

<b>Tab 1</b>	<b>SB 106 by Jones;</b> (Identical to H 00035) Acceptance of Cash Payments by Businesses
--------------	--

<b>Tab 2</b>	<b>SB 196 by Simon;</b> (Identical to H 00141) Regional Rural Development Grants Program
--------------	--

<b>Tab 3</b>	<b>SB 204 by Brodeur (CO-INTRODUCERS) Hooper;</b> (Identical to H 00177) Competition for the Sale of Event Tickets
--------------	--

173084	D	S	TP	CM, Brodeur	Delete everything after	12/06 02:11 PM
<del>361308</del>	AA	S	WD	CM, Rodriguez	Delete L.14 - 15:	12/06 02:11 PM

<b>Tab 4</b>	<b>SB 304 by Hooper;</b> (Similar to H 00367) Household Moving Services
--------------	---

<b>Tab 5</b>	<b>SM 370 by Wright;</b> (Identical to H 00143) Spaceports
--------------	--

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

**COMMERCE AND TOURISM**  
**Senator Trumbull, Chair**  
**Senator Wright, Vice Chair**

**MEETING DATE:** Tuesday, December 5, 2023

**TIME:** 2:00—4:00 p.m.

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

**MEMBERS:** Senator Trumbull, Chair; Senator Wright, Vice Chair; Senators Gruters, Rodriguez, Stewart, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 106</b> Jones (Identical H 35)	Acceptance of Cash Payments by Businesses; Requiring certain businesses to accept cash payments for certain transactions; prohibiting such businesses from charging a fee or placing conditions on acceptance of such cash payments; providing penalties for violations of the act, etc.  CM 12/05/2023 Favorable AEG FP	Favorable Yeas 6 Nays 0
2	<b>SB 196</b> Simon (Identical H 141)	Regional Rural Development Grants Program; Deleting the requirement that certain grants received by a regional economic development organization must be matched in a certain manner; removing a provision requiring a certain consideration; removing certain demonstration requirements of program applicants, etc.  CM 12/05/2023 Favorable ATD FP	Favorable Yeas 6 Nays 0
3	<b>SB 204</b> Brodeur (Identical H 177)	Competition for the Sale of Event Tickets; Prohibiting live performance venues from entering into specified contracts and covenants for the sale of tickets and licenses or from requiring artists to distribute tickets through specific ticket platforms; requiring live performance venues to allow artists to distribute tickets through the ticket platforms of the performance artists' choice, subject to certain conditions; prohibiting a live performance venue from selling or transferring tickets and licenses at more than face value, etc.  CM 12/05/2023 Temporarily Postponed JU RC	Temporarily Postponed

**COMMITTEE MEETING EXPANDED AGENDA**

Commerce and Tourism

Tuesday, December 5, 2023, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 304</b> Hooper (Similar H 367)	Household Moving Services; Revising requirements for mover and moving broker estimates, contracts, and advertisements; prohibiting certain persons from operating as or holding themselves out to be a mover or moving broker without first registering with the department; revising alternative insurance coverage requirements for movers; requiring moving brokers to make a specified disclosure to shippers before providing any services, etc.  CM 12/05/2023 Favorable AEG FP	Favorable Yeas 6 Nays 0
5	<b>SM 370</b> Wright (Identical HM 143)	Spaceports; Urging Congress to add spaceports as a qualified tax-exempt category of private activity bonds, etc.  CM 12/05/2023 Favorable RC	Favorable Yeas 6 Nays 0
Other Related Meeting Documents			

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

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

---

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

---

BILL: SB 106

INTRODUCER: Senator Jones

SUBJECT: Acceptance of Cash Payments by Businesses

DATE: December 4, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	McKay	CM	<b>Favorable</b>
2.			AEG	
3.			FP	

---

## **I. Summary:**

SB 106 requires certain businesses to accept an offer of payment in cash, defined as the coin and currency of the United States. The bill also prohibits businesses from charging a fee or placing a condition on its acceptance of cash, and gives rulemaking and enforcement authority to the Department of Agriculture and Consumer Services (DACS). Violations of the bill will be subject to civil fines.

## **II. Present Situation:**

There is no federal law that requires a private business to accept cash payments. States are within their rights to create laws regulating how businesses accept or reject payments.<sup>1</sup>

Currently, Florida has no law dictating whether a business must accept a cash payment or not. Some businesses in the state do not offer consumers the option of paying cash for transactions involving the purchase of goods and services.

With 85 percent of Americans having a smartphone, more purchases get made digitally than ever before.<sup>2</sup> Exacerbating the situation, the Covid-19 pandemic forced many businesses around the country to alter their business models to facilitate contactless purchases, where customers could order goods online and then have them picked up or delivered. This has all contributed to a decline in the use of cash.

---

<sup>1</sup> Board of Governors, Federal Reserve System, *Is It Legal for a Business in the United States to Refuse Cash as a Form of Payment?*, Fed. Reserve.gov, available at [https://www.federalreserve.gov/faqs/currency\\_12772.htm](https://www.federalreserve.gov/faqs/currency_12772.htm), (last visited December 4, 2023).

<sup>2</sup> Pew Research Center, 2022: *Internet, smartphone and social media use*, (December 6, 2022), available at <https://www.pewresearch.org/global/2022/12/06/internet-smartphone-and-social-media-use-in-advanced-economies-2022/> (last visited December 4, 2023).

## Payment Instruments

Technology has allowed for consumers to make purchases with a variety of different payment instruments. Mobile wallets, which include credit or debit cards that are used through a smartphone, are projected to be used by 60 percent of the world's population by 2025.<sup>3</sup>

Recently, the Federal Reserve conducted a study that found credit card usage was the highest it has ever been.<sup>4</sup> Below is a table representing the percentage share of the various payment instruments used in 2022.<sup>5</sup>

Share of Payment Instrument Use for all Payments in 2022					
Cash	Credit Card	Debit Card	ACH	Mobile Payment App	Other
18%	31%	29%	13%	<1%	9%

However, the Bureau of Consumer Financial Protection estimated that 20 to 30 percent of adults in the United States do not have a credit card.<sup>6</sup> Adults without credit cards mostly rely on cash and debit cards. Consumers that do not have a bank account are more likely to use cash than consumers that do have a bank account.<sup>7</sup>

## Other States

Within the last five years, there has been a trend of states passing legislation that requires businesses to accept cash payments. States that have passed similar acceptance of cash payments legislation include: Arizona, Colorado, Connecticut, Delaware, Idaho, Maine, Massachusetts, Michigan, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island and Tennessee.

The language in these states laws varies, but they share the basic principal that most retail stores are required to accept cash as a form of payment. The states vary in penalties for violating. For instance in Massachusetts, violators of the statute may be fined or even imprisoned up to six months.<sup>8</sup>

<sup>3</sup> Juniper Research, Boku, *Study: More than half of the world's population will use mobile wallets by 2025*, (July 8, 2021), available at <https://www.globenewswire.com/en/news-release/2021/07/08/2259605/0/en/Study-More-than-half-of-the-world-s-population-will-use-mobile-wallets-by-2025.html>, (last visited December 4, 2023).

<sup>4</sup> Cubides, Emily, and Shaun O'Brien. *2023 Findings from the Diary of Consumer Payment Choice*, (May 5, 2023), available at <https://www.frbsf.org/cash/wp-content/uploads/sites/7/2023-Findings-from-the-Diary-of-Consumer-Payment-Choice.pdf> (last visited December 4, 2023).

<sup>5</sup> *Id.* at 6.

<sup>6</sup> This estimate is according to coverage of credit records present in the CCP sample, though this does not include authorized users, who are individuals designated by the primary account holder to use the same credit account. A recent report from the Federal Reserve finds 83 percent of consumers report having at least one credit card. *See* Bd. of Governors of Fed. Rsrv. Sys., *Report on the Economic Well-Being of U.S. Households in 2020*, at 42 (May 2021), available at <https://www.federalreserve.gov/publications/2021-economic-well-being-of-us-households-in-2020-banking-and-credit.htm>, (last visited December 4, 2023).

<sup>7</sup> Consumers that do not have bank accounts made 66 percent of all payments with cash in 2022. *See*, note 5 *supra*.

<sup>8</sup> Mass. Gen. Laws Ann. Ch. 255D, § 30

## **The Department of Agriculture and Consumer Services**

The DACS is charged with protecting consumers from unsafe or defective products and deceptive business practices. The Division of Consumer Services (division) within the DACS regulates specific business activities, including commercial weight loss practices, telephone solicitations, dance studios, pawnshops, health studios, sellers of travel, and telemarketers. The division is also responsible for protecting consumers from unfair and unsafe business practices involving products, including petroleum products, brake fluid, antifreeze, lubricating oil, and weighing and measuring devices.

The Office of Agricultural Law Enforcement (OALE) enforces laws governing businesses regulated by the DACS. The OALE protects consumers from unfair and deceptive trade practices, protects Florida's agriculture industry from theft and other crimes, and safeguards the wholesomeness of food and other consumer products.<sup>9</sup> The OALE currently partners with federal, state and local law enforcement agencies.<sup>10</sup>

### **III. Effect of Proposed Changes:**

SB 106 requires that a business that operates at a fixed permanent physical premises from a vehicle or other mobile space; or from a temporary physical premise; must accept an offer of payment in cash, defined as legal tender of the United States in the form of coins or currency, under the following conditions:

- The purchase is for a tangible good or service;
- The business would accept one or more other forms of payment;
- The customer seeking to engage in the transaction is physically present at the place of business.

The bill will also prohibit a business from charging a fee or placing any other condition on its acceptance of a cash payment.

The requirement that cash must be accepted as a form of payment does not apply in the following circumstances:

- The sale is not conducted in person;
- The business is a parking facility that is owned by a municipality, regardless of who operates the facility, or if the parking facility accepts electronic funds transfers;
- The business provides services by accountants, architects, attorneys, engineers, financial advisors, insurance agents, interior designers, software developers, or management and other, consultants, not including services provided by licensed medical or allied health care practitioners;
- The business suspects the use of counterfeit cash;
- Bills over \$20;
- Single transactions above \$5,000.

---

<sup>9</sup> Florida Department of Agriculture and Consumer Services, Office of Agricultural Law Enforcement, *available at* <https://www.fdacs.gov/Divisions-Offices/Agricultural-Law-Enforcement>, (last visited December 4, 2023).

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

A business that violates the requirement is subject to a civil penalty up to \$2,500 for the first offense, up to \$5,000 for a second offense, and up to \$10,000 for a third or subsequent offense. These violations are to be levied by the DACS based upon rules that the DACS must implement.

**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:

Indeterminate. Businesses that have transitioned to cashless operations may incur costs associated with the handling and security of cash.

C. Government Sector Impact:

The DACS has estimated a non-recurring cost of \$121,967 to implement enforcement mechanisms and a recurring cost of \$435,146 annually.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill does not clearly define what a “tangible good” or “service” is. Businesses and the DACS may need further clarity to determine if a business is required to accept the payment of cash for certain purchases.

**VIII. Statutes Affected:**

This bill creates section 559.96 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

---

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

---

By Senator Jones

34-00207-24

2024106\_\_

A bill to be entitled

An act relating to acceptance of cash payments by businesses; creating s. 559.96, F.S.; defining terms; requiring certain businesses to accept cash payments for certain transactions; prohibiting such businesses from charging a fee or placing conditions on acceptance of such cash payments; providing applicability; providing penalties for violations of the act; requiring the Department of Agriculture and Consumer Services to adopt certain rules; providing an effective date.

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

Section 1. Section 559.96, Florida Statutes, is created to read:

559.96 Acceptance of cash payments by businesses.—

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

(a) "Business" means any business operating at a fixed, permanent physical premises; from a vehicle or other mobile space; or from a temporary physical premises.

(b) "Cash" means legal tender of the United States in the form of coins or currency.

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

(2) (a) A business must accept an offer of payment in cash for any transaction involving the purchase of any tangible good or any service if, in connection with such transaction, the business would accept one or more other forms of payment and the

Page 1 of 3

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

34-00207-24

2024106\_\_

customer seeking to engage in such transaction is physically present at the place of business.

(b) A business may not charge a fee or place any other condition on its acceptance of cash as required by paragraph (a).

(3) This section does not apply to:

(a) Sales that are not conducted in person, including telephone, mail, and Internet-based or other electronic transactions.

(b) A parking facility owned by a municipality, regardless of who operates the facility.

(c) A parking facility that accepts electronic funds transfers.

(d) A business providing services by accountants, architects, attorneys, engineers, financial advisers, insurance agents, interior designers, software developers, or management and other consultants, not including services provided by licensed medical or allied health care practitioners.

