1134

Bill Number or Topic \_\_\_\_\_

Committee \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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

Judiciary

Committee

Name

Kara Gross

Phone

786-363-4436

Address

4343 West Flagler St.

Email

kgross@aclufl.org

Street

Miami

City

FL

State

32312

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

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**

SB 1134

Bill Number or Topic

Amendment Barcode (if applicable)

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

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

561-596 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

2/10/24

Meeting Date

SB1134

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Barbara Myers

Phone

850/443-9177

Address

8172 Wenona Ct

Email

Berb1748@yahoo.com

Street

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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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/10/2026

Meeting Date

Judiciary Committee

Committee

1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Echo Nova

Phone

904-628-8188

Address

1812 Vista Lakes Dr

Street

Fleming Island FL

City

State

32003

Zip

Email

quantisedecho@gmail.com

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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 Waitkevich, Democratic Women's Club of Florida

Phone

561 307 3418

Address

(WAIT KAVITS)  
2600 N Flagger 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 \(flsenate.gov\)](#)

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**

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

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

2/10/21  
Meeting Date

Judiciary  
Committee

SB 1134  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Rain Johnson Phone 863 3880724

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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S-001 (08/10/2021)

2/10/26  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 134  
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

Shasta 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**

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

2/10/2026  
Meeting Date

Judiciary  
Committee

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  
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**

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02/10/24

Meeting Date

Judiciary

Committee

1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name Amina Spanic (AMEENA SPAHEECH) Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida For All

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

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

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The Florida Senate

**APPEARANCE RECORD**

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Bill Number or Topic

Meeting Date

Amendment Barcode (if applicable)

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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

2-10-24

Meeting Date

Judiciary

Committee

SB-1134

Bill Number or Topic

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:

☐

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

Meeting Date

Judiciary

Committee

SB 1134

Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address on file

Street

Email aaron.d@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:

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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  
Street

Email barbademane1@yahoo.com

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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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

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2/10

Meeting Date

Judiciary

Committee

1134

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:

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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

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.  
Street

Email ulises4jesus@hotmail.com

Miami Fl. 33144  
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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Meeting Date

2/10/26

Bill Number or Topic

1134

Committee

Sen. Jud. Comm.

Amendment Barcode (if applicable)

Name

Anthony Verdugo

Phone

786-447-6431

Address

8567 SW 24<sup>th</sup> St.

Email

averdugo@cfcfloridawet

Street

Miami

City

FL

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:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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

Judiciary

Committee

11?  
+234

Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave  
Street

Email DMartinez@AFPHQ.org

Tallahassee  
City

FL  
State

32301  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

3/10/20

Meeting Date

SB1134

Bill Number or Topic

Judicial

Committee

Deliver both copies of this form to  
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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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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

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

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Prepared By: The Professional Staff of the Committee on Judiciary

---

BILL: CS/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>	<b>Favorable</b>
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/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.<sup>1</sup>

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.<sup>2</sup> Local governments are encouraged to use innovative land development regulations<sup>3</sup> and may adopt measures for the purpose of increasing affordable housing using land-use mechanisms.<sup>4</sup> Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.<sup>5</sup>

### **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.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup>

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<sup>1</sup> Section 163.3164, F.S.

<sup>2</sup> Section 163.3202, F.S.

<sup>3</sup> Section 163.3202(3), F.S.

<sup>4</sup> Sections 125.01055 and 166.04151, F.S.

<sup>5</sup> See ss. 163.3161(6) and 163.3194(1)(a), F.S.

<sup>6</sup> Section 553.72(1), F.S.

<sup>7</sup> Section 468.603(2), F.S.

<sup>8</sup> 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.”<sup>9</sup>

***Building Permit***

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.<sup>10</sup>

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.<sup>11</sup>

To obtain a permit, an applicant must complete an application for the proposed work on the form furnished by the government entity.<sup>12</sup> A local enforcement agency<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup>

**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.

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<sup>9</sup> Section 468.603(5)(h), F.S.

<sup>10</sup> Section 202, Florida Building Code, Seventh Edition.

<sup>11</sup> Sections 125.56(4)(a) and 553.79(1), F.S.

<sup>12</sup> Section 713.135, F.S.

<sup>13</sup> 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.

<sup>14</sup> Sections 125.56(4)(b) and 553.79(1)(b), F.S.

<sup>15</sup> 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.<sup>16</sup>

Private providers and their duly authorized representatives<sup>17</sup> 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.<sup>18</sup>

For plans review, a private provider must review the plans<sup>19</sup> to determine compliance with the applicable codes<sup>20</sup> and prepare an affidavit<sup>21</sup> certifying, under oath, that the plans comply and the private provider is duly authorized to perform plans review.<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup> If the building official provides a written notice of plan deficiencies, the 20-day period is tolled pending resolution of the matter.<sup>25</sup> 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.<sup>26</sup> Generally, platting is required whenever a developer wishes

---

<sup>16</sup> Section 553.791(1)(n) and (3), F.S.

<sup>17</sup> “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.

<sup>18</sup> Section 553.791(16)(b), F.S.

<sup>19</sup> “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.

<sup>20</sup> “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.

<sup>21</sup> The affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

<sup>22</sup> Section 553.791(6), F.S.

<sup>23</sup> Section 553.791(7)(a), F.S.

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

<sup>25</sup> Section 553.791(7)(b), F.S.

<sup>26</sup> 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.<sup>27</sup>

State law establishes consistent minimum requirements for the platting of lands but also authorizes local governments to regulate and control platting.<sup>28</sup> 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.<sup>29</sup>

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.<sup>30</sup> 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.<sup>31</sup>

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.<sup>32</sup>

### ***Expedited Approval of Residential Building Permits Prior to Plat Approval***

During the 2024 Legislative Session, the Legislature required certain local governments<sup>33</sup> 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

---

<sup>27</sup> Harry W. Carls, Florida Condo & HOA Law Blog, *Why is a Plat so Important?* (May 17, 2018), <https://www.floridaccondofoalawblog.com/2018/05/17/why-is-a-plat-so-important/>.

<sup>28</sup> Section 177.011, F.S.

<sup>29</sup> Section 177.081(1), F.S.

<sup>30</sup> Section 177.071(1), F.S.

<sup>31</sup> Section 177.071(3), F.S.

<sup>32</sup> *Id.*

<sup>33</sup> Counties with more than 75,000 residents and municipalities with more than 10,000 residents.

circumstances, by October 1, 2024.<sup>34</sup> 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.<sup>35</sup>

The statute also requires all local governments to create a master building permit process.<sup>36</sup>

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.<sup>37</sup>

### ***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.<sup>38</sup> 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.<sup>39</sup>

## **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.

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<sup>34</sup> Chapter 2024-210, Laws of Fla., creating s. 177.073, F.S.

<sup>35</sup> Section 177.073(2), F.S.

<sup>36</sup> Section 177.073(3), F.S.

<sup>37</sup> Section 177.073(7), F.S.

<sup>38</sup> Section 177.073(4), F.S.

<sup>39</sup> 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 residents<sup>40</sup> other than Monroe County;<sup>41</sup>
- A city of 10,000 or more residents;<sup>42</sup> or
- An independent district created pursuant to chs. 189 or 190, F.S., that has authority over land development regulations.<sup>43</sup>

### ***Program Requirements***

By January 1, 2027, each local governing body must adopt a program enabling applicants to use qualified contractors<sup>44</sup> 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.

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<sup>40</sup> Currently, 53 of the state's 67 counties have 25,000 or greater residents. See [https://www.florida-demographics.com/counties\\_by\\_population](https://www.florida-demographics.com/counties_by_population)

<sup>41</sup> See s. 380.0552, F.S. and Fla. Admin. Code Ann. r. 28-29.002.

<sup>42</sup> Currently, 347 of the state's 953 cities have 10,000 or more residents. See [https://www.florida-demographics.com/cities\\_by\\_population](https://www.florida-demographics.com/cities_by_population)

<sup>43</sup> Chapter 189, F.S., governs special districts, and ch. 190, F.S., governs Community Development Districts.

<sup>44</sup> 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 terms<sup>45</sup> 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.<sup>46</sup>

***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.<sup>47</sup>

***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,

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<sup>45</sup> Such as performance expectations, payment terms, timelines, oversight and reporting procedures.

<sup>46</sup> 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.

<sup>47</sup> 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.<sup>48,49,50</sup>

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.

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<sup>48</sup> FLA. CONST. art. VII, s. 18(d).

<sup>49</sup> 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).

<sup>50</sup> 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](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	.	
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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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permitting process to accommodate such growth, while balancing the role of local governments in community planning.

(b) The Legislature further recognizes that numerous local governments implement innovative planning and development strategies by using the private sector to supplement the needs of government and to keep pace with increasing populations, unmet demands for housing, and continuing budget constraints. To continue meeting future growth demands, all local governments shall use all available resources to ensure that private property owners seeking to build or develop the next generation of this state's housing supply are not burdened by limited local government workforces and can by right use a qualified contractor from the private sector to responsibly review applications as submitted and authorized under this section.

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

(a) "Applicant" means a person or legal entity having a legal or equitable ownership interest in real property, or an authorized agent acting on behalf of such person or entity, who applies for a land development approval from the local government pursuant to this section.

(b) "Application" means a properly completed and submitted request for a permit as defined herein, on behalf of an applicant, which includes an affidavit from a qualified contractor as required by this section. The term does not include plans or permits as reviewed under s. 553.791.

(c) "Audit" means a limited, post-submittal verification process conducted solely to confirm that a qualified contractor's preapplication review supports the findings in the 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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government to conduct a preapplication review, and who is included in the registry as required by this section. The term includes, but is not limited to, any of the following:

1. An engineer or engineering firm licensed under chapter 471.

2. A surveyor or mapper, or a surveyor's or mapper's firm licensed under chapter 472.

3. An architect or architecture firm licensed under part I of chapter 481.

4. A landscape architect or a landscape architecture firm registered under part II of chapter 481.

5. A planner certified by the American Institute of Certified Planners.

6. A local government employee for the limited purposes of compliance with subsection (4)(c).

(o) "Single-trade review" means any review focused on a single component of an application, such as engineering, surveying, planning, or architectural.

(3) REQUIREMENTS.—

(a) By January 1, 2027, the governing body of a local government shall create a program by which a development services office shall authorize an applicant to use a qualified contractor to conduct a preapplication review of any permits submitted in an application. The governing body must establish the processes by which an applicant may submit an application to the local government, following a preapplication review conducted by a qualified contractor. The program must specify, at a minimum, all of the following:

1. The manner in which the development services office



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enters into a contract with a qualified contractor.

2. Minimum requirements for selection as a qualified contractor for the program, including verification of current licensure or certification status and review of any adverse actions, discipline, or restrictions imposed by the applicable professional licensing board. A local government may consider or require as criteria for selection or qualification a minimum of 5 years of experience for qualified contractors, but may not consider or require for selection or qualification geographic location or any prior or existing work for or with the local government.

3. The minimum and maximum hourly rates that a qualified contractor may charge an applicant, comparable to market averages, as part of the application fee.

4. Other necessary and indispensable procedural requirements to implement this section, such as requirements relating to intake, payment, recordkeeping, and notice processes.

(b) Additional requirements may not conflict with or impair the intent of this section; may not add to, modify, limit, or condition the rights, duties, standards, scope, qualifications, or effects established by this section; and may not impose any substantive review criteria, terms, or conditions on applicants or qualified contractors.

(c) The program must require a local government to deem an application that meets the requirements of this section administratively complete for purposes of acceptance and processing.

(d) The program may not impose additional terms,



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conditions, or duplicative review processes with respect to the  
preapplication review for an application that meets the  
requirements of this section. However, the program may allow for  
the review of ownership authorizations for the development of  
the property.

(e) This section may not be construed to waive, limit, or  
otherwise affect any requirement of the Consultants' Competitive  
Negotiation Act pursuant to s. 287.055 or a local government's  
duly adopted procurement process.

(4) REGISTRY.—

(a) The development services office of a local government  
shall establish a registry of at least six qualified  
contractors. If the minimum requirements for the qualified  
contractor specified in subparagraph (3)(a)2. are met, the  
development services office may add a qualified contractor to  
the registry upon such entity's request to be added to the  
registry.

(b) If, after making reasonable efforts, less than six  
qualified contractors are available to be added to the registry,  
or if less than three qualified contractors are available for  
local governments serving populations of less than 10,000, the  
development services office must register any willing and  
available qualified contractor that meets the requirements of  
subparagraph (3)(a)2.

(c) The local government may enter into an agreement with  
another local government for the purpose of using public  
employees who meet the requirements for a qualified contractor  
to complete the preapplication review. A local government may  
not add its own employees to its own registry.





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(d) A local government shall adopt and use standard contract terms and conditions for agreements with qualified contractors which are substantially similar in form and substance to the local government's standard professional services agreements used for materially similar engagements with private sector providers. A local government may not draft or apply contractual terms that impose obligations on qualified contractors which frustrate, impair, or defeat the legislative intent of this section.