(e) Sales in which the business suspects the use of counterfeit cash.

(f) The use of cash denominations larger than \$20 by a customer.

(g) Single transactions above \$5,000.

(4) A business that violates this section is subject to a civil penalty of up to \$2,500 for a first offense, up to \$5,000 for a second offense, and up to \$10,000 for a third or subsequent offense, to be assessed by the department.

(5) The department shall adopt rules necessary to implement this section.

Page 2 of 3

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

34-00207-24

2024106\_\_

59

Section 2. This act shall take effect July 1, 2024.

The Florida Senate  
**APPEARANCE RECORD**

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

Bill Number or Topic

Amendment Barcode (if applicable)

12/6/23  
Meeting Date  
Commerce & Tourism  
Committee

Name Courtney Mooney

Phone 772-201-0531

Address 100 S Monroe  
Street

Email CMooney@FL-Counties.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:

FL 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

106  
Bill Number or Topic

Amendment Barcode (if applicable)

12-5-23  
Meeting Date

Committee

Name Jess M. McCarty, Executive Assistant County Attorney

Phone 305-979-7110

Address 111 N.W. 1st Street Suite 2800  
Street

Email jmm2@miamidade.gov

Miami FL 33128  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Miami-Dade County

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

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

12/5/23

Meeting Date

Commerce

Committee

106

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Angela Bonds

Phone

850 345 2277

Address

227 S. Adams St.

Email

angela@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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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

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

---

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

---

BILL: SB 196

INTRODUCER: Senator Simon

SUBJECT: Regional Rural Development Grants Program

DATE: December 4, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	<b>Favorable</b>
2.			ATD	
3.			FP	

---

## **I. Summary:**

SB 196 amends the Regional Rural Development Grants Program to:

- Eliminate the rural matching requirement;
- Eliminate the requirement that grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contributions;
- Remove the requirement that the Department of Commerce (DOC) consider the demonstrated need of the applicant for assistance when approving participants for the program; and
- Remove the requirement that an applicant must show proof that each local government and the private sector made a financial or in-kind commitment to the regional organization in order to receive funding.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **Regional Rural Development Grants Program**

The Regional Rural Development Grants Program was established to provide funding, through matching grants, to build the professional capacity of regionally based economic development organizations located in rural communities. The concept of building the “professional capacity” of an economic development organization includes hiring professional staff to develop, deliver, and provide economic development professional services. Professional services includes technical assistance, education and leadership development, marketing, and project recruitment.<sup>1</sup>

---

<sup>1</sup> Section 288.018(1)(b), F.S.

Applications submitted to the Department of Commerce (DOC) for funding through this program must provide proof:<sup>2</sup>

- Of official commitments of support from each of the units of local government represented by the regional organization;
- That each local government has made a financial or in-kind commitments to the regional organization;
- That the private sector has made financial or in-kind commitment to the regional organization;
- That the regional organization is in existence and actively involved in economic development activities serving the region; and
- Of the manner in which the organization coordinates its efforts with those other local and state organizations.

An organization may receive up to \$50,000 a year or \$250,000 if located in a rural area of opportunity (RAO).<sup>3</sup> Grants must be matched by an amount of non-state resources equal to 25 percent of the state contribution. The DOC is authorized to spend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund to carry out this program.<sup>4</sup>

### **Rural Area of Opportunity**

An RAO is a rural community,<sup>5</sup> or region comprised of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster.<sup>6</sup> An area may also be designated as an RAO if it presents a unique economic development opportunity of regional impact. The designation of an RAO must be agreed upon by the DOC, as well as the county and municipal governments to be included in the RAO.<sup>7</sup>

Based on recommendations of the Rural Economic Development Initiative (REDI),<sup>8</sup> the Governor may designate up to three RAOs by executive order.<sup>9</sup> This designation establishes these areas as priority assignments for REDI and allows the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development initiative.

Currently, there are three designated RAO areas:

---

<sup>2</sup> Section 288.018(2), F.S.

<sup>3</sup> Section 288.018(1)(c), F.S.

<sup>4</sup> Section 288.018(4), F.S.

<sup>5</sup> Section 288.0656(2)(e), F.S., defines a “rural community” as is any county with a population of 75,000 or fewer, any county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer, a municipality in a county that meets either of the aforementioned criteria, or an unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors.

<sup>6</sup> Section 288.0656(2)(d), F.S.

<sup>7</sup> Section 288.0656(7)(b), F.S.

<sup>8</sup> Section 288.0656(1)(a), F.S. REDI was established by the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.

<sup>9</sup> Section 288.0656(7)(a), F.S.

- Northwest RAO: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and portions of Walton County (the City of Freeport and lands north of the Choctawhatchee Bay and intercoastal waterway).
- South Central RAO: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay in Palm Beach County and the city of Immokalee in Collier County.
- North Central RAO: Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.<sup>10</sup>

### III. Effect of Proposed Changes:

The bill amends s. 288.018, F.S., to specify that funding provided under the Regional Rural Development Grants Program are not matching grants. The bill eliminates the requirement that grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contributions. The bill also removes the requirement that the DOC consider the demonstrated need of the applicant for assistance when approving participants for the program. Lastly, the bill removes the requirement that an applicant must show proof that each local government and the private sector made a financial or in-kind commitment to the regional organization in order to receive funding.

The bill takes effect July 1, 2024.

### 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.

---

<sup>10</sup> Department of Economic Opportunity, *Rural Areas of Opportunity*, available at <https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity> (last visited November 15, 2023). The economic development organizations for these RAOs are named Opportunity Florida, Florida's Heartland Regional Economic Development Initiative, and the North Florida Economic Development Partnership, respectively.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill does not affect state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 288.018 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 Simon

3-00486-24

2024196\_\_

A bill to be entitled

An act relating to the Regional Rural Development Grants Program; amending s. 288.018, F.S.; deleting the requirement that certain grants received by a regional economic development organization must be matched in a certain manner; removing a provision requiring a certain consideration; removing certain demonstration requirements of program applicants; providing an effective date.

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

Section 1. Paragraphs (b), (c), and (d) of subsection (1) and subsection (2) of section 288.018, Florida Statutes, are amended to read:

288.018 Regional Rural Development Grants Program.—

(1)

(b) The department shall establish a ~~matching~~ grant program to provide funding to regional economic development organizations for the purpose of building the professional capacity of those organizations. Building the professional capacity of a regional economic development organization includes hiring professional staff to develop, deliver, and provide needed economic development professional services, including technical assistance, education and leadership development, marketing, and project recruitment. ~~Matching~~ Grants may also be used by a regional economic development organization to provide technical assistance to local governments, local economic development organizations, and existing and prospective

Page 1 of 3

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

3-00486-24

2024196\_\_

businesses.

(c) A regional economic development organization may apply annually to the department for a ~~matching~~ grant. The department is authorized to approve, on an annual basis, grants to such regional economic development organizations. The maximum amount an organization may receive in any year will be \$50,000, or \$250,000 for any three regional economic development organizations that serve an entire region of a rural area of opportunity designated pursuant to s. 288.0656(7) if they are recognized by the department as serving such a region.

~~(d) Grant funds received by a regional economic development organization must be matched each year by nonstate resources in an amount equal to 25 percent of the state contribution.~~

(2) In approving the participants, the department shall ~~consider the demonstrated need of the applicant for assistance and~~ require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

~~(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.~~

~~(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.~~

(b) ~~(d)~~ Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(c) ~~(e)~~ Demonstration of the manner in which the organization is or will coordinate its efforts with those of

Page 2 of 3

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

3-00486-24

2024196\_\_

59 other local and state organizations.

60 Section 2. This act shall take effect July 1, 2024.

The Florida Senate  
**APPEARANCE RECORD**

SB 196

12/5  
Meeting Date  
S Commerce + Tourism  
Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jared Grigas Phone (850) 322-0229  
Address 100 S Monroe St Email jgrigas@fl-counties.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:

FL. Assoc. 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)

The Florida Senate  
**APPEARANCE RECORD**

SB 0196

12/5/23  
Meeting Date  
Commerce  
Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Mike Grissom Phone 850-681-4238  
Address 215 S. Monore St. Suite 301 Email michael.grissom@bipc.com  
Tallahassee  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

FLORIDA RURAL ECONOMIC  
DEVELOPMENT ASSOCIATION

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

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

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

S-001 (08/10/2021)

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

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

---

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

---

BILL: SB 204

INTRODUCER: Senators Brodeur and Hooper

SUBJECT: Competition for the Sale of Event Tickets

DATE: December 4, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	<b>Pre-meeting</b>
2.			JU	
3.			RC	

---

**I. Summary:**

SB 204 prohibits live performance venues from entering into a sole-source contract or a covenant not to compete with a ticket-selling platform to sell or distribute tickets and licenses to events located at the live performance venue. Additionally, live performance venues must allow performance artists to market, sell, or distribute tickets to their performances at the venue through a ticket platform of their choice.

The bill prohibits a live performance venue from distributing, selling, or transferring any tickets or licenses for compensation at an amount greater than the amount stated as the listed value of that ticket or license.

The bill defines the term “live performance venue” as a stadium, a convention center, an exhibition hall, an arena, a coliseum, or an auditorium that has accepted within the previous 10 years any federal, state, or local taxpayer funds for capital improvements or operational expenses, including but not limited to, funds collected pursuant to a convention development tax under s. 212.0305, F.S., and grants awarded under ch. 288, F.S.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Local Option Taxes

Local governments in Florida are authorized to impose certain types of local option taxes.<sup>1</sup> The Department of Revenue (DOR) or the local government is responsible for administering the tax.<sup>2</sup> When the DOR administers the tax, its responsibilities include collecting the tax and distributing the funds to local governments to spend on locally authorized projects.<sup>3</sup>

### Convention Development Taxes

Duval, Miami-Dade, and Volusia Counties are authorized to levy convention development taxes on transient rental transactions.<sup>4</sup> The revenues of convention development taxes may generally be used for capital construction of convention centers and other facilities related to tourism and tourist promotion.<sup>5</sup> However, the authorized uses vary according to each particular levy.<sup>6</sup> The five available levies that may apply are:

- Consolidated government levy for convention development;<sup>7</sup>
- Charter county levy for convention development;<sup>8</sup>
- Special district levy for convention development;<sup>9</sup>
- Special levy for convention development;<sup>10</sup> and

<sup>1</sup> Department of Revenue, *Local Option Taxes*, available at [https://floridarevenue.com/taxes/taxesfees/Pages/local\\_option.aspx#:~:text=Florida%20Statutes%20\(F.S.\)-.Consolidated%20County%20Convention%20Development%20Tax,charged%20for%20transient%20rental%20transactions](https://floridarevenue.com/taxes/taxesfees/Pages/local_option.aspx#:~:text=Florida%20Statutes%20(F.S.)-.Consolidated%20County%20Convention%20Development%20Tax,charged%20for%20transient%20rental%20transactions) (last visited Dec. 4, 2023).

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

<sup>3</sup> *Id.*

<sup>4</sup> Department of Revenue, *Local Option Taxes: Convention Development Taxes*, available at [https://floridarevenue.com/taxes/taxesfees/Pages/local\\_option.aspx#:~:text=Florida%20Statutes%20\(F.S.\)-.Consolidated%20County%20Convention%20Development%20Tax,charged%20for%20transient%20rental%20transactions](https://floridarevenue.com/taxes/taxesfees/Pages/local_option.aspx#:~:text=Florida%20Statutes%20(F.S.)-.Consolidated%20County%20Convention%20Development%20Tax,charged%20for%20transient%20rental%20transactions) (last visited Dec. 4, 2023). *See also* s. 212.0305, F.S.

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

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

<sup>7</sup> Each county that operates under a government consolidated with that of one or more municipalities in the county may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in s. 212.0305(3), F.S., at the rate of 2 percent of each dollar and major fraction of each dollar of the total consideration charged therefor. *See* s. 212.0305(4)(a), F.S.

<sup>8</sup> Each county, as defined in s. 125.011(1), F.S., may impose, under an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in s. 212.0305(3), F.S., at the rate of 3 percent of the total consideration charged therefor. *See* s. 212.0305(4)(b), F.S. Section 125.011(1), F.S., defines “county” as any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the State Constitution, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word “county” within the above provisions shall include “board of county commissioners” of such county.

<sup>9</sup> Each county which was chartered under Art. VIII of the State Constitution and which on January 1, 1984, levied a tourist advertising ad valorem tax within a special taxing district in that county may impose, pursuant to an ordinance enacted by the governing body of the county, a levy within the boundaries of such special taxing district on the exercise of the taxable privilege of leasing or letting transient rental accommodations described in s. 212.0305(3), F.S., at a rate of up to 3 percent of each dollar and major fraction of each dollar of the total consideration charged therefor. *See* s. 212.0305(4)(c), F.S.

<sup>10</sup> Each county which was chartered under Art. VIII of the State Constitution and which on January 1, 1984, levied a tourist advertising ad valorem tax within a special taxing district in that county may impose, pursuant to an ordinance enacted by the governing body of the county, a levy outside the boundaries of such special taxing district and to the southeast of State Road

- Subcounty levy for convention development.<sup>11</sup>

### Economic Development Programs

Florida's economic development programs are used to help promote a diverse and resilient economy.<sup>12</sup> Each program is designed to serve a different role, and there is an emphasis on attracting businesses and retaining jobs.<sup>13</sup> The programs come in various forms such as tax refunds, tax credits, tax exemptions, and grants.<sup>14</sup> An analysis of a project's needs, as well as eligibility requirements of various programs help determine which programs may be a good fit for each project.<sup>15</sup> Below is a chart that provides an overview of the different types of economic development programs, the claims process, and revenue sources.<sup>16</sup>

Program	Description	Overview of Claims Process	Revenue Source
<b>Tax Refunds</b>	Refund of taxes paid	(1) Business pays taxes (2) State verifies job creation, wages, and tax payments (3) State issues refund to eligible business	Annual appropriation
<b>Tax Credits</b>	Credit against taxes owed	(1) State verifies jobs and capital investment (as applicable) (2) Eligible business claims credits on state taxes after meeting program requirements	Foregone revenue
<b>Tax Exemptions</b>	Exemption from taxes owed	(1) DOR issues tax exemption permit to business for approved tax-exempt purchases (2) Business uses permit to make eligible tax-exempt purchases	Foregone revenue

415, on the exercise of the taxable privilege of leasing or letting transient rental accommodations described in s. 212.0305(3), F.S., at a rate of up to 3 percent of each dollar and major fraction of each dollar of the total consideration charged therefor. See 212.0305(4)(d), F.S.

<sup>11</sup> Each county which was chartered under Art. VIII of the State Constitution and which on January 1, 1984, levied a tourist advertising ad valorem tax within a special taxing district in that county may impose, pursuant to an ordinance enacted by the governing body of the county, a levy outside the boundaries of such special taxing district and to the northwest of State Road 415, on the exercise of the taxable privilege of leasing or letting transient rental accommodations described in s. 212.0305(3), F.S., at a rate of up to 3 percent of each dollar and major fraction of each dollar of the total consideration charged therefor. The proceeds of this levy shall be known as the subcounty convention development tax. See 212.0305(4)(e), F.S.

<sup>12</sup> Department of Economic Opportunity, *2022 Incentives Report*, available at <https://www.floridajobs.org/docs/default-source/reports-and-legislation/2021-2022-annual-incentives-report.pdf> (last visited Dec. 4, 2023).

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

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

<sup>15</sup> *Id.*

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

<b>Grants</b>	Grant with a performance-based agreement	(1) Business achieves performance milestones (2) State verifies job creation, wages, and capital investment (as applicable) (3) State issues payment	Annual appropriation
---------------	--	--	----------------------

### ***Professional Sports Franchise Program***

Florida is home to many professional and semi-professional sports teams, organizations and facilities, including professional football, basketball, baseball, hockey, soccer, and National Association of Stock Car Racing sanctioned tracks. The Professional Sports Franchise program allows professional sports franchises to receive state sales and use tax revenues to pay for the acquisition, construction, reconstruction, or renovation of a facility for a new or retained professional sports franchise.<sup>17</sup> Local governments, non-profit, and for-profit entities may apply to the program.

The Florida Department of Commerce (DOC) is responsible for screening and certifying applicants for state funding.<sup>18</sup> For both new and retained franchises, the DOC must confirm and verify the following:<sup>19</sup>

- A local government is responsible for the construction, management, or operation of the professional sports franchise facility, or holds title to the property where the facility is located;
- The applicant has a verified copy of a signed agreement with a new professional sports franchise for at least 10 years, or for 20 years in the case of a retained franchise;
- The applicant has a verified copy of the approval by the governing body of the NFL, MLB, NHL, or NBA authorizing the location of a new franchise in Florida after April 1, 1987, for new professional sports franchises, or verified evidence of a league-authorization location in Florida on or before December 31, 1976, for a retained professional sports franchise;
- The applicant has projections demonstrating a paid annual attendance of over 300,000;
- The applicant has an independent analysis demonstrating that the annual amount of sales taxes generated by the use or operation of the franchise's facility will be at least \$2 million;
- The local government where the franchise's facility is located, or the county of the facility is in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose; and
- The applicant has demonstrated that it has provided, is capable of providing, financial or other commitments of more than one-half of the costs incurred or related to the improvements or development of the franchise's facility.

<sup>17</sup> Section 288.1162, F.S.

<sup>18</sup> Section 288.1162(1), F.S.

<sup>19</sup> Section 288.1162(4)(a)-(g), F.S.

Approved applicants are eligible to receive up to \$2,000,004 per year for a period of up to 30 years.<sup>20</sup> No more than eight facilities can be certified under this program at one time.<sup>21</sup>

Currently, at least seven facilities receive distributions under the Professional Sports Franchise Program, and one facility received its final distribution in June of 2023. Each facility is on track to receive \$60 million, which is the maximum distribution allowable under this program (\$166,667 per month or \$2,000,004 per year, over 30 years) as follows:<sup>22</sup>

<b>Facility name</b>	<b>Location, Certified entity, &amp; certification date</b>	<b>Franchise</b>	<b>First and Final payments</b>	<b>Total payments as of Nov. 30, 2023</b>
BB&T Center	Sunrise, Broward County, June 1996	Florida Panthers	Aug. 1996 July 2026	\$54,666,776
Hard Rock Stadium	Miami, South Florida Stadium Corp., May 1993	Miami Dolphins	June 1994 June 2023	\$60,000,120
TIAA Bank Field	Jacksonville, City of Jacksonville, April 1994	Jacksonville Jaguars	June 1994 May 2024	\$59,000,118
American Airlines Arena	Miami, Basketball Properties, LTD, Feb. 1998	Miami Heat	March 1998 March 2028	\$51,333,436
Amway Center	Orlando, City of Orlando, Nov. 2007	Orlando Magic	Feb. 2008 Jan. 2038	\$31,666,730
Raymond James Stadium	Tampa, Hillsborough County, Nov. 1996	Tampa Bay Buccaneers	Jan. 1997 Dec. 2026	\$53,833,441
AMALIE Arena	Tampa, Tampa Bay Sports Authority, July 1995	Tampa Bay Lightning	Sept. 1995 Aug. 2025	\$56,500,113
Tropicana Field	St. Petersburg, City of St. Petersburg, July 1995	Tampa Bay Rays	July 1995 June 2025	\$56,833,447
			<b>Total:</b>	<b>\$423,834,181</b>

<sup>20</sup> Section 212.20(6)(d)6.b., F.S.

<sup>21</sup> Section 288.1162(6), F.S.

<sup>22</sup> Florida Department of Commerce, *All Professional Sports Facilities Payments as of Nov. 30, 2023*. On file with the Senate Commerce and Tourism Committee.

## **Federal Antitrust Laws**

In 1890, Congress passed the first antitrust law, the Sherman Act, as a comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade. Congress subsequently passed two additional antitrust laws in 1914: the Federal Trade Commission Act, which created the Federal Trade Commission (FTC), and the Clayton Act. Currently, these are the three core federal antitrust laws.<sup>23</sup>

### ***The Sherman Act***

The Sherman Act outlaws every contract, combination, or conspiracy in restraint of trade, and any monopolization, attempted monopolization, or conspiracy or combination to monopolize. The Sherman Act does not prohibit every restraint of trade, only those that are unreasonable. For example, an agreement between two individuals to form a partnership may restrain trade, but may not do so unreasonably, and thus may be lawful under the antitrust laws. In contrast, certain acts are considered “per se” violations of the Sherman Act because they are so harmful to competition. These include plain arrangements among competing individuals or businesses to fix prices, divide markets, or rig bids.<sup>24</sup>

The penalties for violating the Sherman Act can be severe. Although most enforcement actions are civil, the Sherman Act is also a criminal law, and individuals and businesses that violate it may be prosecuted by the U.S. Department of Justice (DOJ). Criminal prosecutions are typically limited to intentional and clear violations, such as when competitors fix prices or rig bids.<sup>25</sup>

### ***The Federal Trade Commission Act***

The Federal Trade Commission Act prohibits unfair methods of competition and unfair or deceptive acts or practices. The Supreme Court has said that all violations of the Sherman Act also violate the FTC Act. Therefore, the FTC can bring cases under the FTC Act against the same kinds of activities that violate the Sherman Act. The FTC Act also reaches other practices that harm competition but that may not fit neatly into categories of conduct formally prohibited by the Sherman Act. Only the FTC brings cases under the FTC Act.<sup>26</sup>

### ***The Clayton Act***

The Clayton Act addresses specific practices that the Sherman Act does not clearly prohibit, such as mergers and interlocking directorates.<sup>27</sup> It also bans mergers and acquisitions where the effect may substantially lessen competition or create a monopoly. As amended by the Robinson-Patman Act of 1936, the Clayton Act also prohibits certain discriminatory prices, services, and allowances in dealings between merchants. The Clayton Act was amended again in 1976 by the Hart-Scott-Rodino Antitrust Improvements Act to require companies planning large mergers or

---

<sup>23</sup> See Federal Trade Commission, *The Antitrust Laws*, available at <https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws> (last visited Dec. 4, 2023).

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

<sup>25</sup> See Department of Justice, *Antitrust Division: Mission*, available at [Antitrust Division | Mission \(justice.gov\)](https://www.justice.gov/antitrust) (last visited Dec. 4, 2023).

<sup>26</sup> See Federal Trade Commission, *The Antitrust Laws*, available at <https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws> (last visited Dec. 4, 2023).

<sup>27</sup> “Interlocking directorates” means the same person making business decisions for competing companies. *See also Id.*

acquisitions to notify the government of their plans in advance. Additionally, private parties are authorized to sue for triple damages when they have been harmed by conduct that violates either the Sherman or Clayton Act and to obtain a court order prohibiting the anticompetitive practice in the future.<sup>28</sup>

### **Florida Antitrust Laws**

Florida law also provides protections against anticompetitive practices. Chapter 542, F.S., the Florida Antitrust Act of 1980, has a stated purpose to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition.<sup>29</sup> It outlaws every contract, combination, or conspiracy in restraint of trade or commerce in Florida<sup>30</sup> and any person from monopolizing or attempting or conspiring to monopolize any part of trade.<sup>31</sup>

### **III. Effect of Proposed Changes:**

The bill provides a legislative declaration that sole-source contracts for the sale of tickets and licenses to events located at live performance venues within Florida violate public policy and harm the public good.

The bill establishes that a live performance venue may not enter into a sole-source contract or a covenant not to compete with a ticket-selling platform to sell or distribute tickets and licenses to events located at the live performance venue.

The bill defines the term “live performance venue” as a stadium, a convention center, an exhibition hall, an arena, a coliseum, or an auditorium that has accepted within the previous 10 years any federal, state, or local taxpayer funds for capital improvements or operational expenses, including but not limited to, funds collected pursuant to a convention development tax under s. 212.0305, F.S., and grants awarded under ch. 288, F.S.

The bill provides that a performance artist who is contracted to perform at a live performance venue may not be required to market, sell, or distribute tickets to the event at which they are performing through a specific ticket platform that the live performance venue has an exclusive contract with.

The bill requires a live performance venue to allow performance artists to market, sell, or distribute tickets to their performances at the venue through the use of the ticket platform of the performance artists’ choice. However, the ticket platform that is chosen must be subject to the same terms and conditions as would apply to any other platform that the live performance venue has executed a contract with for the same or similar services within the past two years.

The bill prohibits a live performance venue from distributing, selling, or transferring any tickets or licenses for compensation at an amount greater than the amount stated as the listed value of that ticket or license.

---

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

<sup>29</sup> Section 542.16, F.S.

<sup>30</sup> Section 542.18, F.S.

<sup>31</sup> Section 542.19, F.S.