(5) SELECTION OF A QUALIFIED CONTRACTOR OF APPLICANT'S CHOICE.—

(a) If any of the following conditions exists, an applicant who elects to participate in the program must have the unconditional right to use a qualified contractor of his or her choice, as long as the qualified contractor satisfies the minimum requirements in subparagraph (3) (a)2., for preapplication review:

1. The governing body of a local government fails to create the program pursuant to subsection (3) before January 1, 2027.

2. The development services office of the local government fails to create the registry as required pursuant to subsection (4).

3. The registry created pursuant to subsection (4) does not consist of the requisite number of qualified contractors and the local government has not complied with the requirements of subparagraph (4) (b).

(b) The local government may not condition, deny, delay, or otherwise contest the applicant's selection or use of the qualified contractor, except upon a written determination



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supported on specific, articulable facts stating that the  
qualified contractor does not meet the requirements of this  
section, or that the qualified contractor has a conflict of  
interest with the applicant, as defined in s. 112.312, or under  
any stricter conflict of interest standards applicable to the  
qualified contractor's professional license or certification.

(6) PAYMENT, FEES, AND PREAPPLICATION REVIEW.—

(a) The applicant shall have sole discretion to choose a  
qualified contractor from the established registry under  
subsection (4) to conduct a preapplication review of a permit.  
The applicant may not pay the qualified contractor directly.  
Such payment must be made to the local government with the  
initial submission of the application. The local government must  
ensure the qualified contractor is paid in compliance with the  
Local Government Prompt Payment Act under part VII of chapter  
218.

(b) If an applicant uses a qualified contractor for the  
purposes of conducting a preapplication review, the local  
government must reduce any application fee by the amount of cost  
savings realized by the development services office for not  
having to perform such services. Such reduction may be  
calculated on a flat fee or percentage basis, or any other  
reasonable means by which a development services office assesses  
the cost for its application review. The reduction in the  
application fee does not relieve the applicant of responsibility  
for payment of the qualified contractor's fees as required in  
paragraph (a). Any application or administrative fee imposed  
under this section must be reasonably related to the actual cost  
incurred by the local government in administering the



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application and processing.

(c) If an applicant uses a qualified contractor to conduct a preapplication review, the development services office must provide the qualified contractor with access to the public records and information reasonably necessary to perform the preapplication review. This paragraph does not authorize the disclosure of records that are confidential or exempt from public inspection or copying under chapter 119 or any other applicable law, and access to such records is provided only to the extent permitted by law. This paragraph may not be construed to require a local government to violate the licensing terms of proprietary software or relate vendor agreements.

(d)1. If an applicant does not use a qualified contractor pursuant to this section, the local government must conduct any requested preapplication review within the applicable timeframes under ss. 125.022 and 166.033, to the extent those sections apply to the type of preapplication review requested. If the local government fails to process the application within the required timeframes, the applicant may use a qualified contractor from the registry at the sole expense of the local government if all of the following conditions are met:

a. The local government fails to establish such registry pursuant to subsection (4); and

b. The qualified contractor does not have a conflict of interest, to review the permits, plans, or plats, including final and preliminary, subject to the preapplication review and otherwise meets the requirements of this section.

2. If the applicant uses a qualified contractor for preapplication review pursuant to this paragraph, such



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application must be accepted automatically when the local government receives an affidavit from the qualified contractor, and subsection (10) does not apply.

(7) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified contractor must conduct preapplication review only for applications relating to the disciplines covered by such qualified contractor's licensure or certification granted pursuant to chapter 471, chapter 472, or chapter 481, or as certified by the American Institute of Certified Planners, including single-trade review. A qualified contractor may not conduct a preapplication review pursuant to this section if the qualified contractor is used by the applicant for the same project that is the subject of the application, or has a conflict of interest pursuant to s. 112.312.

(8) AFFIDAVIT REQUIREMENTS.—

(a) A qualified contractor performing a preapplication review must determine whether the application is in compliance with all applicable land development regulations, comprehensive plan regulations, ordinances, and codes of the governing jurisdiction. The qualified contractor shall work directly with the applicant to resolve any deficiencies. Upon making the determination that the application complies with all relevant land development regulations, comprehensive plan regulations, ordinances, and codes, the qualified contractor shall prepare an affidavit certifying that the following information is true and correct to the best of the qualified contractor's knowledge and belief:

1. The preapplication review was conducted by the affiant, who is duly authorized to perform a preapplication review



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pursuant to this section and holds the appropriate license or certificate.

2. The permits, plans, or plats, including final and preliminary, reviewed in the application comply with all applicable land development regulations, comprehensive plan regulations, ordinances, and codes.

(b) Such affidavit must bear a written or electronic signature and must be submitted electronically to the development services office.

(9) AUTHORIZATION AND APPROVAL.—

(a) Upon receipt of an application accompanied by an affidavit of the qualified contractor pursuant to subsection (8), the development services office must review and accept the application as administratively complete or reject such application as administratively incomplete.

(b) Upon a finding that the application is administratively complete, the development services office shall, by the following business day, forward the application for final action by the appropriate approving authority or, if approval is delegated to an employee within the development services office, proceed with final action in accordance with this section and ss. 125.022 and 166.033.

(c) If the development services office determines that an application submitted pursuant to this subsection is administratively incomplete, the office must provide written notice to the applicant specifically identifying any aspects of the application which do not comply with this section; applicable land development regulations; comprehensive plan regulations, ordinances, or codes; and the reasons the



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application was denied with reference to code chapters and  
sections within 10 business days after receipt of the  
application and affidavit. If the development services office  
does not provide written notice to the permit applicant within  
10 business days, the application shall be deemed  
administratively complete as a matter of law solely for purposes  
of acceptance, routing, and processing, and the development  
services office must, by the following business day, forward the  
application for final action to the appropriate approving  
authority or, if the development services office is the  
approving authority, proceed to final action in accordance with  
this section and ss. 125.022 and 166.033. An application  
determined to be administratively complete under this paragraph  
does not constitute substantive approval of the permit submitted  
and may not be construed to limit the authority to grant or deny  
the application consistent with this section; however, the  
development services office may not conduct any duplicative  
review of the permit subject to preapplication review except as  
expressly authorized by this section.

(d) The development services office's review under this  
subsection is ministerial and limited to confirming  
administrative completeness and proper form. The development  
services office may not re-review the technical sufficiency or  
substantive compliance of materials subject to preapplication  
review by a qualified contractor, except as expressly authorized  
by this section or by law.

(10) CONSTRUCTION.—Any local provision or action  
inconsistent with this subsection is preempted, void, and  
unenforceable to the extent of the inconsistency, and this



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section shall control and be given full force and effect over any conflicting or more stringent provision of law, whether general, special, or local, including any charter or home rule provision, without regard to the order or time of enactment.

(11) DISCIPLINARY GUIDANCE.—When performing a preapplication review, a qualified contractor is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 471, chapter 472, or chapter 481. Notwithstanding the audit procedures in subsection (12), any complaint investigation or discipline that may arise out of a qualified contractor's preapplication review shall be conducted by the applicable professional board. Complaints regarding conflicts of interest or other ethical violations shall be reviewed as provided in chapter 112.

(12) AUDIT PROCEDURES.—A local government may audit the work of a qualified contractor performing preapplication review under this section pursuant to procedures established by the local government. Such procedures must be reasonable, applied in a nondiscriminatory manner, and made publicly available. A qualified contractor must be provided written notice of any audit findings and a reasonable opportunity to respond. Nothing in this subsection limits a local government's authority to enforce contract terms, address conflicts of interest, remove a qualified contractor from participation in the program, or take action necessary to protect the public health, safety, or welfare. An audit under this section may not replicate, redo, or substitute for the preapplication review performed by the qualified contractor, and may not go beyond the scope of



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verifying performance, customary practice, and evidentiary support, unless expressly authorized by this section.

(13) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—

Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a qualified contractor to provide preapplication review for a public works project by the county, municipality, school district, or independent special district.

(14) CIVIL ACTIONS AUTHORIZED.—

(a) An applicant may bring a civil action for declaratory or injunctive relief against a county or municipality for a violation of this section. In any such action, the court shall award the prevailing party its reasonable attorney fees and costs. For purposes of this paragraph, the term "prevailing party" means the party that obtains an enforceable judgment, order, or comparable court-sanctioned relief on the merits which materially alter the legal relationship of the parties in that party's favor, including the granting of declaratory or injunctive relief or the dismissal with prejudice of the opposing party's claims. The term does not include a party whose objectives are achieved solely by the voluntary cessation of challenged conduct absent a judicial determination or other relief bearing the court's imprimatur. If neither party prevails on the significant issues, or if both parties prevail in part, the court may determine that no party is the prevailing party and may equitably apportion fees and costs.

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

1. The applicant provides the local government written





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notice that it is in violation of this section; and

2. The local government complies with this section within 14 days or completes a preapplication review for the applicant that has submitted written notice of a violation of this section within 14 days.

Section 2. Paragraph (c) is added to subsection (1) of section 177.071, Florida Statutes, to read:

177.071 Administrative approval of plats or replats by designated county or municipal official.—

(1)

(c) A local government may not create, establish, or apply any additional local procedure or condition for the administrative approval of a plat or replat under this section that is inconsistent with this section or s. 177.091. If infrastructure financial assurances are required as a condition of plat or replat approval, the administrative authority designated in paragraph (a) shall receive and act upon the proposed assurance. The local government shall accept commonly used forms of financial assurance, including performance bonds, letters of credit, and escrow agreements, provided the assurance is in a form reasonably acceptable to the local government and issued by a financially responsible issuer meeting objective, uniformly applied standards. Local government review of such financial assurance shall be limited to verifying that the amount, form, and issuer satisfy the requirements of s. 177.091 and the local government's uniformly applied standards, and may not be used to unreasonably delay approval. If the assurance is deficient, the local government shall provide written notice of deficiencies within 10 business days.



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Section 3. Paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), paragraph (a) of subsection (3), subsection (4), paragraphs (b) and (c) of subsection (6), and subsection (8) of section 177.073, Florida Statutes, are amended, and paragraph (d) is added to subsection (2), and paragraphs (c) and (d) are added to subsection (4) of that section, to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

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

(a) "Applicant" means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes, or the number of building permits, that the local governing body must issue for a residential subdivision, or one or more phases in a multi-phased planned community, subdivision, or planned community.

(2)(a) By October 1, 2024, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government's comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall create a program to expedite the process for issuing building permits for residential subdivisions, one or more phases of a community or subdivision, or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of



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planned homes, not to exceed 50 percent of the residential subdivision or a planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. The application or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits requested, so long as the request does not exceed 50 percent of the planned homes of the residential subdivision or planned community or the number of building permits. This paragraph does not:

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(b) Subject to the requirements under subsection (6)(b), a governing body that had a program in place before July 1, 2023, to expedite the building permit process, need only update its ~~their~~ program to approve an applicant's written application to issue up to 50 percent of the building permits for the residential subdivision, or planned community in order to comply with this section. This paragraph does not restrict a governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

(d)1. If a governing body fails to adopt a program under paragraph (2)(a) or paragraph (2)(c), or fails to update or modify an existing program as required under paragraph (2)(b) by the applicable statutory deadline, the following will apply without further action or approval by the governing body and notwithstanding any conflicting local requirement:



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a. The applicant shall have an unconditional, self-executing right to use a qualified contractor of the applicant's choosing, within the scope of the contractor's professional licensure and as authorized under s. 177.073, to perform technical review and certification necessary to support the issuance of up to 75 percent of the building permits for the residential subdivision, or planned community, including one or more phases thereof, before the final plat is recorded, provided the qualified contractor does not have a conflict of interest. For the purpose of this paragraph, "conflict of interest" has the same meaning as in s. 112.312.

b. The governing body, local building official, and any local government staff may not condition, delay, limit, restrict, obstruct, or deny the applicant's use of a qualified contractor under this paragraph. Nothing in this paragraph prohibits a local government from applying neutral, generally applicable requirements relating to procurement, contracting, insurance, indemnification, conflict-of-interest review, credential verification, recordkeeping, or public safety, provided such requirements do not materially impair or frustrate the applicant's ability to use a qualified contractor as authorized by this paragraph. Any local requirement that directly conflicts with this paragraph is preempted to the extent of the conflict.

c. The qualified contractor may perform all technical review services within the scope of his or her licensure and qualifications which are necessary to obtaining such building permits as specifically authorized under this section, including preparing, reviewing, and submitting permit applications and



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supporting plans, specifications, and documents, and providing  
signed and sealed documents when required by law. The local  
building official shall accept such submissions when prepared  
and sealed by the qualified contractor as meeting any local  
requirement that the submission be prepared or reviewed by local  
government staff, and shall review and issue the permits in  
accordance with the Florida Building Code and applicable state  
law. Nothing in this paragraph limits the authority of the local  
building official to review such submission by a qualified  
contractor for compliance with the Florida Building Code and  
applicable state law, to identify deficiencies, or to approve or  
deny the permit in accordance with the law.

d. The governing body and the local building official may  
not unreasonably require the applicant or the qualified  
contractor to use a local government registry, rotation,  
shortlist, or any other selection or vetting process, that has  
the effect of denying or materially delaying the applicant's use  
of a qualified contractor under this section..

e. The unconditional right provided by this paragraph  
becomes effective immediately upon the governing body's failure  
to meet the applicable deadlines in paragraphs (a) or (c),  
continues in effect unless and until the governing body has  
adopted or updated a program fully compliant with this section,  
and may not be limited, impaired, or applied retroactively to  
reduce the number or percentage of building permits the  
applicant may obtain or is eligible to obtain under this  
paragraph.

2. This paragraph may not be construed to limit or impair  
the authority of the local building official to enforce the



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Florida Building Code, the Florida Fire Prevention Code, or other applicable state laws and local laws of general application in reviewing and issuing building permits; however, the governing body and the local building official may not impose any additional local procedures, prerequisites, or substantive standards on the applicant or the qualified contractor which have the effect of conditioning, delaying, restricting, or denying the use of a qualified contractor as authorized by this paragraph.

(3) A governing body shall create:

(a) A two-step application process for the adoption of a preliminary plat, and for stabilized access roads that can support emergency vehicles, inclusive of any plans, in order to expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue for the residential subdivision, ~~or~~ planned community, or one or more phases of a multi-phased planned community or subdivision.

(4) (a) An applicant may use a private provider or qualified contractor in the same manner as provided in pursuant to s. 553.791 to expedite the application process for any plans necessary to support the approval of a site plan, preliminary or final plat, or building permits after a preliminary plat is approved under this section.

(b) A governing body shall establish a registry of at least six ~~three~~ qualified contractors whom the governing body may use to supplement staff resources in ways determined by the governing body for processing and expediting the review of an



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application for a preliminary plat or any plans related to such application. A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary plat, or any part thereof, may not have a conflict of interest with the applicant. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312.

(c) If a governing body fails to establish or maintain the registry required under paragraph (b), an applicant may, at its sole discretion, retain a private provider or qualified contractor of the applicant's choosing to process, review, and expedite any application for a preliminary plat, or supporting documents, provided that the selected private provider or qualified contractor does not have a conflict of interest. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312. If a conflict of interest is identified after selection, the applicant must promptly replace the private provider or qualified contractor with one who has no conflict of interest, and the governing body must continue processing without delay or prejudice.

(d) The governing body may not condition, delay, or deny the applicant's use of such private provider or qualified contractor, and shall accept, process, and act upon reviews, approvals, recommendations, or certifications submitted by the private provider or qualified contractor in the same manner and within the same timeframes as if performed by the governing body's own staff, or by a qualified contractor on the registry. The governing body may verify credentials, require standard submittal formats, and conduct ministerial compliance checks,



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but may not impose additional requirements that have the effect of frustrating, negating, or impeding the applicant's right to use a private provider or qualified contractor under this paragraph. The applicant shall be responsible for all fees and costs associated with the private provider or qualified contractor. Any ordinance, resolution, policy, practice, contract, or requirement to the contrary is preempted and void to the extent of conflict with this paragraph.

(6) The governing body must issue the number or percentage of building permits requested by an applicant in accordance with the Florida Building Code and this section, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities. For purposes of this paragraph, the term "approved plans" means plans approved for design and permit review and does not include, and may not be construed to require or imply, any certification, attestation, or confirmation of the completion of construction of any subdivision or planned community infrastructure, or improvements depicted in, referenced by, or required under such plans, except for the construction of the minimum access and roadway improvements required by the Florida Fire Prevention Code for fire department access and operations, such as a stabilized roadway for emergency access. No other subdivision or planned community infrastructure or improvements may be required to be 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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beyond what is expressly required to satisfy the Florida Fire  
Prevention Code.

(c) The applicant holds a valid performance bond for up to  
130 percent of the necessary improvements, as defined in s.  
177.031(9), that have not been completed upon submission of the  
application under this section. For purposes of a master planned  
community as defined in s. 163.3202(5)(b), a valid performance  
bond is required on a phase-by-phase basis. For purposes of this  
section, a local government may waive the bonding requirement in  
this paragraph through its program or on a case-by-case basis  
upon request of the applicant.

(8) For purposes of this section, an applicant has a vested  
right in a preliminary plat that has been approved by a  
governing body for the earlier of at least 5 years or if all of  
the following conditions are met:

(a) The applicant relies in good faith on the approved  
preliminary plat or any amendments thereto.

(b) The applicant incurs obligations and expenses,  
commences construction of the residential subdivision or planned  
community, and is continuing in good faith with the development  
of the property.

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to qualified contractors; creating s.



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163.3169, F.S.; providing legislative findings; defining terms; 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 a preapplication review of an application; requiring the governing body to establish certain processes; providing specifications for such program; prohibiting certain additional requirements; providing that the program must require a local government to deem an application that satisfies specified provisions administratively complete; prohibiting the program from imposing additional terms, conditions, or duplicative review processes; providing that the program may allow for the review of ownership authorizations for the development of the property; providing construction; 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; authorizing the development services office of a local government to register less than the specified number of qualified contractors under certain circumstances; authorizing a local government to enter into an agreement with a neighboring local government under certain circumstances; prohibiting a local government from adding its own employees to the registry; requiring a local government to use certain contract terms; prohibiting a local government from drafting or



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applying contractual terms that impose certain obligations on qualified contractors; authorizing an applicant to use a qualified contractor of his or her choosing to perform the preapplication review under certain circumstances; prohibiting a local government from conditioning, denying, delaying or otherwise contesting an applicant's selection or use of a qualified contractor of his or her choosing, except upon a certain determination; authorizing an applicant to exercise sole discretion in choosing a qualified contractor from the registry; specifying requirements for payment to the qualified contractor; requiring a local government to reduce any application fee by a certain amount if the applicant uses a qualified contractor for preapplication review; specifying requirements for such fee reduction; requiring fees to be reasonably related to the actual cost incurred by the local government in administering the application an processing; requiring a development services office to provide a qualified contractor conducting a preapplication review with access to certain resources; providing construction; requiring a local government to conduct a preapplication review within a specified timeframe if the applicant does not use a qualified contractor; authorizing an applicant to use a qualified contractor from the registry if the local government fails to process the application in the required time, at the expense of the local government, so long as the qualified contractor does not have a



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conflict of interest; providing for the automatic acceptance of certain applications; specifying that a qualified contractor must only conduct preapplication review of applications relating to the disciplines covered by the qualified contractor's licensure; prohibiting a qualified contractor from conducting preapplication review under certain circumstances; specifying requirements for such preapplication review; requiring a qualified contractor to prepare an affidavit for the preapplication review; specifying requirements for such affidavit; requiring the development services office to make a certain determination on the application upon receipt of such affidavit from the qualified contractor providing the preapplication review; requiring the development services office to take certain actions upon a determination that an application is complete or not administratively complete; providing that an application determined to be administratively complete does not constitute substantive approval of the permit; providing construction; prohibiting the development services office from conducting duplicative review of the permit subject to preapplication review; specifying the purpose of the development services office's review; prohibiting the development services office from re-reviewing materials subject to preapplication review; providing that inconsistent local provisions are preempted, void, and unenforceable; providing disciplinary



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guidelines; authorizing a local government to audit the work of qualified contractors; specifying requirements for such auditing procedures; providing construction; authorizing specified entities to provide preapplication reviews for public works projects; authorizing a civil action; authorizing the award of attorney fees and costs; defining the term "prevailing party"; prohibiting the award of attorney fees, costs, or damages under certain circumstances; amending s. 177.071, F.S.; prohibiting local governments from creating or establishing additional regulations for the approval of a final plat; requiring a local government to designate a certain administrative authority to take certain actions relating to the approval of infrastructure assurances; requiring a local government to accept certain forms of surety instruments; amending s. 177.073, F.S.; revising the definition of the term "applicant"; requiring the governing body of certain local governments and counties to create a program to expedite the process for building permits for planned unit developments or phases of a community or subdivision; specifying requirements for applicants, qualified contractors, and the governing body of a local government in the event that the local government fails to update or modify a certain program by a specified date; providing construction; requiring a governing body to create a two-step application process for stabilized access to roads that can



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support emergency vehicles; revising requirements for such application process; authorizing an applicant to use a qualified contractor for land use approvals under certain circumstances; increasing the number of qualified contractors on the registry; authorizing an applicant to retain a private provider or qualified contractor to process, review, and expedite an application for a preliminary plat or related plans under certain circumstances; defining "conflict of interest"; requiring an applicant to replace a qualified contractor or private provider if a conflict of interest is discovered; prohibiting a governing body from restricting an applicant's use of a private provider or qualified contractor and requiring the governing body to accept the such private provider or qualified contractor's reviews, approvals, recommendations, or certifications under certain circumstances; requiring a governing body to treat documents submitted by a private provider or an applicant in the same manner as they treat other documents submitted by certain individuals; authorizing a governing body to take certain actions; requiring an applicant to be responsible for certain fees and costs; voiding and preempting conflicting provisions; defining the term "approved plans"; providing construction; prohibiting a local government from conditioning, delaying, withholding, or denying the issuance of any permit under certain 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

20261138\_\_

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

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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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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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and exact representation of the residential subdivision or planned community, and contains any additional information needed to comply with the requirements of chapter 177.

(n) "Qualified contractor" means the individual or firm contracted with a development services office or local government to conduct a preapplication review, and who is included in the registry as required by this section. The term includes, but is not limited to, any of the following:

1. An engineer or engineering firm licensed under chapter 471.

2. A surveyor or mapper, or a surveyor's or mapper's firm licensed under chapter 472.

3. An architect or architecture firm licensed under part I of chapter 481.

4. A landscape architect or a landscape architecture firm registered under part II of chapter 481.

5. A planner certified by the American Institute of Certified Planners.

6. A local government employee.

(o) "Single-trade review" means any review focused on a single component of an application, such as engineering, surveying, planning, or architectural.

(3) REQUIREMENTS.—

(a) By October 1, 2026, the governing body of a local government shall create a program by which a development services office authorizes an applicant to use a qualified contractor to conduct a preapplication review of any plans, permits, or plats submitted in an application. The governing body must establish the processes by which an applicant may

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submit an application for approval to the local government, following a preapplication review conducted by a qualified contractor. The program must specify at least all of the following:

1. The manner in which the development services office enters into a contract with a qualified contractor.

2. Minimum requirements for selection as a qualified contractor for the program, including verification of current licensure or certification status and review of any adverse actions, discipline, or restrictions imposed by the applicable professional licensing board. A local government may not consider or require as criteria for selection or qualification the contractor's years of experience, geographic location, or any prior or existing work for or with the local government.

3. The minimum and maximum hourly rates that a qualified contractor may charge an applicant, comparable to market averages.

4. Other necessary and indispensable procedural requirements to implement this section, such as requirements relating to intake, payment, recordkeeping, and notice processes. Additional requirements may not conflict with or impair the intent of this section; may not add to, modify, limit, or condition the rights, duties, standards, scope, qualifications, or effects established by this section; and may not impose any substantive review criteria, terms, or conditions on applicants or qualified contractors.

(b) The program must require a local government to approve an application upon the submission of such application with an affidavit verifying that the application, as submitted to the

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qualified contractor for preapplication review, complies with the applicable land development regulations. The program may not impose additional terms, conditions, or duplicative review processes. The application must be approved by the local government within the specified timeframes under ss. 125.022 and 166.033. The development services office shall not conduct any additional review of the permits, plans, or plats, including final or preliminary plats, subject to the preapplication review, except as expressly authorized by this section. A local government may not enact any requirement to the program that would complicate or impair the applicant's ability to use a qualified contractor pursuant to the program, or otherwise regulate the selection, scope, timing, methods, or fees of a qualified contractor's preapplication review, except as expressly authorized by this section.

(4) REGISTRY.—

(a) The development services office of a local government shall establish a registry of at least six qualified contractors, or, for local governments serving populations of less than 10,000, a registry including no less than three qualified contractors, whom the local government shall use to conduct preapplication reviews pursuant to the program. If the minimum requirements for the qualified contractor specified in subparagraph (3)(a)2. are met, the development services office does not have discretion to add a qualified contractor or qualified contractor firm to the registry upon such entity's request to be added to the registry.

(b) If, after making reasonable efforts, less than six qualified contractors are available, or if less than three

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qualified contractors are available for local governments serving populations of less than 10,000, the development services office shall register any willing available qualified contractors that meet the requirements of subparagraph (3)(a)2.

(c) The local government may enter into an agreement with a neighboring local government for the purpose of using public employees who meet the requirements for a qualified contractor to complete the preapplication review. A local government may not add its own employees to the registry.