The bill takes effect July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill prohibits a live performance venue from entering into a sole-source contract or a covenant not to compete with a ticket-selling platform to sell or distribute tickets and licenses to events located at the live performance venue. Additionally, live performance venues must allow performance artists to market, sell, or distribute tickets to their performances at the venue through a ticket platform of their choice. To the extent this bill impacts previously recorded contracts or covenants, the bill may unconstitutionally impair a contract, under s. 10, Art. I, Fla. Const., which provides in relevant part, “No... law impairing the obligation of contracts shall be passed.” This provision empowers the courts to strike laws that retroactively burden or alter contractual relations. Article I, s. 10 of the United States Constitution provides in relevant part that “No state shall . . . pass any . . . law impairing the obligation of contracts.”

In *Pomponio v. Claridge of Pompano Condominium, Inc.*,<sup>32</sup> the Florida Supreme Court stated that some degree of flexibility has developed over the last century in interpreting the contract clause in order to ameliorate the harshness of the original rigid application used by the United States Supreme Court. The court set forth several factors in balancing whether a state law operates as a substantial impairment of a contractual relationship. The severity of the impairment measures the height of the hurdle the state legislation must clear. The court stated that if there is minimal alteration of contractual obligations the inquiry can end at its first stage. Severe impairment can push the inquiry to a careful examination of the nature and purpose of the state legislation. The factors to be considered are:

- Was the law enacted to deal with a broad, generalized economic or social problem;

---

<sup>32</sup> See *Pomponio v. Claridge of Pompano Condominium, Inc.*, 378 So. 2d 774, 776 (Fla. 1979).

- Does the law operate in an area that was already subject to state regulation at the time the contract was entered into; and
- Is the law's effect on the contractual relationships temporary or is it severe, permanent, immediate, and retroactive.<sup>33</sup>

Absent an express statement of legislative intent that a bill is intended to apply retroactively, a statute is presumed to operate only prospectively.<sup>34</sup> However, the Legislature may wish to clarify whether the bill only applies to contracts or covenants entered into after the effective date of the bill.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

The bill prohibits live performance venues from entering into a sole-source contract or a covenant not to compete with a ticket-selling platform to sell or distribute tickets and licenses to events located at the live performance venue. Additionally, live performance venues must allow performance artists to market, sell, or distribute tickets to their performances at the venue through a ticket platform of their choice. This will potentially create more competition within the ticket sales marketplace.

The bill also prohibits a live performance venue from distributing, selling, or transferring any tickets or licenses for compensation at an amount greater than the amount stated as the listed value of that ticket or license, which will potentially create more transparency within the ticket sales marketplace.

### **C. Government Sector Impact:**

None.

## **VI. Technical Deficiencies:**

None.

## **VII. Related Issues:**

None.

## **VIII. Statutes Affected:**

This bill creates s. 542.345 of the Florida Statutes.

---

<sup>33</sup> *Id.* at 779.

<sup>34</sup> *See Fla. Ins. Guar. Ass'n, Inc. v. Devon Neighborhood Ass'n, Inc.*, 67 So. 3d 187, 194-95 (Fla. 2011).

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

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

None.

**B. Amendments:**

None.

---

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

---



173084

LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
12/06/2023	.	
	.	
	.	

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 542.345, Florida Statutes, is created to read:

542.345 Covenants not to compete for the sale or the distribution of event tickets and licenses prohibited.—

(1) The Legislature finds that sole-source contracts for the sale of tickets and licenses to events located at live

Page 1 of 4

12/4/2023 10:43:21 AM

577-01720B-24



173084

performance venues within this state violate public policy and harm the public good.

(2) For purposes of this section, the term "live performance venue" means a stadium, a convention center, an exhibition hall, an arena, a coliseum, or an auditorium that has accepted any federal, state, or local taxpayer funds for capital improvements or operational expenses, including, but not limited to, funds collected pursuant to a convention development tax imposed under s. 212.0305 and grants awarded under chapter 288.

(3) A live performance venue may not enter into a sole-source contract or a covenant not to compete with a ticket-selling platform to sell, resell, or distribute tickets and licenses to events located at the live performance venue.

(4) A live performance venue may not require a performance artist or other event to market, sell, resell, or distribute tickets through a single or specific ticket platform.

Section 2. Section 817.358, Florida Statutes, is created, to read:

817.358 Sale of tickets; disclosures; penalties.—A person or an entity that offers to sell tickets must disclose in an easily readable and conspicuous manner the total cost of the ticket, including all fees that must be paid in order to purchase the ticket, from the initial time a price is displayed, and must provide the purchaser an option to view an itemized list that includes the base price of the ticket and each event ticket fee before the purchase is made. Disclosures may not be false or misleading and must be at least as prominent, and in the same font and size, as the final price. The total cost of the ticket may increase only for reasonable fees for the

Page 2 of 4

12/4/2023 10:43:21 AM

577-01720B-24



173084

delivery of nonelectronic tickets, which increase must be disclosed to the purchaser before accepting payment. A person or an entity who violates this section commits a violation of the Florida Deceptive and Unfair Trade Practices Act, as established in ss. 501.201-501.213.

Section 3. Present subsection (6) of section 817.36, Florida Statutes, is redesignated as subsection (7), a new subsection (6) is added to that section, and subsection (5) of that section is amended, to read:

817.36 Resale of tickets.—

(5) A person who intentionally uses or sells software to circumvent on a ticket seller's Internet website a security measure, an access control system, or any other control or measure that is used to ensure an equitable ticket-buying process is liable to the state for a civil penalty equal to treble the amount for which the ticket or tickets were sold. A person who has knowledge of the intentional use of software in violation of this subsection must notify the Attorney General.

(6) Other than tickets described in paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c), it is unlawful to:

(a) Apply a term or condition to, or use technology to limit the terms and conditions of, resale.

(b) Penalize, discriminate against, or deny access to an event to a person who purchases or resells a ticket in a manner authorized by this section.

Section 4. This act shall take effect July 1, 2024.

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:

Page 3 of 4

12/4/2023 10:43:21 AM

577-01720B-24



173084

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to competition for the sale of event tickets; creating s. 542.345, F.S.; providing legislative findings; defining the term "live performance venue"; prohibiting live performance venues from entering into specified contracts and covenants and from requiring performance artists or events to distribute the tickets through specific ticket platforms; creating s. 817.358, F.S.; requiring a person or an entity that offers to sell tickets to make certain disclosures in a specified manner regarding the price of the ticket, and that the failure to do so violates the Florida Deceptive and Fair Trade Practices Act; amending s. 817.36, F.S.; requiring persons with knowledge of the intentional use of certain software to circumvent certain security measures to notify the Attorney General; prohibiting the application of certain terms and conditions of resale tickets; prohibiting the denial of access to an event to certain persons who lawfully purchase or resell tickets; providing an effective date.

Page 4 of 4

12/4/2023 10:43:21 AM

577-01720B-24



361308

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
12/06/2023	.	
	.	
	.	
	.	

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

**Senate Amendment to Amendment (173084)**

Delete lines 14 - 15  
and insert:  
performance venue" means an individual stadium, convention center, exhibition hall, arena, coliseum, or auditorium that has more than 3,000 seats and has

By Senator Brodeur

10-00247B-24

2024204\_\_

A bill to be entitled

An act relating to competition for the sale of event tickets; creating s. 542.345, F.S.; providing legislative findings; defining the term "live performance venue"; prohibiting live performance venues from entering into specified contracts and covenants for the sale of tickets and licenses or from requiring artists to distribute tickets through specific ticket platforms; requiring live performance venues to allow artists to distribute tickets through the ticket platforms of the performance artists' choice, subject to certain conditions; prohibiting a live performance venue from selling or transferring tickets and licenses at more than face value; providing an effective date.

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

Section 1. Section 542.345, Florida Statutes, is created to read:

542.345 Covenant not to compete for the sale or distribution of event tickets and licenses prohibited.—

(1) The Legislature finds that sole-source contracts for the sale of tickets and licenses to events located at live performance venues within this state violate public policy and harm the public good.

(2) For the purposes of this section, the term "live performance venue" means a stadium, a convention center, an exhibition hall, an arena, a coliseum, or an auditorium that has

Page 1 of 2

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

10-00247B-24

2024204\_\_

accepted within the previous 10 years any federal, state, or local taxpayer funds for capital improvements or operational expenses, including, but not limited to, funds collected pursuant to a convention development tax imposed under s. 212.0305 and grants awarded under chapter 288.

(3) A live performance venue may not enter into a sole-source contract or a covenant not to compete with a ticket-selling platform to sell or distribute tickets and licenses to events located at the live performance venue.

(4) A performance artist who is contracted to perform at a live performance venue may not be required to market, sell, or distribute tickets to the event at which they are performing through a specific ticket platform with which the live performance venue has an exclusive contract.

(5) A live performance venue must allow performance artists to market, sell, or distribute tickets to their performances at the venue through the use of the ticket platform of the performance artists' choice, subject to the same terms and conditions as would apply to any other platform with which the live performance venue has executed a contract for the same or similar services within the past 2 years.

(6) A live performance venue may not distribute, sell, or transfer any tickets or licenses for compensation at an amount greater than the amount stated as the listed value of that ticket or license.

Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

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

12/5/23

Meeting Date

Commerce &amp; Tourism

Committee

The Florida Senate

## APPEARANCE RECORD

204

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Mat ForrestPhone 850-577-0444Address 201 E. Park Ave.Email Mat@ballardpartners.com

Street

TallahasseeFL32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** 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 Entertainment & Arts  
Venues Assoc.☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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

204

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kelly MallettePhone (850) 224-3427Address 104 West Jefferson St.Email kelly@rubaoolpa.com

Street

TallahasseeFL32301

City

State

Zip

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

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.☒ I am a registered lobbyist,  
representing:

Hard Rock Stadium

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

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

12/5/23

Meeting Date

Commerce and Tourism

Committee

The Florida Senate

## APPEARANCE RECORD

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

SB 204

Bill Number or Topic

173084

Amendment Barcode (if applicable)

Name David Touhey, Certified Venue Executive Phone 202-427-0722Address 626 Oakley Place Email dtouhey@connectconsulting.com

Street

Alexandria

City

Virginia

State

22302

Zip

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

## PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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

S-001 (08/10/2021)

THE FLORIDA SENATE

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/23

Meeting Date

SB 204

Bill Number (if applicable)

Topic TICKET SALES

Amendment Barcode (if applicable)

Name RON PIERCEJob Title RSA CONSULTINGAddress 235 W. BRANDON BLVD STE 640 Phone 813.777.5578

Street

BRANDON

City

FL

State

33511

Zip

Email ron@teamrsa.comSpeaking: ☐ For ☐ Against ☐ Information Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing FLORIDA VENUE MANAGERS ASSOCIATIONAppearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/23

Meeting Date

SB 204

Bill Number (if applicable)

Topic Ticket Sales

Amendment Barcode (if applicable)

Name Ron Pierce

Job Title RSA Consulting

Address 235 W. BRANDON BLVD - Ste. 640

Phone 813.777.5578

Street

BRANDON

FL

33511

City

State

Zip

Email ron@teamrsa.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing The STRAZ Center

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/23

Meeting Date

SB 204

Bill Number (if applicable)

Topic Ticket Sales

Amendment Barcode (if applicable)

Name Ron Pierce

Job Title RSA Consulting

Address 235 W. BRANDON BLVD - Ste. 640

Phone 813.777.5578

Street

BRANDON

FL

33511

City

State

Zip

Email ron@teamrsa.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing TAUHA BAY Lightning

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

## THE FLORIDA SENATE

## APPEARANCE RECORD

12/5/23

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 204

Bill Number (if applicable)

Topic Ticket Sales

Amendment Barcode (if applicable)

Name Ron PierceJob Title RSA ConsultingAddress 235 W. BRANDON BLVD - STE 1040Phone 813.777.5578

Street

BRANDON

City

FL

State

33511

Zip

Email ron@teamrsa.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing Tampa Sports AuthorityAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

## The Florida Senate

12/5/23

Meeting Date

## APPEARANCE RECORD

204

Bill Number or Topic

Commerce &amp; Tourism

Committee

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

Amendment Barcode (if applicable)

Name Mat ForrestPhone 850-577-0444Address 201 E. Park Ave.Email Mat@ballardpartners.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:New York Yankees☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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

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

S-001 (08/10/2021)

## The Florida Senate

## APPEARANCE RECORD

12/5/23

Meeting Date

Commerce &amp; Tourism

Committee

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

SB 204

Bill Number or Topic

Delete All

Amendment Barcode (if applicable)

Name Gerard O'Rourke

Phone 561-346-9859

Address 300 W. Pensacola St.