(5) SELECTION OF A QUALIFIED CONTRACTOR OF APPLICANT'S CHOICE.—

(a) If any of the following conditions exist, an applicant who elects to participate in the program must have the unconditional right to use a qualified contractor of his or her choice, as long as the qualified contractor satisfies the minimum requirements in subparagraph (3)(a)2. for preapplication review:

1. The governing body of a local government fails to create the program established pursuant to subsection (3) before October 1, 2026.

2. The development services office of the local government fails to create the registry as required pursuant to subsection (4).

3. The registry created pursuant to subsection (4) does not consist of the requisite number of qualified contractors.

(b) The local government must approve such application pursuant to this subsection and may not condition, deny, delay, or otherwise contest the applicant's selection or use of the qualified contractor, except upon a written determination

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supported by competent substantial evidence that the qualified contractor has a conflict of interest with the applicant, as defined in s. 112.312, or under any stricter conflict of interest standards applicable to the contractor's professional license.

(6) CONTRACT TERMS; UNIFORMITY; INSURANCE.—

(a) A contract entered into by a local government with a qualified contractor under this section must contain terms and conditions that are consistent with, and as strict as, the requirements of this section. A local government may not include any contractual term, condition, policy, procedure, or specification that has the effect of expanding, modifying, or restricting the rights, obligations, or processes established by this section.

(b) A local government shall apply the same material terms governing payment, performance standards, deliverables, timelines, notices, curing, and oversight to contracts with qualified contractors, as it applies to materially similar contracts for services procured from private contractors for comparable scope and complexity. A local government may not impose different or more burdensome payment terms, performance obligations, audit or reporting requirements, or oversight mechanisms on qualified contractors than those applied to private contractors providing comparable services. If the local government uses substantially similar contracts for private contractors performing comparable services, the contracts governing qualified contractors must be no less favorable than the contracts applied to private contractors, and may not be more stringent than the terms that would apply to a similarly

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situated private contractor.

(c) A local government may not, by contract or otherwise, establish, apply, or enforce any additional criteria, qualifications, prerequisites, certifications, rating systems, experience thresholds, or approval conditions for qualified contractors beyond those expressly authorized by this section and applicable state professional licensure requirements. Any term or condition that purports to create additional criteria or qualifications beyond those authorized by this section is void.

(d) A local government shall adopt and use standard contract terms and conditions for agreements with qualified contractors which are substantially similar in form and substance to the local government's standard professional services agreements used for materially similar engagements with private sector providers. The standard contract shall, at a minimum, address scope of services, compensation, invoicing, delivery schedules, termination, dispute resolution, audits limited to compliance with this section, records retention consistent with public records laws, and professional responsibility. A local government may not draft or apply standard terms in a manner that undermines or frustrates the purpose and operation of this section.

(e) Insurance requirements for qualified contractors must be commensurate with the estimated value, scope, and risk profile of the services to be performed under the contract and must align with commercially reasonable standards for similarly situated professional services within the jurisdiction. A local government may not impose insurance requirements that exceed what is reasonably necessary for the specific engagement, that



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exceed the minimum coverage required under applicable state professional licensing laws absent a documented, project-specific risk determination, or that operate as a barrier to registration or participation by an otherwise qualified contractor. Any insurance requirement must be stated with specificity, including types and limits of coverage, and shall allow the use of customary insurance instruments and endorsements available in the admitted or surplus lines markets.

(f) A local government may not, through any contractual provision, administrative interpretation, or implementation practice, impose obligations on a qualified contractor which frustrate, impair, or defeat the legislative intent or requirements of this section, including by replicating preapplication reviews, imposing duplicative performance standards, or conditioning payment on approvals or reviews not authorized by this section. Any contractual provision that conflicts with this section or frustrates its purpose is void and unenforceable.

(g) This subsection shall be liberally construed to effectuate the uniform treatment of qualified contractors consistent with private sector contracting practices within the jurisdiction, and to prohibit the indirect circumvention of this section through contract terms. If any provision of this subsection or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subsection which can be given effect without the invalid provision or application, and to this end the provisions of this subsection are severable.

(7) PAYMENT, FEES, AND PREAPPLICATION REVIEW.-

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(a) The applicant shall have sole discretion to choose a qualified contractor or firm from the established registry under subsection (4) to conduct a preapplication review. The applicant may not pay the qualified contractor directly. Such payment must be made to the local government as part of the application. The local government shall ensure the qualified contractor or the qualified contractor firm is paid within 30 days after completion of services rendered pursuant to the application.

(b) If an applicant uses a qualified contractor for the purposes of conducting a preapplication review, the local government must reduce any application fee by the amount of cost savings realized by the development services office for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a development services office assesses the cost for its application review.

1. A local government may not impose a surcharge for preapplication review if the applicant uses a qualified contractor to conduct a preapplication review; however, the local government may charge a reasonable administrative fee, which must be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local government or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.

2. Any fee collected must be based on costs actually incurred pursuant to the preapplication review of an application submitted pursuant to this section.

(c) If an applicant uses a qualified contractor to conduct

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a preapplication review, the development services office must provide the qualified contractor with equal access to the data, resources, documents, reports, and other information reasonably necessary to perform that review. Such access must be provided only by means that prevent the disclosure of records that are confidential or exempt from public inspection or copying under chapter 119, or any other applicable provision of law protecting private or exempt records, including, but not limited to, secure software portals, access controls, or redaction protocols that safeguard exempt information.

(d) If an applicant does not use a qualified contractor pursuant to this section, the local government must process the application within the specified timeframes under ss. 125.022 and 166.033. The local government shall use all available resources to ensure compliance with such timeframes. If the local government fails to process the application within such timeframes, the applicant may use a qualified contractor at the sole expense of the local government, as long as the qualified contractor does not have a conflict of interest with the applicant, to review the permits, plans, or plats, including final and preliminary, subject to the preapplication review. If the applicant uses a qualified contractor for preapplication review pursuant to this paragraph, such application must be approved automatically when the local government receives an affidavit from the qualified contractor, and subsection (10) does not apply.

(8) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified contractor must conduct preapplication review only for applications relating to the disciplines covered by such

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qualified contractor's or qualified contractor firm's licensure or certification granted pursuant to chapter 471, chapter 472, or chapter 481, or as certified by the American Institute of Certified Planners, including single-trade review. A qualified contractor may not conduct a preapplication review pursuant to this section if the qualified contractor or the qualified contractor firm is used by the applicant for the same project that is the subject of the application.

(9) AFFIDAVIT REQUIREMENTS.—

(a) A qualified contractor performing a preapplication review must determine whether the application is in compliance with all applicable land development regulations, comprehensive plan regulations, ordinances, and codes of the governing jurisdiction. The qualified contractor shall work directly with the applicant to resolve any deficiencies. Upon making the determination that the application complies with all relevant land development regulations, comprehensive plan regulations, ordinances, and codes, the qualified contractor shall prepare an affidavit certifying that the following information is true and correct to the best of the qualified contractor's knowledge and belief:

1. The preapplication review was conducted by the affiant, who is duly authorized to perform a preapplication review pursuant to this section and holds the appropriate license or certificate.

2. The permits, plans, or plats, including final and preliminary, reviewed in the application, comply with all applicable land development regulations, comprehensive plan 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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subsection is preempted, void, and unenforceable to the extent of the inconsistency, and this section shall control and be given full force and effect over any conflicting or more stringent provision of law, whether general, special, or local, including any charter or home rule provision, without regard to the order or time of enactment.

(12) DISCIPLINARY GUIDANCE.—When performing a preapplication review, a qualified contractor is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 471, chapter 472, or chapter 481. Any complaint investigation or discipline that may arise out of a qualified contractor's preapplication review shall be conducted by the applicable professional board.

(13) AUDIT PROCEDURES.—

(a) A development services office or local government may not audit the preapplication review of a qualified contractor operating within the local government's jurisdiction until the development services office or local government has created standard auditing procedures for its internal inspection and review staff. Such procedures must include, but are not limited to, all of the following:

1. The purpose and scope of the audit.

2. The audit criteria.

3. A framework for audit processes and procedures for a qualified contractor to file an objection to such audit's findings.

4. A framework for documenting detailed findings of areas of noncompliance.

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(b) Such audit procedures must be publicly available online, and a printed version must be readily accessible in the development services office or local government buildings.

(c) The results of such audits must be made publicly available and must be updated at least every 6 months. The office's audit processes must adhere to the office's posted standard audit procedures. A qualified contractor or qualified contractor firm may not be audited more than four times a year, unless the development services office determines a condition of an application constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the qualified contractor or qualified contractor firm.

(14) IMMUNITY.—The development services office, development services officials, and the local government shall be immune from liability to any person or party for any action or inaction by an applicant, a qualified contractor, or a qualified contractor firm or its duly authorized representative, in connection with a preapplication review as authorized in this act. Any qualified contractor or qualified contractor firm retained by the local government under contract to review any application filed with the local government pursuant to this section shall be considered an agent of the local government in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

(15) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—

Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a qualified contractor to provide preapplication or application reviews for a public works project by the county, municipality,

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school district, or independent special district.

(16) CIVIL ACTIONS AUTHORIZED.—

(a) An applicant may bring a civil action for declaratory or injunctive relief against a county or municipality for a violation of this section. In any such action, the court shall award the applicant its reasonable attorney fees and costs, including reasonable appellate attorney fees and costs, if the court determines that the applicant is the prevailing party. For purposes of this paragraph, the term "prevailing party" means the party that obtains an enforceable judgment, order, or comparable court-sanctioned relief on the merits which materially alter the legal relationship of the parties in that party's favor, including the granting of declaratory or injunctive relief or the dismissal with prejudice of the opposing party's claims. The term does not include a party whose objectives are achieved solely by the voluntary cessation of challenged conduct absent a judicial determination or other relief bearing the court's imprimatur. If neither party prevails on the significant issues, or if both parties prevail in part, the court may determine that no party is the prevailing party and may equitably apportion fees and costs.

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

1. The applicant provides the governing body of the county or municipality written notice that it is in violation of this section; and

2. The governing body of the county or municipality complies with this section within 14 days or issues the authorization or approval request within 14 days.

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Section 2. Paragraph (c) is added to subsection (1) of section 177.071, Florida Statutes, to read:

177.071 Administrative approval of plats or replats by designated county or municipal official.—

(1)

(c) The local government may not create or establish any additional regulations or requirements that the applicant must meet for the approval of a final plat. Local governments requiring infrastructure assurances in connection with a final plat approval shall designate the same administrative authority as designated in paragraph (a) to receive and administratively approve or accept the surety instrument. The local government shall accept all commonly used forms of surety instruments or alternative forms of financial assurances, including, but not limited to, performance bonds, letters of credit, escrow agreements, or cash escrow with the county.

Section 3. Paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), paragraph (a) of subsection (3), subsection (4), paragraphs (b) and (c) of subsection (6), and subsection (8) of section 177.073, Florida Statutes, are amended, paragraph (d) is added to subsection (2), and subsection (11) is added to that section, to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

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

(a) "Applicant" means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes, or the number of building permits, that the local governing body must issue for a residential

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subdivision, planned unit development, or one or more phases in  
a multi-phased planned community, subdivision, or planned  
 community.

(2) (a) By October 1, 2024, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government's comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall create a program to expedite the process for issuing building permits for residential subdivisions, planned unit developments, one or more phases of a community or subdivision, or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, ~~not to exceed 50 percent of the residential subdivision or a~~ planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. The application or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits requested, so long as the request does not exceed 50 percent of the planned homes of the residential subdivision or planned community or the number of building permits. This paragraph does not:

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

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2. Apply to a county subject to s. 380.0552.

(b) Subject to the requirements under subsection (6) (b), a governing body that had a program in place before July 1, 2023, to expedite the building permit process, need only update its ~~their~~ program to approve an applicant's written application to issue up to 50 percent of the building permits for the residential subdivision, planned unit development, or planned community in order to comply with this section. This paragraph does not restrict a governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

(d) If a governing body fails to adopt a program under paragraph (2) (a) or paragraph (2) (c), or fails to update or modify an existing program as required under paragraph (2) (b) by the applicable statutory deadline, the following will apply without further action or approval by the governing body and notwithstanding any conflicting local requirement:

1. The applicant shall have an unconditional, self-executing right to use a qualified contractor of the applicant's choosing to obtain up to 75 percent of the building permits for the residential subdivision, planned unit development, or planned community, including one or more phases thereof, before the final plat is recorded, provided the qualified contractor does not have a conflict of interest with the applicant. For the purpose of this paragraph, "conflict of interest" has the same meaning as in s. 112.312.

2. The governing body, local building official, and any local government staff may not condition, delay, limit, restrict, obstruct, or deny the applicant's use of a qualified

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contractor under this paragraph, including by imposing any application, review, approval, staffing, procurement, qualification, preapproval, or selection requirements on the qualified contractor other than those expressly required by state law and the Florida Building Code. Any ordinance, resolution, policy, practice, contract, or requirement to the contrary is preempted and void to the extent of the conflict with this paragraph.

3. The qualified contractor may perform all services within the scope of his or her licensure and qualifications which are necessary or incidental to obtaining such building permits, including preparing, reviewing, and submitting permit applications and supporting plans, specifications, and documents, and providing signed and sealed documents when required by law. The local building official shall accept such submissions when prepared and sealed by the qualified contractor as meeting any local requirement that the submission be prepared or reviewed by local government staff, and shall review and issue the permits in accordance with the Florida Building Code and applicable state law.

4. The governing body and the local building official may not require the applicant or the qualified contractor to use a local government registry, rotation, shortlist, or any other selection or vetting process, and may not require any written agreement, indemnification, fees, or other conditions specific to the use of a qualified contractor under this paragraph, except for standard building permit fees otherwise applicable to all building permit applications, and any fees expressly authorized by state law.

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5. The unconditional right provided by this paragraph becomes effective immediately upon the governing body's failure to meet the applicable deadlines in paragraphs (a) or (c), continues in effect unless and until the governing body has adopted or updated a program fully compliant with this section, and may not be limited, impaired, or applied retroactively to reduce the number or percentage of building permits the applicant may obtain or is eligible to obtain under this paragraph.

6. This paragraph does not limit or impair the authority of the local building official to enforce the Florida Building Code, the Florida Fire Prevention Code, or other applicable state laws of general application in reviewing and issuing building permits; however, the governing body and the local building official may not impose any additional local procedures, prerequisites, or substantive standards on the applicant or the qualified contractor which have the effect of conditioning, delaying, restricting, or denying the use of a qualified contractor as authorized by this paragraph.

(3) A governing body shall create:

(a) A two-step application process for the adoption of a preliminary plat, and for stabilized access roads that can support emergency vehicles, ~~inclusive of any plans~~, in order to expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue for the residential subdivision, ~~or~~ planned community, planned unit development, or 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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paragraph, "approved plans" means plans approved for design and permit review and does not include, and may not be construed to require or imply, any certification, attestation, or confirmation of the completion of construction of any subdivision or planned community infrastructure, or improvements depicted in, referenced by, or required under such plans, except for the construction of the minimum access and roadway improvements required by the Florida Fire Prevention Code for fire department access and operations, such as a stabilized roadway for emergency access. No other subdivision or planned community infrastructure or improvements may be required to be constructed as a condition of permit issuance or approval.

1. A local government may not condition, delay, withhold, or deny the issuance of any building permit authorized under this section on:

a. The actual completion, substantial completion, or physical installation of any subdivision or planned community infrastructure, or improvements identified in the approved preliminary plat or approved plans; or

b. The submission, acceptance, or approval of any certification of completion or similar documentation, including, but not limited to, certificates of completion, substantial completion, engineer's or architect's certifications of completion, as-built or record drawings, pressure or compaction test results, utility acceptance letters, service availability letters, or similar confirmations of finished construction or readiness for service.

2. This prohibition applies notwithstanding any ordinance, resolution, policy, practice, development order, permit

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condition, concurrency or proportionate-share requirement, development agreement, interlocal agreement, utility policy or standard, or any other local requirement to the contrary.

3. This paragraph does not prohibit a local government from requiring documentation strictly necessary to demonstrate compliance with the Florida Fire Prevention Code as a condition of issuing building permits; however, such documentation may not require the physical completion of the subdivision or planned community infrastructure, or improvements beyond what is expressly required to satisfy the Florida Fire Prevention Code.

(c) The applicant holds a valid performance bond for up to 130 percent of the necessary improvements, as defined in s. 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis. For purposes of this section, a local government may waive the bonding requirement in this paragraph through its program or on a case-by-case basis upon request of the applicant.

(8) For purposes of this section, an applicant has a vested right in a preliminary plat that has been approved by a governing body for the earlier of at least 5 years or if all of the following conditions are met:

(a) The applicant relies in good faith on the approved preliminary plat or any amendments thereto.

(b) The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development 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 determination, exaction, conformity or consistency  
 1002 determination, or other obligation derived from or contained in  
 1003 the local government's charter, ordinances, codes, policies,  
 1004 procedures, resolutions, administrative practices, comprehensive  
 1005 plan, future land use map, land development regulations, or any  
 1006 related manual, guideline, or technical standard, if such  
 1007 requirement would alter, restrict, delay, add to, or otherwise  
 1008 conflict with the provisions of this section or the approvals  
 1009 contemplated herein. Any ordinance, resolution, policy,  
 1010 practice, procedure, plan provision, development order  
 1011 condition, or other local requirement that purports to regulate  
 1012 matters preempted by this subsection, or that is inconsistent  
 1013 with or more stringent than this section, is expressly  
 1014 preempted, superseded, and void to the extent of the conflict.

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

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

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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", with a long horizontal flourish extending to the right.

---

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  
Street

Email DMartinez@AFP HQ.org

Tallahassee  
City

FL  
State

32301  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

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**

Feb 10, 2026

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

Brendan Burke

Phone

727 512 2469

Address

1319 Thomaswood Dr

Street

Email

bburke@fhba.com

Tallahassee

City

FL

State

32304

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

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 \(flsenate.gov\)](#)

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

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

Speaking:

☐

For

☐

Against

☐

Information

OR

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  
**APPEARANCE RECORD**

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1138

Bill Number or Topic

Amendment Barcode (if applicable)

The Florida Senate  
**APPEARANCE RECORD**

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02/10/20

Meeting Date

Judiciary

Committee

1138

Bill Number or Topic

Amendment Barcode (if applicable)

Name Amina Spahic

Phone \_\_\_\_\_

Address \_\_\_\_\_

Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida For All

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

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

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S-001 (08/10/2021)



The Florida Senate

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02/10/20

Meeting Date

Judiciary

Committee

1138

Bill Number or Topic

292056

Amendment Barcode (if applicable)

Name

Amina Spalino

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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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  
Judiciary  
Committee

1138  
Bill Number or Topic  
292056  
Amendment Barcode (if applicable)

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1338

INTRODUCER: Senator Burton

SUBJECT: Charitable Giving

DATE: February 9, 2026

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	<b>Favorable</b>
2.	Bond	Cibula	JU	<b>Favorable</b>
3.			RC	

---

## I. Summary:

SB 1338 creates the “Safeguarding Endowment Gifts Act,” which provides legal recourse to individual charitable donors when their giving restrictions are not followed by a recipient charitable organization according to an endowment agreement. 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.<sup>1</sup> 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.<sup>2</sup> Some of that common law has been codified in Florida.

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<sup>1</sup> Philanthropy Roundtable, *Statistics on U.S. Generosity*, <https://www.philanthropyroundtable.org/almanac/statistics-on-u-s-generosity/> (last visited February 5, 2026).

<sup>2</sup> Section 736.1210, F.S.

### ***The Florida Trust Code***

A trust is allowed to be created for a charitable purpose.<sup>3</sup> The settlor of a trust expresses that intent and purpose in the terms of the trust.<sup>4</sup> The settlor of the trust may enforce the terms of the trust.<sup>5</sup> 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.<sup>6</sup> A court reforming the terms of the trust or modifying the terms of a trust must follow the intent of the settlor.<sup>7</sup> The intent of the settlor is the primary focus when determining the legal effect of a trust.<sup>8</sup> Honoring the settlor's intent effectuates the state intent to preserve, foster, and encourage giving to charitable institutions.<sup>9</sup>

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 instrument<sup>10</sup> and the power of a circuit court to allow deviation from the donor's intent.<sup>11</sup> Florida has rejected the "benefit-of-the-beneficiary" test.<sup>12</sup>

### ***The Florida Uniform Prudent Management of Institutional Funds Act (FUPMIFA)***<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup>

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

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<sup>3</sup> Section 736.0405(1), F.S.

<sup>4</sup> Section 736.0103(24), F.S.

<sup>5</sup> Section 736.0405(3), F.S.

<sup>6</sup> Section 736.04115(2)(a), F.S.

<sup>7</sup> Sections 736.0415 and 736.0416, F.S.

<sup>8</sup> Section 736.1101, F.S.

<sup>9</sup> Section 736.1210, F.S.

<sup>10</sup> Section 736.1206, F.S.

<sup>11</sup> Section 736.1207, F.S.

<sup>12</sup> Chapter 2018-35, Laws of Fla.

<sup>13</sup> Section 617.2104, F.S.

<sup>14</sup> 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).

<sup>15</sup> *Prefatory Note*, Uniform Prudent Management of Institutional Funds Act.

gift,<sup>16</sup> allows limited modification where consent is unavailable,<sup>17</sup> and provides for modification by the circuit court in limited circumstances.<sup>18</sup>

### 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.

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<sup>16</sup> Section 617.2104(6)(a), F.S.

<sup>17</sup> Section 617.2104(6)(b), F.S.

<sup>18</sup> 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;<sup>19</sup> 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.<sup>20</sup>

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<sup>19</sup> 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](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4176994) (last visited Jan. 27, 2026).

<sup>20</sup> 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.

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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

20261338

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

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

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

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

50 496.432 Safeguarding Endowment Gifts Act.—

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

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

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

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

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

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

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

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

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

(g) "Legal representative" means the administrator or

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

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

(3) PROTECTIONS AFFORDED.—

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

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

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judgment awarding damages to the donor or donor representative.

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

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

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

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

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

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

496.433 Charity Protection Act.—

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

(2) PROTECTIONS AFFORDED.—

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

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

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

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



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Health Policy, *Chair*  
Judiciary, *Vice Chair*  
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](http://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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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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>	<b>Favorable</b>
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup> Each local government must maintain a comprehensive plan to guide future development.<sup>2</sup>

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

### ***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.<sup>6</sup> 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.<sup>7</sup> The proposed distribution, location, and extent of the various categories of land use must be shown on a land

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<sup>1</sup> Section 163.3167(1), F.S.

<sup>2</sup> Section 163.3167(2), F.S.

<sup>3</sup> Section 163.3194(3), F.S.

<sup>4</sup> Section 163.3177(3) and (6), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> 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.

<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup>

### ***Infill Development***

The Growth Policy Act,<sup>10</sup> 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.<sup>11</sup>
- 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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup>

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<sup>8</sup> Section 163.3177(6)(a)2., F.S.

<sup>9</sup> 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)).

<sup>10</sup> Section 163.2511(1), F.S. (providing that ss. 163.2511-163.2520, F.S., may be cited as the "Growth Policy Act").

<sup>11</sup> See s. 290.0058, F.S. (providing how to determine whether an area suffers from pervasive poverty, unemployment, or general distress).

<sup>12</sup> Section 163.2514(2), F.S.

<sup>13</sup> Section 163.2517(1), F.S.

<sup>14</sup> See generally s. 163.2517, F.S.

<sup>15</sup> 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.<sup>16</sup>

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.<sup>17</sup> Local governments are encouraged to use innovative land development regulations<sup>18</sup> and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.<sup>19</sup> Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.<sup>20</sup>

## Classification of Agricultural Lands

State property appraisers must classify for ad valorem tax assessment purposes all lands within their counties as agricultural or nonagricultural.<sup>21</sup> Only lands that are used primarily for bona fide agricultural purposes may be classified agricultural.<sup>22</sup>

“Bona fide agricultural purposes” means good faith commercial agricultural use of the land.<sup>23</sup> “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.<sup>24</sup>

## 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.<sup>25</sup> 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.<sup>26</sup> 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.<sup>27</sup>

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<sup>16</sup> Section 163.3164(26), F.S.

<sup>17</sup> Section 163.3202(1), F.S.

<sup>18</sup> Section 163.3202(3), F.S.

<sup>19</sup> Sections 125.01055 and 166.04151, F.S.

<sup>20</sup> See ss. 163.3161(6) and 163.3194(1)(a), F.S.

<sup>21</sup> Section 193.461(1), F.S.

<sup>22</sup> Section 193.461(3)(b), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> Section 193.461(5), F.S.

<sup>25</sup> FLA. CONST. art. VIII, s. 1(f).

<sup>26</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup>

### **Comprehensive Environmental Response, Compensation, and Liability Act of 1980**

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)<sup>31</sup> is informally known as Superfund.<sup>32</sup> 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.<sup>33</sup>

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.<sup>34</sup> 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.<sup>35</sup>

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.<sup>36</sup>

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<sup>28</sup> See *City of Jacksonville v. American Environmental Services Inc.*, 699 So. 2d 255, 256 (Fla. 1<sup>st</sup> DCA 1997).

<sup>29</sup> See *id.*

<sup>30</sup> See, e.g., s. 790.33, F.S. (expressly preempting the regulation of firearms and ammunition).

<sup>31</sup> 42 U.S.C. ss. 9601 et seq.

<sup>32</sup> U.S. Environmental Protection Agency (U.S. EPA), *Superfund: CERCLA Overview*, <https://www.epa.gov/superfund/superfund-cercla-overview> (last visited Feb. 5, 2026).

<sup>33</sup> U.S. EPA, *What is Superfund?*, <https://www.epa.gov/superfund/what-superfund> (last visited Feb. 5, 2026).