Email gerard@convergpublic.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:

Vivid Seats

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

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

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

S-001 (08/10/2021)

## The Florida Senate

## APPEARANCE RECORD

12/5/23

Meeting Date

Senate Commerce

Committee

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

SB 204

Bill Number or Topic

173084

Amendment Barcode (if applicable)

Name Laura Dooley (StubHub)

Phone

Address c/o WeWork 1100 15th Street, NW

Email laura.dooley@stubhub.com

Street

Washington

DC

20005

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.☒ I am a registered lobbyist,  
representing:

StubHub

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

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

12/5/23

Meeting Date

Commerce & Tourism

Committee

The Florida Senate

## APPEARANCE RECORD

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

204

Bill Number or Topic

AA 361308

Amendment Barcode (if applicable)

Name **Mat Forrest**

Phone **850-577-0444**

Address **201 E. Park Ave.**

Email **Mat@ballardpartners.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 Entertainment & Arts  
Venues Assoc.**

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

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

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

S-001 (08/10/2021)

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

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

---

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

---

BILL: SB 304

INTRODUCER: Senator Hooper

SUBJECT: Household Moving Services

DATE: December 4, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	<b>Favorable</b>
2.			AEG	
3.			FP	

---

## I. Summary:

SB 304 broadens protections for consumers who use intrastate moving services by:

- Providing additional registration and proof of registration requirements for movers and moving brokers;
- Providing for a required performance bond or certificate of deposit in certain circumstances for shippers' moved goods;
- Requiring a binding estimate of the cost of services, including any applicable fees of a moving broker, to be provided by the mover to a prospective shipper;
- Requiring a moving broker to arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move;
- Requiring a moving broker to include certain information on any document provided by the moving broker to a shipper; and
- Requiring the Department of Agriculture and Consumer Services to suspend a mover's or moving broker's registration under certain circumstances.

The bill provides an effective date of July 1, 2024.

## II. Present Situation:

### Moving Scams

The Better Business Bureau (BBB) has seen a marked increase in complaints and negative reviews about movers in recent years.<sup>1</sup> In 2022, nearly 15,198 complaints were filed with the

---

<sup>1</sup> Better Business Bureau, *Know Your Mover: BBB Study Reveals Scammers Price Gouge, Take Belongings Hostage, and Destroy Goods* (Jun. 30, 2020), available at <https://www.bbb.org/article/news-releases/22659-know-your-mover-bbb-study-reveals-scammers-price-gouge-take-belongings-hostage-and-destroy-goods> (last visited Dec. 4, 2023).

BBB against moving companies.<sup>2</sup> Additionally, consumers reported more than \$129,040 lost to moving scams to BBB Scam Tracker.<sup>3</sup>

One frequent moving scam involves an initial low-ball estimate (usually provided without an in-person visit to review the belongings that need to be moved) that turns into a demand for a much higher price once all of the household belongings are on the moving truck and awaiting delivery. The truck driver can simply drive away if the consumer refuses to pay the higher price.<sup>4,5</sup>

Another scam requires the shipper to sign a blank or incomplete estimate or contract, which results in a higher than expected price demanded at the time of delivery.<sup>6</sup>

On December 8, 2022, Attorney General Moody filed legal action against three individuals, two holding companies, and multiple fraudulent moving brokerage businesses.<sup>7</sup> According to the Consumer Protection investigation, the businesses acted as a common enterprise to deceive more than 400 Floridians into believing the company professionally handled moving services and promised to provide refunds if anything went wrong. Instead, the companies hired third parties to complete the moving services at subpar quality and refused to provide refunds.<sup>8</sup>

### **Florida (Intrastate) Mover Regulations**

Chapter 507, F.S., governs the loading, transportation, shipment, unloading, and affiliated storage of household goods as part of intrastate household moves. The chapter applies to any mover or moving broker engaged in intrastate transportation or shipment of household goods that originates and terminates in Florida.<sup>9</sup> These regulations co-exist with federal law, which governs interstate moving of household goods.<sup>10</sup>

A “mover” is a person who, for compensation, contracts for or engages in the loading, transportation, shipment, or unloading of household goods as part of a household move.<sup>11</sup> A “moving broker” arranges for another person to load, transport, ship, or unload household goods

---

<sup>2</sup> Better Business Bureau, *BBB Scam Alert: Avoid Moving Scams this National Moving Month* (May 17, 2023) available at <https://www.bbb.org/article/scams/24198-bbb-scam-alert-avoid-moving-scams-this-national-moving-month> (last visited Dec. 4, 2023).

<sup>3</sup> *Id.*

<sup>4</sup> Better Business Bureau, *Know Your Mover: BBB Study Reveals Scammers Price Gouge, Take Belongings Hostage, and Destroy Goods* (Jun. 30, 2020), available at <https://www.bbb.org/article/news-releases/22659-know-your-mover-bbb-study-reveals-scammers-price-gouge-take-belongings-hostage-and-destroy-goods> (last visited Dec. 4, 2023).

<sup>5</sup> See, e.g., Jackie Callaway, *Record Number of People File Complaints About Florida Movers in 2021; BBB rates 1,300 Companies ‘F’*, (Dec. 2, 2021), available at <https://www.abcactionnews.com/money/consumer/taking-action-for-you/record-number-of-people-file-complaints-about-florida-movers-in-2021-bbb-rates-1-300-companies-f> (last visited Dec. 4, 2023).

<sup>6</sup> Florida Attorney General’s Office, *Scams at a Glance: On the Move*, available at [http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLQQL/\\$file/Movers\\_Scams+at+a+Glance\\_English.pdf](http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLQQL/$file/Movers_Scams+at+a+Glance_English.pdf) (last visited Dec. 4, 2023).

<sup>7</sup> See Office of Attorney General Ashley Moody, *Attorney General Moody Takes Action to Shut Down Massive Moving Scam* (Dec. 8, 2022), available at [News Release - Attorney General Moody Takes Action to Shut Down Massive Moving Scam \(myfloridalegal.com\)](https://www.myfloridalegal.com/news-releases-attorney-general-moody-takes-action-to-shut-down-massive-moving-scam) (last visited Dec. 4, 2023).

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

<sup>9</sup> Section 507.02, F.S.

<sup>10</sup> Interstate movers in the U.S. must be licensed by the Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA).

<sup>11</sup> Section 507.01(9), F.S.

as part of a household move or who refers a shipper to a mover by telephone, postal, or electronic mail, website, or other means.<sup>12</sup>

Movers and moving brokers who do business in Florida must register annually with the Department of Agriculture and Consumer Services (Department).<sup>13</sup> As of December 4, 2023, there were 1,348 movers and 39 moving brokers with active Florida registrations.<sup>14</sup> In order to obtain a registration certificate, the mover or moving broker must file an application, pay a \$300 annual registration fee, and meet certain statutory qualifications, including proof of insurance coverage.<sup>15</sup>

### **Insurance Coverage and Liability Limitations**

Movers and moving brokers must maintain liability and motor vehicle insurance. A mover who operates more than two vehicles is required to maintain liability insurance of at least \$10,000 per shipment, and not less than 60 cents per pound, per article.<sup>16</sup> Movers who operate fewer than two vehicles are required only to carry either a \$25,000 performance bond or a \$25,000 certificate of deposit in lieu of liability insurance.<sup>17</sup>

Any contractual limitation to a mover's liability for loss incurred to a shipper's goods must be disclosed in writing to the shipper, along with the valuation rate, but a mover's attempt to limit its liability beyond the minimum 60 cents per pound, per article rate is void under s. 507.04(4), F.S. If the mover offers valuation insurance, it must inform the shipper of the opportunity to purchase valuation coverage to compensate the shipper for household goods that are lost or damaged during a household move prior to execution of the contract for moving services.<sup>18</sup>

### **Violations and Penalties**

Section 507.05, F.S., requires an intrastate mover to provide an estimate and contract to the shipper before commencing the move. Should a dispute arise over payment or costs, s. 507.06, F.S., provides that the mover may place the shipper's goods in a storage unit until payment is tendered. Because of ambiguity regarding what payment may legally be demanded, some shippers have been taken advantage of by deceptive or fraudulent moving practices. Often, moving fraud manifests as an increased fee assessed by the mover, who then refuses to relinquish the shipper's goods until the inflated price has been paid in full.

While administrative, civil, and criminal penalties exist in ch. 507, F.S., for such fraudulent moving practices and other violations, the aggrieved shipper is not guaranteed the return of his or her goods until after such remedies have been finalized.

---

<sup>12</sup> Section 507.01(10), F.S.

<sup>13</sup> Florida Department of Agriculture and Consumer Services (FDACS), *Moving Companies: Who has to Register?*, available at <https://www.fdacs.gov/Business-Services/Moving-Companies> (last visited Dec. 4, 2023).

<sup>14</sup> FDACS, *License/Complaint Lookup*, available at <https://csapp.fdacs.gov/cspublicapp/businesssearch/businesssearch.aspx> (last visited Dec. 4, 2023). Search by "program."

<sup>15</sup> Section 507.03, F.S.

<sup>16</sup> Sections 507.04(1)(a)1. and 507.04(4), F.S.

<sup>17</sup> Section 507.04(1)(b), F.S.

<sup>18</sup> Section 507.04(5), F.S.

In March of 2021, the Florida Consumer Protection Division within the Office of the Attorney General secured four judgments against moving companies that used deceptive advertising, failed to provide proper estimates, failed to relinquish household goods, and failed to provide timely pick-up or delivery of goods in accordance with service contracts.<sup>19</sup>

### **Local Ordinances and Regulations**

Chapter 507, F.S., preempts local ordinances or regulations that relate to household moving, unless the local regulation was adopted prior to January 1, 2011.<sup>20</sup> Broward,<sup>21</sup> Miami-Dade,<sup>22</sup> Palm Beach,<sup>23</sup> and Pinellas<sup>24</sup> counties currently have such ordinances. Movers or moving brokers whose principal place of business is located in a county or municipality with such an ordinance are required to register under local and state laws. State law also allows for local taxes, fees, and bonding related to movers and moving brokers, so long as any local registration fees are reasonable and do not exceed the cost of administering the ordinance or regulation.<sup>25</sup>

## **III. Effect of Proposed Changes:**

### **Definitions and Legislative Intent**

**Section 1** amends the following definitions in s. 507.01, F.S.:

- “Contract for service” or “bill of lading” means a written document prepared by a registered mover which is approved and electronically acknowledged or signed by the shipper in writing before the performance of any service by the mover and which authorizes the named mover to perform the services and lists all costs associated with the household move and accessorial services to be performed;
- “Estimate” means a written document prepared by a registered mover which sets forth the total costs and describes the basis of those costs, related to a shipper’s household move, including, but not limited to, the loading, transportation or shipment, and unloading of household goods and accessorial services; and
- “Moving broker” or “broker” means a person who, for compensation, arranges with a registered mover for loading, transporting or shipping, or unloading of household goods as part of a household move or who, for compensation, refers a shipper to a registered mover.

<sup>19</sup> Office of the Attorney General, *Attorney General Moody Shuts Down Moving Scams and Recovers Millions for Consumers Duped by Malicious Movers* (Mar. 2, 2021), available at <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/0BFF0224649D124D8525868C005A765F?Open&> (last visited Dec. 4, 2023).

<sup>20</sup> Section 507.13, F.S.

<sup>21</sup> Broward County Government, *Movers*, available at <https://www.broward.org/Consumer/ConsumerProtection/Movers/Pages/default.aspx> (last visited Dec. 4, 2023).

<sup>22</sup> Miami-Dade County, *Moving Companies—Laws & Tips*, available at <https://www.miamidade.gov/global/economy/consumer-protection/moving-companies.page#:~:text=Movers%20must%20insure%20your%20property,the%20value%20of%20your%20property.&text=The%20amount%20of%20added%20value%20you%20purchase%20is%20up%20to%20you.> (last visited Dec. 4, 2023).

<sup>23</sup> Palm Beach County, *Moving*, available at <https://discover.pbcgov.org/publicsafety/consumeraffairs/pages/moving.aspx> (last visited Dec. 4, 2023).

<sup>24</sup> Pinellas County, *Moving*, available at <https://www.pinellascounty.org/consumer/moving.htm> (last visited Dec. 4, 2023).

<sup>25</sup> Section 507.13, F.S.

**Section 2** amends s. 507.02, F.S., to provide that the bill is intended to establish the law of Florida governing the brokering of moves of household goods by moving brokers.

### **Mover Registration**

**Section 3** amends s. 507.03, F.S., to clarify that “broker” means “moving broker.”

The bill clarifies that each estimate or contract of a “mover” must include a phrase that contains the following:

- The name of the firm;
- A Statement that includes the firm is registered with the State of Florida as a mover; and
- A Florida mover registration number.