<sup>34</sup> U.S. EPA, *Superfund: CERCLA Overview*, <https://www.epa.gov/superfund/superfund-cercla-overview> (last visited Feb. 5, 2026).

<sup>35</sup> U.S. EPA, *What is Superfund?*, <https://www.epa.gov/superfund/what-superfund> (last visited Feb. 5, 2026).

<sup>36</sup> 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.<sup>37</sup> These reports often take the form of a Phase I Environmental Site Assessment.<sup>38</sup> 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.<sup>39</sup>

### **Brownfields Program Overview**

Many areas in Florida contain sites with actual or perceived environmental contamination that may present a significant barrier to redevelopment.<sup>40</sup> The Florida Brownfields Redevelopment Act<sup>41</sup> 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.<sup>42</sup>

Local governments support the use of the tools and incentives provided by the program by designating brownfield areas for cleanup and revitalization.<sup>43</sup> 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.<sup>44</sup>

Upon designation, properties within a brownfield area have met the first requirement for participation in the program.<sup>45</sup> 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.<sup>46</sup>

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<sup>37</sup> 40 C.F.R. s. 312.21(c).

<sup>38</sup> 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](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).

<sup>39</sup> *Id.* (citing 40 C.F.R. pt. 312).

<sup>40</sup> 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).

<sup>41</sup> Chapter 97-277, s. 1, Laws of Fla. (codifying ss. 376.77-376.85, F.S.).

<sup>42</sup> Brownfields, *supra* note 40, at 4.

<sup>43</sup> *Id.* at 5.

<sup>44</sup> Section 376.80(1)(b)2. and (2)(c), F.S.

<sup>45</sup> Brownfields, *supra* note 40, at 5.

<sup>46</sup> *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.<sup>47</sup>
- “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.<sup>48</sup> 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.<sup>49</sup>

Additionally, under the bill:

- “Local government” means a county, municipality, special district, or political subdivision of the state.

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<sup>47</sup> The bill incorporates by reference the definition of “density” found in s. 163.3164(13), F.S.

<sup>48</sup> See s. 193.461, F.S.

<sup>49</sup> 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.<sup>50</sup>
- “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.<sup>51</sup>

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.<sup>52</sup>

### **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.

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<sup>50</sup> The bill incorporates by reference the definition of “parcel of land” found in s. 163.3164(37), F.S.

<sup>51</sup> Only Miami-Dade, Broward, and Palm Beach counties currently satisfy these criteria.

<sup>52</sup> 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.<sup>53</sup> 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

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<sup>53</sup> 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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(f) "Parcel of land" has the same meaning as in s. 163.3164.

(g) "Qualifying parcel" means a parcel of land to which this section applies under subsection (4).

(h) "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.

(i) "Townhouse" means a single-family dwelling unit that is constructed in a series or group of attached units with property lines separating such units.

(j) "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.

(4) QUALIFYING PARCELS.—

(a) Except as provided in paragraph (b), this section 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:

1. The county has a population of more than 1.475 million people according to the most recent decennial census.

2. There are at least 15 municipalities within the county.

(b) This section does not apply to any of the following:

1. Designated agricultural land.

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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be maintained as open space or improved with passive recreational facilities accessible to the community. For purposes of this subsection, swales and water retention areas are considered open space.

(8) RECREATIONAL FACILITIES.—

(a) 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:

1. Establish that such facilities or areas, or portions thereof, located on the qualifying parcel have not been in operation or in use for a period of at least 12 consecutive months.

2. 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.

3. Provide written notice delivered by certified mail to all owners of property adjacent to the recreational facilities or areas, which notice includes all of the following information:

a. That the developer intends to develop the parcel in accordance with this section.

b. That the adjacent property owners may elect to purchase the parcel or portion thereof containing recreational facilities or areas for the purpose of maintaining the parcel, or portions thereof, as recreational areas or open space within 90 days after the date the notice is mailed.

c. The price at which the adjacent property owners may



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purchase the property.

(b) Property owners who receive the notice required under subparagraph (a)3. and wish to exercise the option to purchase the parcel or portion thereof containing the recreational facilities or areas must exercise the option and close on the property, and accept a deed restriction or record a restrictive covenant requiring the property to be maintained as a recreational area or open space for at least 30 years, within 90 days after the notice is mailed or forfeit the option. The parcel or portion thereof must be offered to such property owners for purchase at a price that may not exceed the greater of:

1. An amount equal to the price paid by the property owner plus 10 percent; or

2. 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.

(9) DEVELOPMENT APPLICATIONS.—The proposed development of a qualifying parcel which complies with the requirements of this section 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 this section. A developer must establish consistency with applicable concurrency requirements at such



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time as local regulations would require for a comparable residential development within its jurisdiction. Each local government shall maintain on its website a policy containing procedures and expectations for administrative approval under this subsection.

(10) APPLICATION, PREEMPTION, AND CONSTRUCTION.—This section applies to development applications submitted pursuant to this section on or after the effective date of this act. 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 this section. This section shall be liberally construed to effectuate its intent.

Section 2. The Division of Law Revision is directed to replace the phrase “the effective date of this act” wherever it occurs in this act with the date this act becomes a law.

Section 3. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to infill redevelopment; creating s.  
163.2525, F.S.; providing a short title; providing  
legislative findings; defining terms; providing  
applicability; requiring that a local government  
permit qualifying parcels to be developed with  
residential uses; limiting the density of certain



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development for a specified purpose; requiring the intensity of certain development to comply with certain standards; requiring a local government to administratively approve an application for the subdivision of a qualifying parcel under certain circumstances; prohibiting a local government from using the subdivision process to restrict development in a certain manner; requiring developers of qualifying parcels to maintain a specified buffer between new developments and single-family homes and townhouses under certain circumstances; providing requirements for such buffer areas; providing construction; requiring developers of qualifying parcels to establish that certain recreational facilities and areas reserved for recreational use have not been in operation or use for a certain timeframe; requiring developers of such parcels to pay double the parks and recreation facilities impact fees for a certain purpose and provide certain written notice to property owners; providing requirements for the written notice; requiring that property owners who receive such written notice and wish to exercise an option to purchase certain parcels or portions thereof meet specified requirements within a specified timeframe or forfeit the option; limiting the price at which such parcels or portions of parcels may be offered to the property owners for purchase; requiring the administrative approval of certain proposed 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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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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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boundaries and urban service boundaries.

(4) QUALIFYING PARCELS.—

(a) Except as provided in paragraph (b), this section applies to environmentally impacted land consisting of at least 5 acres which is within a county that meets both of the following requirements:

1. The county has a population of more than 1.475 million people according to the most recent decennial census.

2. There are at least 10 municipalities within the county.

(b) This section does not apply to any of the following:

1. Designated agricultural land.

2. Land owned or operated by a local government for public park purposes.

3. Land outside an urban growth boundary.

4. Land within one-quarter mile of a military installation identified in s. 163.3175(2).

(5) DEVELOPMENT REGULATIONS.—Notwithstanding any local law, ordinance, or regulation to the contrary:

(a) A local government shall permit a qualifying parcel to be developed up to the highest density and intensity allowed in any adjacent zoning district within the same jurisdiction which permits residential uses as of right.

(b) If a qualifying parcel is not adjacent to a zoning district that permits residential uses as of right, the local government must permit the development of the qualifying parcel with single-family homes or townhouses. For such a qualifying parcel, the local government may not do any of the following:

1. Restrict density to less than 30 units per acre.

2. Restrict height to below 40 feet.

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3. Require lot sizes larger than 1,250 square feet.

4. Require front and rear setbacks of more than 10 feet.

5. Require any side setbacks.

6. Require more than one parking space per dwelling.

(6) SUBDIVISION APPROVAL.—A local government must approve an application for the subdivision of a qualifying parcel if the application satisfies the requirements of chapter 177. A local government may not use the subdivision process to restrict development below the density and intensity authorized under subsection (5).

(7) BUFFER REQUIREMENTS.—If a qualifying parcel is adjacent to single-family homes or townhouses on all sides, the developer must provide a buffer of at least 30 feet, measured from lot line to lot line, between the new development and the single-family homes or townhouses. The buffer area must be maintained as open space or improved with passive recreational facilities accessible to the community.

(8) RECREATIONAL FACILITIES.—

(a) 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:

1. Establish that such facilities or areas, or portions thereof, located on the qualifying parcel have not been in operation or in use for a period of at least 12 consecutive months.

2. 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

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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.



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 black ink that reads "Alexis Calatayud".

---

Senator Alexis Calatayud  
Florida Senate, District 38

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

1434

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Daniel Martinez

Phone

305-240-2917

Address

107 E College Ave

Street

Email

DMartinez@AFPHQ.org

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

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**

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

Meeting Date

Judiciary

Committee

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

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S-001 (08/10/2021)



2/6/26

Meeting Date

Judiciary

Committee

Name

Adam Basford

Address

516 N Adams St

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate  
**APPEARANCE RECORD**

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

1434

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

8502247173

Email

abasford@aif.com

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

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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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1506

INTRODUCER: Senator Yarborough

SUBJECT: Civil Litigation

DATE: February 9, 2026

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Collazo	Cibula	JU	<b>Favorable</b>
2. _____	_____	RC	_____

---

**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.<sup>1</sup>

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.<sup>2</sup>

### 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.”<sup>3</sup> Whether a duty sufficient to support a negligence claim exists is a matter of law<sup>4</sup> determined by the court.<sup>5</sup> A duty may arise from various sources, including:

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<sup>1</sup> Cf. 74 AM. JUR. 2D *Torts* s. 2.

<sup>2</sup> See *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508, 513-14 (Fla. 2020).

<sup>3</sup> *Kohl v. Kohl*, 149 So. 3d 127, 135 (Fla. 4<sup>th</sup> DCA 2014) (internal citation omitted).

<sup>4</sup> 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](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](https://www.law.cornell.edu/wex/Question_of_fact) (last visited Jan. 29, 2026).

<sup>5</sup> *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.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

### ***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.<sup>10</sup>

### ***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.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup>

### ***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.<sup>15</sup> Juries award compensatory

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<sup>6</sup> *Goldberg*, 899 So. 2d at 1110 (citing *Clay Elec. Co-op., Inc. v. Johnson*, 873 So. 2d 1182 (Fla. 2003)).

<sup>7</sup> *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)).

<sup>8</sup> *Kohl*, 149 So. 3d at 135; *Whitt*, 788 So. 2d at 216-17.

<sup>9</sup> *Bongiorno v. Americorp, Inc.*, 159 So. 3d 1027, 1029-30 (Fla. 5<sup>th</sup> DCA 2015) (citing *Demelus v. King Motor Co. of Fort Lauderdale*, 24 So. 3d 759 (Fla. 4<sup>th</sup> DCA 2009)).

<sup>10</sup> *Wallace v. Dean*, 3 So. 3d 1035, 1046 fn. 18 (Fla. 2009).

<sup>11</sup> *Sanders v. ERP Operating Ltd. P'ship*, 157 So. 3d 273, 277 (Fla. 2015).

<sup>12</sup> *Ruiz v. Tenent Hialeah Healthsystem, Inc.*, 260 So. 3d 977, 981 (Fla. 2018).

<sup>13</sup> *Id.* at 981-982.

<sup>14</sup> *Id.* at 982.

<sup>15</sup> *Birdsall v. Coolidge*, 93 U.S. 64, 64 (1876).

damages to compensate an injured person for a defendant's negligent acts.<sup>16</sup> 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.<sup>17</sup>

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.<sup>18</sup>

### **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.<sup>19</sup>

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,<sup>20</sup> the courts must consider the following criteria in determining whether a verdict in an action for damages based on either tort or contract<sup>21</sup> 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.<sup>22</sup>

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<sup>16</sup> *St. Regis Paper Co. v. Watson*, 428 So. 2d 243, 247 (Fla. 1983).

<sup>17</sup> *Cf.* s. 766.202(3), (8), F.S.

<sup>18</sup> "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).

<sup>19</sup> Section 768.74(1), F.S.

<sup>20</sup> Section 768.74(3), F.S.

<sup>21</sup> Section 768.71(1), F.S.

<sup>22</sup> 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,<sup>23</sup> as the case may be,<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> 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.<sup>27</sup>

### ***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.”<sup>28</sup> 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.”<sup>29</sup>

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.”<sup>30</sup>

“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.<sup>31</sup> In *Gregory v. Chohan*,<sup>32</sup> 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

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<sup>23</sup> “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.

<sup>24</sup> Section 768.74(2), F.S.

<sup>25</sup> Section 768.74(4), F.S.

<sup>26</sup> *School Bd. of Broward County v. Pierce Goodwin Alexander & Linville*, 137 So. 3d 1059, 1069-70 (Fla. 4<sup>th</sup> DCA 2014).

<sup>27</sup> *Bluth v. Blake*, 128 So. 3d 242, 246 (Fla. 4<sup>th</sup> DCA 2013).