The bill also clarifies that any document from a “moving broker” must include:

- The name of the firm;
- A statement that includes the firm is registered with the State of Florida as a moving broker; and
- A Florida moving broker registration number.

Additionally, the bill states that each advertisement of a “moving broker” must include the following:

- A Florida moving broker registration number;
- The name of the firm; and
- A phrase that states the firm is paid by a shipper to arrange, or offer to arrange, the transportation of property by a registered mover.

The bill requires each moving broker to provide the Department of Agriculture and Consumer Services (Department) with a complete list of registered movers that the moving broker has contracted or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover’s complete name, address, telephone number, email address, and registration number and the name of each mover’s owners, corporate officers, and directors. Additionally, a moving broker must notify the Department of any changes to the provided information, and the Department must publish and maintain a list of all moving brokers and the registered movers each moving broker is contracted with on its website.

The bill provides that a person may not hold themselves out to be a mover or moving broker without first registering with the Department.

The bill requires the Department to immediately issue a cease and desist order to a person upon finding that such person is operating as a mover or moving broker without registering. Additionally, the Department may seek an immediate injunction from the appropriate circuit court that prohibits the person from operating in Florida until the person complies with the registration requirement, a civil penalty not to exceed \$5,000, and court costs.

## **Insurance Requirement**

**Section 4** amends the insurance requirements in s. 507.04, F.S. The bill authorizes a mover that operates two or fewer vehicles, in lieu of maintaining liability insurance coverage, to maintain one of the following alternative coverages:

- A performance bond in the amount of \$50,000, up from the current \$25,000, for which the surety of the bond must be a surety company authorized to conduct business in Florida; or
- A certificate of deposit in a Florida banking institution in the amount of \$50,000, up from the current \$25,000.

The bill also requires a moving broker to maintain one of the above listed coverages.

The bill requires the Department to immediately suspend a mover's or moving broker's registration if the mover or moving broker fails to maintain the required performance bond, certificate of deposit, or the appropriate insurance. In such cases, the mover or moving broker must immediately cease operating as a mover or moving broker in Florida. Additionally, the Department may seek an immediate injunction from the appropriate circuit court that prohibits the person from operating in Florida until the person complies with the aforementioned requirements, a civil penalty not to exceed \$5,000, and court costs.

## **Estimates and Contracts for Service**

**Section 5** amends s. 507.05, F.S., to require that an estimate and a contract must be prepared by a registered mover and provided to a prospective shipper in writing, and the shipper, mover, and moving broker must sign or electronically acknowledge and date the estimate and contract.

The bill requires the estimate and contract for service to include the following:

- The name, telephone number, and physical address where the mover's and moving broker's employees are available during normal business hours;
- The date the estimate and contract were prepared by the mover and the proposed date or dates of the shipper's household move, including, but not limited to, loading, transportation, shipment, and unloading of household goods and accessorial services;
- The name and address of the shipper, the addresses where the articles are to be picked up and delivered, and a telephone number where the shipper may be reached;
- The name, telephone number, and physical address of the location where the household goods will be held pending further transportation, including situations in which the mover retains possession of household goods pending resolution of a fee dispute with the shipper;
- An itemized breakdown and description and total of all costs and services for loading, transportation or shipment, unloading, and accessorial services to be provided during a household move or storage of household goods, including the fees of a moving broker, if used; and
- Acceptable forms of payment, which must be clearly and conspicuously disclosed to the shipper on the binding estimate and the contract for services.

## **Moving Brokers**

**Section 6** creates s. 507.056, F.S., to provide requirements specific to moving brokers.

The bill establishes that a moving broker may only arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move or refer a shipper to a registered mover. Moving brokers may not give a verbal estimate or prepare a written estimate or contract for services that sets forth the total costs and describes the basis of those costs relating to a shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services.

The bill provides that before providing any service to a prospective shipper, a moving broker must disclose to the shipper that the broker may only arrange, or offer to arrange, the transportation of property by a registered mover. Additionally, a moving broker's fees may not include the cost of the shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services.

The bill requires any document provided to a shipper by a moving broker to include the following:

- The name of the moving broker and the moving broker's registration number;
- The following statement displayed at the top of the document: "... (Name of Moving Broker)... is not a mover. ... (Name of Moving Broker)... is paid by the shipper to arrange, or offer to arrange, the transportation of property by a registered mover. The moving broker's fees do not include the cost of the shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services;"
- The name, telephone number, and physical address where the moving broker's employees are available during normal business hours;
- An itemized breakdown and description and total of all costs for the moving broker's fees to arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move or to refer the shipper to a registered mover;
- A list of all of the registered movers the moving broker has contracted with or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover's complete name, address, telephone number, email address, Florida Intrastate Registration Number, and the name of each mover's owners, corporate officers, and directors; and
- A list of acceptable forms of payment, which must include all of the forms of payment listed in at least two of the following subparagraphs:
  - Cash, cashier's check, money order, or traveler's check;
  - Valid personal check, showing upon its face the name and address of the shipper or authorized representative; and
  - Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

### **Violations and Penalties**

**Section 7** amends s. 507.07, F.S., to prohibit a moving broker from providing an estimate or entering into a contract or agreement for moving, loading, shipping, transporting, or unloading services with a shipper which was not prepared and electronically acknowledged or signed by a mover who is registered with the Department.

**Section 8** amends s. 507.09, F.S., to provide that upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, the Department must immediately suspend a registration or the processing of an application for a registration if the registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving fraud, theft, larceny, embezzlement, or fraudulent conversion or misappropriation of property or a crime arising from conduct during a movement of household goods until final disposition of the case or removal or resignation of that officer or director.

**Section 9** makes conforming changes to s. 507.10, F.S., to incorporate amendments made elsewhere in the bill.

**Section 10** amends s. 507.11, F.S., to clarify that it is a felony of the third degree, if a mover or mover's employee, agent, or contractor refuses to comply with an order from a law enforcement officer to relinquish a shipper's household goods in the following scenarios:

- After the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper; or
- If the officer determines that the mover did not produce a signed or electronically acknowledged binding estimate or contract for service and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper.

#### **Effective Date**

**Section 11** creates an effective date of July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

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

None.

**B. Private Sector Impact:**

The public may see a faster resolution to moving disputes that arise due to the provisions in the bill.

**C. Government Sector Impact:**

The Department will have to incorporate the changes made by the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill provides that upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement that a registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving fraud, theft, larceny, embezzlement, or fraudulent conversion, the Department of Agriculture and Consumer Services (Department) is required to suspend a registration or the processing of an application for registration until final disposition of the case or removal or resignation of that officer or director. However, it is unclear if the Department is receiving notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, or alternatively, if the Department is receiving notification from any person or entity, and then getting a subsequent written verification from one of the aforementioned entities.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 507.01, 507.02, 507.03, 507.04, 507.05, 507.056, 507.07, 507.09, 507.10, 507.11.

This bill creates s. 507.056 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

---

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

---

By Senator Hooper

21-00170A-24

2024304\_\_

1 A bill to be entitled  
 2 An act relating to household moving services; amending  
 3 s. 507.01, F.S.; revising definitions; amending s.  
 4 507.02, F.S.; providing construction; amending s.  
 5 507.03, F.S.; revising requirements for mover and  
 6 moving broker estimates, contracts, and  
 7 advertisements; conforming a cross-reference; revising  
 8 requirements relating to lists that moving brokers  
 9 must provide to the Department of Agriculture and  
 10 Consumer Services; requiring the department to publish  
 11 and maintain a specified list on its website;  
 12 prohibiting certain persons from operating as or  
 13 holding themselves out to be a mover or moving broker  
 14 without first registering with the department;  
 15 requiring the department to issue cease and desist  
 16 orders to certain persons under certain circumstances;  
 17 authorizing the department to seek an immediate  
 18 injunction under certain circumstances; making  
 19 technical changes; amending s. 507.04, F.S.; revising  
 20 alternative insurance coverage requirements for  
 21 movers; revising liability coverage requirements for  
 22 moving brokers; requiring the department to  
 23 immediately suspend a mover's or moving broker's  
 24 registration under certain circumstances; authorizing  
 25 the department to seek an immediate injunction under  
 26 certain circumstances; conforming cross-references;  
 27 amending s. 507.05, F.S.; revising requirements for  
 28 contracts and estimates for prospective shippers;  
 29 creating s. 507.056, F.S.; providing limitations and

Page 1 of 16

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

21-00170A-24

2024304\_\_

30 prohibitions for moving brokers; requiring moving  
 31 brokers to make a specified disclosure to shippers  
 32 before providing any services; prohibiting moving  
 33 brokers' fees from including certain costs; requiring  
 34 that the documents moving brokers provide to shippers  
 35 contain specified information; amending s. 507.07,  
 36 F.S.; providing that it is a violation of ch. 507,  
 37 F.S., for moving brokers to provide estimates or enter  
 38 into contracts or agreements that were not prepared  
 39 and signed or electronically acknowledged by a  
 40 registered mover; amending s. 507.09, F.S.; conforming  
 41 a cross-reference; requiring the department, upon  
 42 verification by certain entities, to immediately  
 43 suspend a registration or the processing of an  
 44 application for a registration in certain  
 45 circumstances; amending s. 507.10, F.S.; conforming a  
 46 cross-reference; amending s. 507.11, F.S.; conforming  
 47 provisions to changes made by the act; providing an  
 48 effective date.

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

51  
 52 Section 1. Subsections (4), (6), and (10) of section  
 53 507.01, Florida Statutes, are amended to read:

54 507.01 Definitions.—As used in this chapter, the term:

55 (4) "Contract for service" or "bill of lading" means a  
 56 written document prepared by a registered mover which is  
 57 approved and electronically acknowledged or signed by the  
 58 shipper in writing before the performance of any service by the

Page 2 of 16

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

21-00170A-24

2024304

59 ~~mover and~~ which authorizes ~~services from~~ the named mover to  
 60 perform ~~and lists~~ the services and lists all costs associated  
 61 with the household move and accessorial services to be  
 62 performed.

63 (6) "Estimate" means a written document prepared by a  
 64 registered mover which ~~that~~ sets forth the total costs and  
 65 describes the basis of those costs, relating to a shipper's  
 66 household move, including, but not limited to, the loading,  
 67 transportation or shipment, and unloading of household goods and  
 68 accessorial services.

69 (10) "Moving broker" or "broker" means a person who, for  
 70 compensation, arranges with a registered mover for loading,  
 71 transporting or shipping, or unloading of ~~for another person to~~  
 72 ~~load, transport or ship, or unload~~ household goods as part of a  
 73 household move or who, for compensation, refers a shipper to a  
 74 registered mover by telephone, postal or electronic mail,  
 75 ~~Internet website, or other means.~~

76 Section 2. Present paragraph (b) of subsection (1) of  
 77 section 507.02, Florida Statutes, is redesignated as paragraph  
 78 (c), and a new paragraph (b) is added to that subsection, to  
 79 read:

80 507.02 Construction; intent; application.—

81 (1) This chapter shall be construed liberally to:

82 (b) Establish the law of this state governing the brokering  
 83 of moves of household goods by moving brokers.

84 Section 3. Subsections (1), (2), (5), (6), (7), (9), and  
 85 (11) of section 507.03, Florida Statutes, are amended, and  
 86 subsections (12) and (13) are added to that section, to read:

87 507.03 Registration.—

21-00170A-24

2024304

88 (1) Each mover and moving broker must register with the  
 89 department, providing its legal business and trade name, mailing  
 90 address, and business locations; the full names, addresses, and  
 91 telephone numbers of its owners, ~~or~~ corporate officers, and  
 92 directors and the Florida agent of the corporation; a statement  
 93 whether it is a domestic or foreign corporation, its state and  
 94 date of incorporation, its charter number, and, if a foreign  
 95 corporation, the date it registered with the Department of  
 96 State; the date on which the mover or moving broker registered  
 97 its fictitious name if the mover or moving broker is operating  
 98 under a fictitious or trade name; the name of all other  
 99 corporations, business entities, and trade names through which  
 100 each owner of the mover or moving broker operated, was known, or  
 101 did business as a mover or moving broker within the preceding 5  
 102 years; and proof of the insurance or alternative coverages  
 103 required under s. 507.04.

104 (2) A certificate evidencing proof of registration shall be  
 105 issued by the department and must be prominently displayed in  
 106 the mover's or moving broker's primary place of business.

107 (5) (a) Each estimate or contract of a mover ~~or moving~~  
 108 ~~broker~~ must include the phrase "... (NAME OF FIRM) ... is  
 109 registered with the State of Florida as a Mover ~~or Moving~~  
 110 ~~Broker~~. Fla. Mover Registration No. ...."

111 (b) Any document from a moving broker must include the  
 112 phrase "... (NAME OF FIRM) ... is registered with the State of  
 113 Florida as a Moving Broker. Fla. Moving Broker Registration No.  
 114 ....."

115 (6) (a) Each advertisement of a mover ~~or moving broker~~ must  
 116 include the phrase "Fla. Mover Reg. No. ...." or "Fla. IM No.

21-00170A-24

2024304\_\_

....." Each of the mover's vehicles must clearly and conspicuously display a sign on the driver's side door which includes at least one of these phrases in lettering of at least 1.5 inches in height.

(b) Each advertisement of a moving broker must include the phrase "Fla. Moving Broker Reg. No. .... (NAME OF MOVING BROKER)... is a moving broker. ... (NAME OF MOVING BROKER)... is paid by a shipper to arrange, or offer to arrange, the transportation of property by a registered mover."

(7) A registration is not valid for any mover or moving broker transacting business at any place other than that designated in the mover's or moving broker's application, unless the department is first notified in writing before any change of location. A registration issued under this chapter is not assignable, and the mover or moving broker may not conduct business under more than one name except as registered. A mover or moving broker desiring to change its registered name or location or designated agent for service of process at a time other than upon renewal of registration must notify the department of the change.

(9) The department shall deny or refuse to renew the registration of a mover or a moving broker or deny a registration or renewal request by any of the mover's or moving broker's directors, officers, owners, or general partners if the mover or moving broker has not satisfied a civil penalty or administrative fine for a violation of s. 507.07(10) ~~s. 507.07(9)~~.

~~(11) At the request of the department,~~ Each moving broker shall provide the department with a complete list of the

21-00170A-24

2024304\_\_

registered movers that the moving broker has contracted or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover's complete name, address, telephone number, ~~and~~ e-mail address, and registration number and the name of each mover's owners, corporate officers, and directors ~~owner or other principal~~. A moving broker must notify the department of any changes to the provided information. The department shall publish and maintain on its website a list of all moving brokers and the registered movers each moving broker is contracted with.

(12) A person required to register pursuant to this section may not operate as or hold itself out to be a mover or moving broker without first registering with the department pursuant to this section.

(13) The department must immediately issue a cease and desist order to a person upon finding that the person is operating as a mover or a moving broker without registering pursuant to this section. In addition, and notwithstanding the availability of any administrative relief under chapter 120, the department may seek from the appropriate circuit court an immediate injunction prohibiting the person from operating in this state until the person complies with this section and pays a civil penalty not to exceed \$5,000 and court costs.

Section 4. Present subsections (3), (4), and (5) of section 507.04, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, a new subsection (3) is added to that section, and subsection (1) and present subsections (4) and (5) of that section are amended, to read:

507.04 Required insurance coverages; liability limitations;

21-00170A-24

2024304\_\_

valuation coverage.—

(1) LIABILITY INSURANCE.—

(a)1. Except as provided in paragraph (b), each mover operating in this state must maintain current and valid liability insurance coverage of at least \$10,000 per shipment for the loss or damage of household goods resulting from the negligence of the mover or its employees or agents.

2. The mover must provide the department with evidence of liability insurance coverage before the mover is registered with the department under s. 507.03. All insurance coverage maintained by a mover must remain in effect throughout the mover's registration period. A mover's failure to maintain insurance coverage in accordance with this paragraph constitutes an immediate threat to the public health, safety, and welfare.

(b) A mover that operates two or fewer vehicles, in lieu of maintaining the liability insurance coverage required under paragraph (a), may, ~~and each moving broker must,~~ maintain one of the following alternative coverages:

1. A performance bond in the amount of \$50,000 ~~\$25,000~~, for which the surety of the bond must be a surety company authorized to conduct business in this state; or

2. A certificate of deposit in a Florida banking institution in the amount of \$50,000 ~~\$25,000~~.

(c) A moving broker must maintain one of the following coverages:

1. A performance bond in the amount of \$50,000, for which the surety of the bond must be a surety company authorized to conduct business in this state; or

2. A certificate of deposit in a Florida banking

21-00170A-24

2024304\_\_

institution in the amount of \$50,000.

The original bond or certificate of deposit must be filed with the department and must designate the department as the sole beneficiary. The department must use the bond or certificate of deposit exclusively for the payment of claims to consumers who are injured by the fraud, misrepresentation, breach of contract, misfeasance, malfeasance, or financial failure of the mover or moving broker or by a violation of this chapter by the mover or moving broker. Liability for these injuries may be determined in an administrative proceeding of the department or through a civil action in a court of competent jurisdiction. However, claims against the bond or certificate of deposit must only be paid, in amounts not to exceed the determined liability for these injuries, by order of the department in an administrative proceeding. The bond or certificate of deposit is subject to successive claims, but the aggregate amount of these claims may not exceed the amount of the bond or certificate of deposit.

(3) REGISTRATION SUSPENSION.—The department must immediately suspend a mover's or moving broker's registration if the mover or moving broker fails to maintain the performance bond or certificate of deposit required under subsection (1) or the insurance required under subsection (2), and the mover or moving broker must immediately cease operating as a mover or moving broker in this state. In addition, and notwithstanding the availability of any administrative relief pursuant to chapter 120, the department may seek from a circuit court an immediate injunction prohibiting the mover or moving broker from operating in this state until the mover or moving broker

21-00170A-24

2024304

233 complies with subsections (1) and (2) and pays a civil penalty  
 234 not to exceed \$5,000 and court costs.

235 (5)(4) LIABILITY LIMITATIONS; VALUATION RATES.—A mover may  
 236 not limit its liability for the loss or damage of household  
 237 goods to a valuation rate that is less than 60 cents per pound  
 238 per article. A provision of a contract for moving services is  
 239 void if the provision limits a mover's liability to a valuation  
 240 rate that is less than the minimum rate under this subsection.  
 241 If a mover limits its liability for a shipper's goods, the mover  
 242 must disclose the limitation, including the valuation rate, to  
 243 the shipper in writing at the time that the estimate and  
 244 contract for services are executed and before any moving or  
 245 accessorial services are provided. The disclosure must also  
 246 inform the shipper of the opportunity to purchase valuation  
 247 coverage if the mover offers that coverage under subsection (6)  
 248 (5).

249 (6)(5) VALUATION COVERAGE.—A mover may offer valuation  
 250 coverage to compensate a shipper for the loss or damage of the  
 251 shipper's household goods that are lost or damaged during a  
 252 household move. If a mover offers valuation coverage, the  
 253 coverage must indemnify the shipper for at least the minimum  
 254 valuation rate required under subsection (5) (4). The mover must  
 255 disclose the terms of the coverage to the shipper in writing at  
 256 the time that the estimate and contract for services are  
 257 executed and before any moving or accessorial services are  
 258 provided. The disclosure must inform the shipper of the cost of  
 259 the valuation coverage, the valuation rate of the coverage, and  
 260 the opportunity to reject the coverage. If valuation coverage  
 261 compensates a shipper for at least the minimum valuation rate

21-00170A-24

2024304

262 required under subsection (5) (4), the coverage satisfies the  
 263 mover's liability for the minimum valuation rate.

264 Section 5. Section 507.05, Florida Statutes, is amended to  
 265 read:

266 507.05 Estimates and contracts for service.—Before  
 267 providing any moving or accessorial services, an estimate and a  
 268 contract and estimate must be prepared by a registered mover and  
 269 provided to a prospective shipper in writing, and the shipper,  
 270 the mover, and, if applicable, the moving broker must sign or  
 271 electronically acknowledge and date the estimate and contract.

272 At a minimum, the estimate and contract for service must be  
 273 signed and dated by the shipper and the mover, and must include:

274 (1) The name, telephone number, and physical address where  
 275 the mover's and, if applicable, the moving broker's employees  
 276 are available during normal business hours.

277 (2) The date the estimate and contract were or estimate is  
 278 prepared by the mover and the any proposed date or dates of the  
 279 shipper's household move, including, but not limited to,  
 280 loading, transportation, shipment, and unloading of household  
 281 goods and accessorial services.

282 (3) The name and address of the shipper, the addresses  
 283 where the articles are to be picked up and delivered, and a  
 284 telephone number where the shipper may be reached.

285 (4) The name, telephone number, and physical address of the  
 286 any location where the household goods will be held pending  
 287 further transportation, including situations in which where the  
 288 mover retains possession of household goods pending resolution  
 289 of a fee dispute with the shipper.

290 (5) An itemized breakdown and description and total of all

21-00170A-24

2024304

costs and services for loading, transportation or shipment, unloading, and accessorial services to be provided during a household move or storage of household goods, including the fees of a moving broker, if used.

(6) Acceptable forms of payment, which must be clearly and conspicuously disclosed to the shipper on the binding estimate and the contract for services. A mover ~~must~~ shall accept at least a minimum of two of the three following forms of payment:

(a) Cash, cashier's check, money order, or traveler's check;

(b) Valid personal check, showing upon its face the name and address of the shipper or authorized representative; or

(c) Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

A mover must clearly and conspicuously disclose to the shipper in the estimate and contract for services the forms of payments the mover will accept, including the forms of payment described in paragraphs (a)-(c).

Section 6. Section 507.056, Florida Statutes, is created to read:

507.056 Moving brokers; services.—

(1) A moving broker may only arrange with a registered mover for the loading, transportation or shipment, or unloading of household goods as part of a household move or refer a shipper to a registered mover. Moving brokers may not give a verbal estimate or prepare a written estimate or contract for services which sets forth the total costs and describes the basis of those costs relating to a shipper's household move,

21-00170A-24

2024304

including, but not limited to, the loading, transportation or shipment, or unloading of household goods and accessorial services.

(2) Before providing any service to a prospective shipper, a moving broker must disclose to the shipper that the broker may only arrange, or offer to arrange, the transportation of property by a registered mover. A moving broker's fees may not include the cost of the shipper's household move, including, but not limited to, the loading, transportation or shipment, or unloading of household goods and accessorial services. Any document provided to a shipper by a moving broker must include all of the following:

(a) The name of the moving broker and the moving broker's registration number.

(b) The following statement displayed at the top of the document: "... (Name of Moving Broker) ... is not a mover. ... (Name of Moving Broker) ... is paid by the shipper to arrange, or offer to arrange, the transportation of property by a registered mover. The moving broker's fees do not include the cost of the shipper's household move, including, but not limited to, the loading, transportation or shipment, or unloading of household goods and accessorial services."

(c) The name, telephone number, and physical address where the moving broker's employees are available during normal business hours.

(d) An itemized breakdown, description, and total of all fees the moving broker charges to arrange with a registered mover for the loading, transportation or shipment, or unloading of household goods as part of a household move or to refer the

21-00170A-24

2024304\_\_

shipper to a registered mover.

(e) A list of all of the registered movers the moving broker has contracted with or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover's complete name, address, telephone number, e-mail address, and Florida Intrastate Registration Number and the name of each mover's owners, corporate officers, and directors.

(f) A list of acceptable forms of payment, which must include all of the forms of payment listed in at least two of the following subparagraphs:

1. Cash, cashier's check, money order, or traveler's check.

2. Valid personal check, showing upon its face the name and address of the shipper or authorized representative.

3. Valid credit card, including, but not limited to, Visa or MasterCard.

Section 7. Present subsections (8) and (9) of section 507.07, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

507.07 Violations.—It is a violation of this chapter:

(8) For a moving broker to provide an estimate or enter into a contract or agreement for moving, loading, shipping or transporting, or unloading services with a shipper which was not prepared and electronically acknowledged or signed by a mover who is registered with the department pursuant to this chapter.

Section 8. Section 507.09, Florida Statutes, is amended to read:

507.09 Administrative remedies; penalties.—

(1) The department may enter an order doing one or more of

21-00170A-24

2024304\_\_

the following if the department finds that a mover or moving broker, or a person employed or contracted by a mover or moving broker, has violated or is operating in violation of this chapter or the rules or orders issued pursuant to this chapter:

(a) Issuing a notice of noncompliance under s. 120.695.

(b) Imposing an administrative fine in the Class II category pursuant to s. 570.971 for each act or omission. However, the department must impose an administrative fine in the Class IV category for each violation of s. 507.07(10) s- 507.07(9) if the department does not seek a civil penalty for the same offense.

(c) Directing that the person cease and desist specified activities.