<sup>28</sup> 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](https://www.sulloway.com/wp-content/uploads/2023/11/DRI_Anchoring-a-Verdict-Without-Angering-the-Court.pdf).

<sup>29</sup> 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)).

<sup>30</sup> *Hodge v. State Farm Mut. Auto. Ins., Co.*, 84 N.W.2d 238, 56 (Mich. 2016) (Markman, J. Concurring) (citations omitted).

<sup>31</sup> 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/](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)).

<sup>32</sup> 670 S.W. 3d 546 (Tex. 2023).

fighter jet and a \$186 million painting by Mark Rothko.<sup>33</sup> 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.”<sup>34</sup> 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.<sup>35</sup>

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.”<sup>36</sup> 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.”<sup>37</sup>

### 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.

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<sup>33</sup> *Id.* at 557.

<sup>34</sup> *Id.* at 558.

<sup>35</sup> *Id.* at 563-65.

<sup>36</sup> *Id.* at 560.

<sup>37</sup> *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.

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

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By Senator 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

4-01475A-26

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

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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

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117 compensatory damages.

118 Section 7. This act shall take effect July 1, 2026.

The Florida Senate

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2-10-26

Meeting Date

Judiciary

Committee

1506

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Tiffany Cruz

Phone

850-701-8838

Address

325 N. Calhoun Street

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City

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32301

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Speaking:

☐

For

☒

Against

☐

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**OR**

Waive Speaking:

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In Support

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**PLEASE CHECK ONE OF THE FOLLOWING:**

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I am appearing without  
compensation or sponsorship.

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I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
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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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S-001 (08/10/2021)

The Florida Senate

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2/10/26

Meeting Date

1506

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Dane Ullian

Phone 772-400-5667

Address 2127 10th Ave

Street

Email dane@ulliantriallaw.com

Vero Beach

City

FL

State

32960

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. [2020-2022 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

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

SB 1506

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

Bill Number or Topic

Amendment Barcode (if applicable)

The Florida Senate

**APPEARANCE RECORD**

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

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

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 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 \(flsenate.gov\)](#)

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

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

1506

Bill Number or Topic

Amendment Barcode (if applicable)

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The Florida Senate  
**APPEARANCE RECORD**

SB 1506

Meeting Date

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Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

DAVID MECA

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:

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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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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>Palazesi</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup> 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.<sup>2</sup>

### ***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:<sup>3</sup>

- 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

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<sup>1</sup> FLA. CONST. art. IX, s. 4(b); section 1001.32(2), F.S.

<sup>2</sup> Section 1003.02, F.S.

<sup>3</sup> 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.<sup>4</sup>

### ***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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

District school board members are exempt from the prohibition on agencies<sup>8</sup> nominating, appointing, promoting, or employing a relative.<sup>9</sup> 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.<sup>10</sup>

### **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:<sup>11</sup>

- Employment;
- Continuing education;
- Control of the classroom; and
- Direct classroom instruction.

Parents are provided with specific rights related to:<sup>12</sup>

- 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

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<sup>4</sup> Section 1001.372, F.S.

<sup>5</sup> Section 1012.22(1), F.S.

<sup>6</sup> Section 1012.22(1)(a), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> Section 1012.23(2), F.S.

<sup>11</sup> Sections 1015.03-1015.06, F.S.

<sup>12</sup> 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.<sup>13</sup> 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:<sup>14</sup>

- 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.

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<sup>13</sup> Section 1011.035(1), F.S.

<sup>14</sup> 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.<sup>15</sup>

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.<sup>16</sup> 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***

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<sup>15</sup> 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.

<sup>16</sup> *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.

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

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145780

LEGISLATIVE ACTION

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

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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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documents or information that the member would be prohibited by law from accessing.

(b) 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.

(c) Seek information from school district staff without the permission of the superintendent or other members of the administration.

(d) 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 paragraph may not be construed to violate any public records law.

(e) 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.

(f) 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 that are specifically addressed in ss. 1006.07 and 1012.34, respectively.

(3) In any legal action 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.



875772

Section 3. Subsection (5) is added to section 1001.372, Florida Statutes, to read:

1001.372 District school board meetings.—

(5) COMMUNICATIONS ABOUT AGENDA ITEMS.—A member of the district school board may have communications or discussions 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 pursuant to s. 1001.42(5)(c) has advised the school board member that such communications or discussions would not violate s. 24(b), Art. I of the State Constitution.

Section 4. Subsection (6) of section 1001.42, Florida Statutes, is amended, paragraph (c) is added to subsection (1) of that section, paragraph (c) is added to subsection (5) of that section, and paragraph (c) is added to subsection (24) of that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require 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.

(c) Other records.—Other documents, including attachments for agenda items, such as vendor contracts or budget documents, must be kept as a public record with the minutes of each meeting.

(5) PERSONNEL.—



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(c) During a regular school board meeting, approve the employment of an additional attorney, to be employed by the school district solely to represent the district school board, who was recommended for employment by an attorney currently employed by the school district. During the meeting, the district school board must provide both of the following:

1. The purpose of hiring an additional attorney.
2. The costs of such representation. Any payment to the additional attorney must be noticed and approved by the district school board.

(6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers. The policies must require all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the standards, including training for school officers in compliance with s. 24(b), Art. I of the State Constitution; establish the duty of educational support employees, instructional personnel, administrative personnel, and school officers to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional or administrative personnel, and school officers which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student; require the district school superintendent to report to law enforcement misconduct by educational support employees, instructional personnel, or school administrators that would



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result in disqualification from educator certification or employment as provided in s. 1012.315; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees or personnel, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional or administrative personnel, or school officers who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, administrative personnel, or school officers with employment references or discuss the employees', personnel's, or officers' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or officers' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, administrative personnel, or school officers which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(24) EMPLOYMENT CONTRACTS.—

(c) A school board member may not publicly disclose proposed terms of collective bargaining agreements unless advised by an attorney employed pursuant to paragraph (5)(c).

Section 5. Paragraph (a) of subsection (2) of section 1011.035, Florida Statutes, is amended to read:

1011.035 School district fiscal transparency.—

(2) Each district school board shall post on its website a





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plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public and includes:

(a) Graphical representations, for each public school within the district and for the school district, of the following:

1. Summary financial efficiency data.

2. Fiscal trend information for the previous 3 years on:

a. The ratio of full-time equivalent students to full-time equivalent instructional personnel.

b. The ratio of full-time equivalent students to full-time equivalent administrative personnel.

c. The total operating expenditures per full-time equivalent student.

d. The total instructional expenditures per full-time equivalent student.

e. The general administrative expenditures as a percentage of total budget.

f. The rate of change in the general fund's ending fund balance not classified as restricted.

g. Full line-item budget items.

This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

Section 6. Paragraph (a) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:



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(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(a) *Positions, qualifications, and appointments.*—

1. The district school board shall 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.

2. The district school board may reject for good cause any employee nominated.

3. If the third nomination by the district school superintendent for any position is rejected for good cause, if the district school superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the district school board, or if the district school superintendent fails to submit a nomination for reemployment within the time prescribed by law, the district school board may proceed on its own motion to fill such position.

4. The district school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

5. For the purposes of this paragraph, the term "good cause" means the district school board has determined any of the following:

a. That the nominated employee received his or her



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nomination due to nepotism, as defined by the district school board.

b. That the nominated employee fabricated or materially exaggerated his or her credentials or background.

c. That the nominated employee does not meet the minimum requirements for the position.

d. That the nominated employee's educator certificate has been revoked by another state.

Section 7. Subsection (1) of section 1015.03, Florida Statutes, is amended to read:

1015.03 Rights of employment.—

(1)(a) Pursuant to s. 447.301 and s. 6., Art. I of the State Constitution, the right of public employees, including teachers, to work may not be denied or abridged on account of membership or nonmembership in any labor union.

(b) A school district employee may not be required or otherwise incentivized to sign a nondisclosure agreement or confidentiality agreement. A school district may not impose conditions on employment to circumvent this paragraph.

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

And the title is amended as follows:

Delete lines 9 - 29

and insert:

rights; amending s. 1001.372, F.S.; authorizing a district school board to have specified discussions after being advised by an attorney; amending s. 1001.42, F.S.; requiring that certain documents from district school board meetings be kept as public



875772

records; providing that a district school board has the power to approve an additional attorney to be employed by the school district; providing requirements for such approval; requiring school officers to receive specified training; prohibiting a school board member from publicly disclosing proposed terms of a collective bargaining agreement unless advised by an attorney; amending s. 1011.035, F.S.; requiring that full line-item budget items be posted on a school district's website; amending s. 1012.22, F.S.; defining the term "good cause"; amending s. 1015.03, F.S.; providing that a school district employee may not be required or incentivized to sign a nondisclosure agreement or confidentiality agreement; prohibiting a school district from imposing certain conditions on employment;



600808

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
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The Committee on Judiciary (Leek) recommended the following:

**Senate Substitute for Amendment (875772) (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 1001.366, Florida Statutes, is  
created to read:

1001.366 District School Board Members' Bill of Rights.-

(1) The Legislature 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



600808

their statutory oversight and responsibility.

(2) A member of a district school board has the right to:

(a)1. Upon request, 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.

2. 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.

(b) 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.

(c) Seek information from school district staff without the permission of the superintendent or other members of the administration.

(d) 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 paragraph may not be construed to violate any public records law.

(e) 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



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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powers and perform all duties listed below:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require 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.

(c) Other records.—Other documents, including attachments for agenda items, such as vendor contracts or budget documents, must be kept as a public record with the minutes of each meeting.

(5) PERSONNEL.—

(c) During a regular school board meeting, approve the employment of an additional attorney, to be employed by the school district solely to represent the district school board, who was recommended for employment by an attorney currently employed by the school district. During the meeting, the district school board must provide both of the following:

1. The purpose of hiring an additional attorney.
2. The costs of such representation. Any payment to the additional attorney must be noticed and approved by the district school board.

(6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers. The policies must require all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the standards, including training for school officers in compliance with s. 24(b), Art. I of the State Constitution; establish the duty of educational





600808

support employees, instructional personnel, administrative personnel, and school officers to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional or administrative personnel, and school officers which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student; require the district school superintendent to report to law enforcement misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees or personnel, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional or administrative personnel, or school officers who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, administrative personnel, or school officers with employment references or discuss the employees', personnel's, or officers' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or officers' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, administrative personnel, or school officers which affects the health, safety, or welfare of a



600808

student is void, is contrary to public policy, and may not be enforced.

(24) EMPLOYMENT CONTRACTS.—

(c) A school board member may not publicly disclose proposed terms of collective bargaining agreements unless advised by an attorney employed pursuant to paragraph (5)(c).

Section 4. Paragraph (a) of subsection (2) of section 1011.035, Florida Statutes, is amended to read:

1011.035 School district fiscal transparency.—

(2) Each district school board shall post on its website a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public and includes:

(a) Graphical representations, for each public school within the district and for the school district, of the following:

1. Summary financial efficiency data.

2. Fiscal trend information for the previous 3 years on:

a. The ratio of full-time equivalent students to full-time equivalent instructional personnel.

b. The ratio of full-time equivalent students to full-time equivalent administrative personnel.

c. The total operating expenditures per full-time equivalent student.

d. The total instructional expenditures per full-time equivalent student.

e. The general administrative expenditures as a percentage of total budget.

f. The rate of change in the general fund's ending fund



600808

balance not classified as restricted.

g. Full line-item budget items.

This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

Section 5. Paragraph (a) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

*(a) Positions, qualifications, and appointments.—*

1. The district school board shall 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.

2. The district school board may reject for good cause any employee nominated.

3. If the third nomination by the district school superintendent for any position is rejected for good cause, if the district school superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the district school board, or if the district school superintendent fails to submit a nomination for reemployment



600808

within the time prescribed by law, the district school board may proceed on its own motion to fill such position.

4. The district school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

5. For the purposes of this paragraph, the term "good cause" means the district school board has determined any of the following:

a. That the nominated employee received his or her nomination due to nepotism, as defined by the district school board.

b. That the nominated employee fabricated or materially exaggerated his or her credentials or background.

c. That the nominated employee does not meet the minimum requirements for the position.

d. That the nominated employee's educator certificate has been revoked by another state.

Section 6. Subsection (1) of section 1015.03, Florida Statutes, is amended to read:

1015.03 Rights of employment.—

(1)(a) Pursuant to s. 447.301 and s. 6., Art. I of the State Constitution, the right of public employees, including teachers, to work may not be denied or abridged on account of membership or nonmembership in any labor union.

(b) A school district employee may not be required or otherwise incentivized to sign a nondisclosure agreement or confidentiality agreement. A school district may not impose conditions on employment to circumvent this paragraph.



600808

Section 7. This act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to public education; creating s.  
1001.366, F.S.; providing legislative findings;  
providing members of a district school board with  
specified rights; authorizing an attorney employed by  
the school district to represent school board member  
under certain circumstances; providing an exception;  
amending s. 1001.372, F.S.; authorizing a district  
school board to have specified discussions after being  
advised by an attorney; amending s. 1001.42, F.S.;  
requiring that certain documents from district school  
board meetings be kept as public records; providing  
that a district school board has the power to approve  
an additional attorney to be employed by the school  
district; providing requirements for such approval;  
requiring school officers to receive specified  
training; prohibiting a school board member from  
publicly disclosing proposed terms of a collective  
bargaining agreement unless advised by an attorney;  
amending s. 1011.035, F.S.; requiring that full line-  
item budget items be posted on a school district's  
website; amending s. 1012.22, F.S.; defining the term  
"good cause"; amending s. 1015.03, F.S.; providing



600808

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.



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LEGISLATIVE ACTION

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

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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.

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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:

Page 2 of 9

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



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(a)1. Upon request, be given free and timely access to all school district documents. 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.

(b) 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 access, upon request, to any detail or line item in any proposed or approved budget or in any financial transaction by the school district.

(c) Seek information from school district staff without the permission of the superintendent or other members of the administration.

(d) 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 paragraph may not be construed to violate any public records law.

(e) 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.

(f) 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 that are specifically addressed in ss. 1006.07 and 1012.34, respectively.

(3) (a) An attorney may not be employed by the school

Page 3 of 9

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

7-00344E-26

20261620

district and represent the district school board, except for an attorney hired pursuant to s. 1001.42(5).

(b) In any legal action brought against an individual school board member related to his or her official position and conduct, the school board may authorize an attorney, in accordance with paragraph (a), who is employed by the school district, to provide legal representation.

Section 3. Subsection (5) is added to section 1001.372, Florida Statutes, to read:

1001.372 District school board meetings.—

(5) COMMUNICATIONS ABOUT AGENDA ITEMS.—A member of the district school board may have communications or discussions 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 pursuant to s. 1001.42(5)(c) has advised the school board member that such communications or discussions would not violate s. 24(b), Art. I of the State Constitution.

Section 4. Subsection (6) of section 1001.42, Florida Statutes, is amended, paragraph (c) is added to subsection (1) of that section, paragraph (c) is added to subsection (5) of that section, and paragraph (c) is added to subsection (24) of that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the district school superintendent, as secretary, to keep such

Page 4 of 9

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

7-00344E-26

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minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(c) Other records.—Other documents, including attachments for agenda items, such as vendor contracts or budget documents, must be kept as a public record with the minutes of each meeting.

(5) PERSONNEL.—

(c) During a regular school board meeting, approve the employment of an additional attorney, to be employed by the school district solely to represent the district school board, who was recommended for employment by an attorney currently employed by the school district. During the meeting, the district school board must provide both of the following:

1. The purpose of hiring an additional attorney.

2. The costs of such representation. Any payment to the additional attorney must be noticed and approved by the district school board.

(6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers. The policies must require all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the standards, including training for school officers in compliance with s. 24(b), Art. I of the State Constitution; establish the duty of educational support employees, instructional personnel, administrative personnel, and school officers to report, and procedures for reporting, alleged misconduct by other educational support

7-00344E-26

20261620

employees, instructional or administrative personnel, and school officers which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student; require the district school superintendent to report to law enforcement misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees or personnel, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional or administrative personnel, or school officers who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, administrative personnel, or school officers with employment references or discuss the employees', personnel's, or officers' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or officers' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, administrative personnel, or school officers which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(24) EMPLOYMENT CONTRACTS.—

7-00344E-26

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(c) A school board member may not publicly disclose proposed terms of collective bargaining agreements unless advised by an attorney employed pursuant to paragraph (5)(c).

Section 5. Paragraph (a) of subsection (2) of section 1011.035, Florida Statutes, is amended to read:

1011.035 School district fiscal transparency.—

(2) Each district school board shall post on its website a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public and includes:

(a) Graphical representations, for each public school within the district and for the school district, of the following:

1. Summary financial efficiency data.

2. Fiscal trend information for the previous 3 years on:

a. The ratio of full-time equivalent students to full-time equivalent instructional personnel.

b. The ratio of full-time equivalent students to full-time equivalent administrative personnel.

c. The total operating expenditures per full-time equivalent student.

d. The total instructional expenditures per full-time equivalent student.

e. The general administrative expenditures as a percentage of total budget.

f. The rate of change in the general fund's ending fund balance not classified as restricted.

g. Full line-item budget items.

7-00344E-26

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This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

Section 6. Paragraph (a) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(a) *Positions, qualifications, and appointments.*—

1. The district school board shall 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.

2. The district school board may reject for good cause any employee nominated.

3. If the third nomination by the district school superintendent for any position is rejected for good cause, if the district school superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the district school board, or if the district school superintendent fails to submit a nomination for reemployment within the time prescribed by law, the district school board may proceed on its own motion to fill such position.

4. The district school board's decision to reject a

7-00344E-26

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person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

5. For the purposes of this paragraph, the term "good cause" means the district school board has determined any of the following:

a. That the nominated employee received his or her nomination due to nepotism, as defined by the district school board.

b. That the nominated employee fabricated or materially exaggerated his or her credentials or background.

c. That the nominated employee does not meet the minimum requirements for the position.

d. That the nominated employee's educator certificate has been revoked by another state.

Section 7. Subsection (1) of section 1015.03, Florida Statutes, is amended to read:

1015.03 Rights of employment.—

(1)(a) Pursuant to s. 447.301 and s. 6., Art. I of the State Constitution, the right of public employees, including teachers, to work may not be denied or abridged on account of membership or nonmembership in any labor union.

(b) A school district employee may not be required or otherwise incentivized to sign a nondisclosure agreement or confidentiality agreement.

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", is written over a horizontal line.

Sen. Tom Leek  
Florida Senator, District 7

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

1620

Bill Number or Topic

600808

Amendment Barcode (if applicable)

Name

DONNA BROSEMER

Phone

5613736796

Address

176 Birch Tree Place

Email

dbbrosemer@gmail.com

Street

Daytona Beach

FL

32117

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

10 Feb 2020

Meeting Date

Judiciary

Committee

1620

Bill Number or Topic

600808

Amendment Barcode (if applicable)

Name

Jennifer Kelly

Phone

7576607295

Address

3806 Islamorada Dr  
Street

Email

jenniferkellym44@gmail.com

Ormond Beach

City

FL

State

32176

Zip

Speaking:



For



Against



Information

OR

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

JUDICIARY  
Committee

1620  
Bill Number or Topic

600808  
Amendment Barcode (if applicable)

Name

Phil Leary

Phone

386-937-7829

Address

6052 Silver Lake Dr  
Street

Email

pleary@learyga.com

Palatka  
City

FL  
State

32177  
Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

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

2/10/24

Meeting Date

Judiciary

Committee

1620

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Phil Leary

Phone

Address

Street

Email

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

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

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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

1670 as amended

Bill Number or Topic

Amendment Barcode (if applicable)

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Street

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State

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Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

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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	<b>Fav/CS</b>
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.<sup>1</sup> 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.<sup>2</sup>

Products liability laws are based on the premise that companies have a duty to protect consumers from potential hazards caused by their products.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup>

---

<sup>1</sup> 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).

<sup>2</sup> Section 768.81(1)(d), F.S.

<sup>3</sup> FindLaw, *Product Liability*, <https://corporate.findlaw.com/litigation-disputes/civil-litigation/product-liability.html> (last visited Feb. 5, 2026).

<sup>4</sup> See *id.*

<sup>5</sup> *Michael Grieco v. Daiho Sangyo, Inc.*, 344 So. 3d 11, 18-22 (Fla. 4<sup>th</sup> DCA 2022).

<sup>6</sup> *Houdaille Indus., Inc. v. Edwards*, 374 So. 2d 490, 493 (Fla. 1979).

<sup>7</sup> *Grunow v. Valor Corp. of Florida*, 904 So. 2d 551, 556 (Fla. 4<sup>th</sup> DCA 2005) (quoting *Husky Indus., Inc. v. Black*, 434 So.2d 988, 991 (Fla. 4<sup>th</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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.”<sup>10</sup>

### **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.<sup>11</sup> 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.<sup>12</sup>

### **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.<sup>13</sup>

### **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.<sup>14</sup> Specifically, a plaintiff must show that a defective design renders a product unreasonably dangerous.<sup>15</sup> “The alleged design defect must also cause unforeseeable dangers during normal—that is, intended—use of the product.”<sup>16</sup>

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<sup>8</sup> Cornell Law School, Legal Information Institute, *Strict Liability*, [https://www.law.cornell.edu/wex/strict\\_liability](https://www.law.cornell.edu/wex/strict_liability) (last visited Feb. 5, 2026).

<sup>9</sup> *Grieco v. Dahio Sangyo, Inc.*, 344 So. 3d 11, 18 (Fla. 4th DCA 2022).

<sup>10</sup> 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>.

<sup>11</sup> Cornell Law School, Legal Information Institute, *Negligence*, <https://www.law.cornell.edu/wex/negligence> (last visited Feb. 5, 2026).

<sup>12</sup> *See Grunow*, 904 So. 2d at 556.

<sup>13</sup> Cornell Law School, Legal Information Institute, *Breach of Warranty*, [https://www.law.cornell.edu/wex/breach\\_of\\_warranty](https://www.law.cornell.edu/wex/breach_of_warranty) (last visited Feb. 5, 2026).

<sup>14</sup> Cornell Law School, Legal Information Institute, *Design Defect*, [https://www.law.cornell.edu/wex/design\\_defect](https://www.law.cornell.edu/wex/design_defect) (last visited Feb. 5, 2026).

<sup>15</sup> *Grieco*, 344 So. 3d at 18.

<sup>16</sup> *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.<sup>17</sup> 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.<sup>18</sup>

### 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.<sup>19</sup>

## **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.<sup>20</sup> The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.<sup>21</sup>

Generally, firearm manufacturing is regulated and licensed through the federal government and the Gun Control Act of 1968.<sup>22</sup> 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.<sup>23</sup>

### ***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

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<sup>17</sup> Cornell Law School, Legal Information Institute, *Manufacturing Defect*, [https://www.law.cornell.edu/wex/manufacturing\\_defect](https://www.law.cornell.edu/wex/manufacturing_defect) (last visited Feb. 5, 2026).

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

<sup>19</sup> 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).

<sup>20</sup> Section 790.001(9), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> 18 U.S.C. ss. 921-931.

<sup>23</sup> 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.<sup>24</sup>

**Gun Safety Mechanisms Comparison Table**

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.<sup>26</sup>

### 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.<sup>27</sup>

<sup>24</sup> Bob Campbell, U.S. Concealed Carry Association, *Types of Gun Safeties: How Firearm Safety Mechanisms Work*, Dec. 17, 2025, <https://www.usconcealedcarry.com/blog/types-of-gun-safeties/>.

<sup>25</sup> *Id.*

<sup>26</sup> EasyShotTargets.com Blog, *Manual Safety or Not: The Pros and Cons of Having a Safety Switch on Your Firearm*, May 16, 2023, <https://easyshtargets.com/blogs/news/manual-safety-or-not-the-pros-and-cons-of-having-a-safety-switch-on-your-firearm>.

<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup>

### 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.<sup>30</sup>
- “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.

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<sup>28</sup> 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/>.

<sup>29</sup> 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>.

<sup>30</sup> 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	.	
	.	
	.	
	.	

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The Committee on Judiciary (Trumbull) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 47 - 48  
and insert:

or design defect or failed to operate in a manner consistent  
with the manufacturer's express warranty or representations.

(4) This section applies to causes of action accruing on or  
after July 1, 2026.

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

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.

Page 2 of 2

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The Florida Senate

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210126

Meeting Date

SB 1748

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  
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Meeting Date

SB1748  
Bill Number or Topic

Judiciary  
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The Florida Senate  
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Bill Number or Topic

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Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



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The Florida Senate

APPEARANCE RECORD

Meeting Date

2/10/26

Bill Number or Topic

1748

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Committee

JUDICIARY

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Speaking:

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For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

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S-001 (08/10/2021)

2/10/26

Meeting Date

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SB 1748

Bill Number or Topic

Amendment Barcode (if applicable)

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Against

☐

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OR

Waive Speaking:

☐

In Support

☐

Against

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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:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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

02/10/26

Meeting Date

SB 1748

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Matthew Grochalske

Phone

8632247501

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2-10-26

The Florida Senate  
**APPEARANCE RECORD**

SB 1748

Meeting Date

Judiciary

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Matthew Posgay

Phone

904-356-6071

Address

136 East Bay St

Email

mnp@cokerlaw.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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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02/10/26

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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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

SB1748

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. [2020-2022 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

1748

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name

Barbara Derane

Phone

850-251-4280

Address

625 E. Brewnd St

Email

barbaderane1@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)

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 1748  
Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ashe Bradley

Phone

Address

Street

Tampa

City

FL

State

33615

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)



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

Street

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.

S-001 (08/10/2021)

# 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