(d) Refusing to register or revoking or suspending a registration.

(e) Placing the registrant on probation, subject to the conditions specified by the department.

(2) The department, upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, must immediately suspend a registration or the processing of an application for a registration if the registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving fraud, theft, larceny, embezzlement, or fraudulent conversion or misappropriation of property or a crime arising from conduct during a movement of household goods until final disposition of the case or removal or resignation of that officer or director.

(3) The administrative proceedings that ~~which~~ could result

21-00170A-24

2024304\_\_

in the entry of an order imposing any of the penalties specified in subsection (1) or subsection (2) are governed by chapter 120.

~~(4)(3)~~ The department may adopt rules under ss. 120.536(1) and 120.54 to administer this chapter.

Section 9. Subsection (2) of section 507.10, Florida Statutes, is amended to read:

507.10 Civil penalties; remedies.—

(2) The department may seek a civil penalty in the Class II category pursuant to s. 570.971 for each violation of this chapter. However, the department must seek a civil penalty in the Class IV category for each violation of s. 507.07(10) ~~s.~~ ~~507.07(9)~~ if the department does not impose an administrative fine for the same offense.

Section 10. Subsection (1) of section 507.11, Florida Statutes, is amended to read:

507.11 Criminal penalties.—

(1) The refusal of a mover or a mover's employee, agent, or contractor to comply with an order from a law enforcement officer to relinquish a shipper's household goods after the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper or after the officer determines that the mover did not produce a signed or electronically acknowledged binding estimate or contract for service and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper upon which demand is being made for payment, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Page 15 of 16

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

21-00170A-24

2024304\_\_

A mover's compliance with an order from a law enforcement officer to relinquish goods to a shipper is not a waiver or finding of fact regarding any right to seek further payment from the shipper.

Section 11. This act shall take effect July 1, 2024.

Page 16 of 16

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

12/05/2023

The Florida Senate  
**APPEARANCE RECORD**

304

Meeting Date

Commerce and Tourism

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Nick Mayor**

Phone **850-524-9659**

Address **215 S. Monroe St., Ste 603**

Email **nmayor@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**

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

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

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

S-001 (08/10/2021)

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

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

---

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

---

BILL: SM 370

INTRODUCER: Senator Wright

SUBJECT: Spaceports

DATE: December 4, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	<b>Favorable</b>
2.			RC	

---

**I. Summary:**

SM 370 is a memorial to Congress urging the members of Congress to add spaceports as a qualified tax-exempt category of private activity bonds.

Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

The memorial does not have a fiscal impact on the state or local governments.

**II. Present Situation:**

**Spaceports**

A spaceport is defined as any area of land or water, or any manmade object or facility located therein, developed by Space Florida, which area is intended for public use or for the launching, takeoff, and landing of spacecraft and aircraft, and includes any appurtenant areas which are used or intended for public use, for spaceport buildings, or for other spaceport facilities, spaceport projects, or rights-of-way.<sup>1</sup> Spaceport territory includes certain real property located in:

- Brevard County which is included in the 1998 boundaries of Patrick Space Force Base, Cape Canaveral Space Force Station and John F. Kennedy Space Center;
- Santa Rosa, Okaloosa, Gulf, and Walton Counties which is included in the 1997 boundaries of Eglin Air Force Base;
- Duval County which is included within the boundaries of Cecil Airport and Cecil Commerce Center;
- Brevard County which is included within the boundaries of Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park; and

---

<sup>1</sup> Section 331.303(17), F.S.

- The state which is a spaceport licensed by the Federal Aviation Administration, as designated by the Space Florida Board of Directors.<sup>2</sup>

In 1999, space was designated as the fifth mode of transportation in Florida and spaceports as the associated modal facilities. The Florida Department of Transportation (FDOT) was given significant responsibilities related to aerospace<sup>3</sup> and spaceports in Florida.<sup>4</sup> Space Florida acts as Florida's point of contact for state aerospace-related activities with federal agencies, the military, state agencies, businesses, and the private sector.<sup>5</sup> The FDOT and Space Florida work together to plan and facilitate space transportation services on spaceport properties throughout the state.<sup>6</sup> Additionally, the FDOT, in consultation with Space Florida, is authorized to fund up to 100 percent of a project at strategic spaceport launch support facilities if the following criteria have been met:

- Important access and on-spaceport and commercial launch facility capacity improvements are provided;
- Capital improvements that strategically position the state to maximize opportunities in international trade are achieved;
- Goals of an integrated intermodal transportation system for Florida are achieved; and
- Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.<sup>7</sup>

The FDOT's Spaceport Improvement Program (SIP) is designed to stimulate private sector investment and commercial spaceport development. The program provides funding for projects that:

- Improve aerospace transportation facilities;
- Encourage cooperation and integration of airports and spaceports; and
- Facilitate and promote inter-agency efforts to improve space transportation capacity and efficiency.<sup>8</sup>

The SIP partners with commercial space launch and spacecraft operators for initiatives such as expanded commercial heavy lift; launch vehicle manufacturing in Florida; high volume Florida satellite production; upgraded small launch capability to meet multiple space user needs; crewed launches to the International Space Station; refurbish processing facilities; and support launch of

---

<sup>2</sup> Section 331.304, F.S.

<sup>3</sup> Section 331.303(1), F.S., defines aerospace as the technology and industry related to the design, manufacture, maintenance, repair, and operation of aircraft or any other device intended to be used or designed for flight or reentry, including rockets, missiles, spacecraft, satellites, space vehicles, space stations, space and aircraft facilities or components thereof, and related equipment, systems, facilities, simulators, programs, and activities, including, but not limited to, the application of aerospace and aviation technologies in air-based, land-based, space-based, and sea-based platforms for commercial, civil, and defense purposes.

<sup>4</sup> Chapter 99-256, Laws of Fla. *See also* s. 331.360(1), F.S.

<sup>5</sup> Section 331.3011, F.S.

<sup>6</sup> Section 331.360, F.S.

<sup>7</sup> Section 331.371, F.S.

<sup>8</sup> Florida Department of Transportation, *Spaceport Improvement Program, 2023-2024*, p. iv, available at <https://www.spaceflorida.gov/wp-content/uploads/2023/10/SF0080.02DEL-FDOT-Spaceport-Handbook-Update-2023-230426.pdf> (last visited Dec. 4, 2023).

new rockets for human transportation in space.<sup>9</sup> Partners who have requested SIP funding include SpaceX, United Launch Alliance, Boeing, Blue Origin, OneWeb, Firefly, and others.<sup>10</sup>

In performance year 2022, Space Florida recruited, retained, and expanded 15 space and aerospace related companies and nearly 6,000 jobs, as well as provided \$4.3 million in funding for 30 research projects, partnerships, and grants. Additionally, 85 projects within Space Florida's three stages of project development had an estimated value of \$2.4 billion in capital investment and are located in 26 counties. Lastly, 989 payloads went into orbit, there were 39 supported launches, and 384 tons of total payload mass went into orbit.<sup>11</sup>

### Private Activity Bonds

State and local government bonds are classified under the federal tax code as either governmental bonds or private activity bonds.<sup>12</sup> The tax code defines "private business" use as use (directly or indirectly) in a trade or business carried on by any person other than a governmental official.<sup>13</sup> The interest on state and local governmental bonds is generally exempt from taxation; however, the interest on private activity bonds is not tax exempt.<sup>14</sup> A state or local bond is a private activity bond if, as of the bond issue date or at any time while the bonds are outstanding, the bond issue exceeds the limits set forth in either:

- The private business tests in 26 U.S.C. §141(b), which consist of the private use test private security and payment test; or
- The private loan financing test in 26 U.S.C. §141(c).<sup>15</sup>

If the bond passes both conditions, the bonds are taxable and carry a higher interest rate. However, the bond could still qualify for tax-exempt status if the bond is identified in the tax code as a qualified private activity.<sup>16</sup> Currently there are 30 qualified activities including airports, docks and wharves.<sup>17</sup>

The federal government controls the amount of private activity bonds that are permitted to be issued in each state. Part VI of ch. 159, F.S., establishes statewide procedures for allocating Florida's share of private activity bonds. Such allocation is referred to as the allocation of state volume limitation pursuant to s. 159.804, F.S. The Division of Bond Finance of the State Board of Administration is responsible for annually determining the amount of the private activity

---

<sup>9</sup> *Id* at p. 4.

<sup>10</sup> *Id* at p. 6.

<sup>11</sup> Space Florida, 2022 Annual Report, p. 9, available at <https://www.spaceflorida.gov/wp-content/uploads/2023/01/Space-Florida-FY22-Annual-Operating-Report.pdf> (last visited Dec. 4, 2023).

<sup>12</sup> Congressional Research Service, *Private Activity Bonds: An Introduction* (January 31, 2022), p. 1, available at <https://crsreports.congress.gov/product/pdf/RL/RL31457> (last visited Dec. 4, 2023).

<sup>13</sup> 26 U.S.C. §141-3.

<sup>14</sup> 26 U.S.C. § 103.

<sup>15</sup> Internal Revenue Service, Tax-Exempt Private Activity Bonds (2019), p. 2, available at <https://www.irs.gov/pub/irs-pdf/p4078.pdf> (last visited Dec. 4, 2023).

<sup>16</sup> *Supra* note 12 at 3

<sup>17</sup> 26 U.S.C. § 142(a)(1) and (2). *See Supra* note 12 at 11 for the full list of qualified private activities.

bonds permitted for statewide allocation under the 1986 Internal Revenue Code, as amended. For 2023, the total private activity bond allocation for Florida is \$2.6 billion.<sup>18</sup>

In Florida, access to private activity bonds is provided by the Florida Development Finance Corporation (FD FC),<sup>19</sup> with the power to function within the corporate limits of any public agency with which it has entered into an interlocal agreement.<sup>20</sup> The FD FC issues the bonds, which are purchased by a bank or investor(s). The proceeds from the sale are then loaned to finance capital projects. The interest on the bonds received by the investor is exempt from federal income tax.<sup>21</sup>

### III. Effect of Proposed Changes:

The memorial urges Congress to add spaceports as a qualified tax-exempt category of private activity bonds.

Copies of the memorial will be sent by Florida's Secretary of State to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the governor's veto power. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Not applicable. The memorial does not require counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

---

<sup>18</sup> State of Florida, Division of Bond Finance, *2023 PAB Allocation with Regional Map*, available at <https://www.sbafla.com/bond/Portals/0/Content/2023%20PAB%20State%20Volume%20Cap%20Allocation%20By%20Pool%20with%20MAP.pdf?ver=2022-12-28-130416-030> (last visited Dec. 4, 2023).

<sup>19</sup> See s. 288.9604, F.S. for the creation of the Corporation.

<sup>20</sup> Section 288.9605(1), F.S.

<sup>21</sup> Florida Development Finance Corporation, *Private Activity Bonds*, available at <https://www.fdfcbonds.com/pab> (last visited Dec. 4, 2023).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

None.

**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 Wright

8-00539-24

2024370\_\_

## Senate Memorial

A memorial to the Congress of the United States,  
urging Congress to add spaceports as a qualified tax-  
exempt category of private activity bonds.

WHEREAS, commercial investment in space and space  
transportation is driving the requirements for spaceport sites,  
operating environments, and infrastructure, and

WHEREAS, this state has acted decisively to integrate space  
transportation into the fabric of its statewide strategic  
intermodal system, and

WHEREAS, in 1999, state leaders made a landmark decision to  
designate space as an official mode of transportation and  
spaceports as the associated transportation facilities, which  
gave space standing within the Department of Transportation  
similar to that of other long-established modes of  
transportation, such as airports and docks and wharfs, and

WHEREAS, space is not simply a program; it is a collection  
of high-value destinations for freight and people, and these  
destinations require safe, reliable, and sustainable  
transportation operating on market-driven schedules, and

WHEREAS, in order for this state to become the planet's  
premiere transportation hub for global space commerce; to  
facilitate the logistics and transport of commodities,  
materials, human crew, and robotic systems to operate facilities  
in various orbits, at Earth-lunar waypoints, and on the moon;  
and to become the primary port of entry into Earth's marketplace  
for products from space, spaceports should qualify as private  
activity bonds financing-exempt facilities under the Internal

Page 1 of 2

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

8-00539-24

2024370\_\_

Revenue Code, and

WHEREAS, this qualification will encourage more investment  
in aerospace infrastructure, ensuring that this state remains at  
the forefront of the space economy, and

WHEREAS, in the face of growing competition from China and  
others, the aggressive development of infrastructure in Florida,  
the dominant state in the commercial space economy, is key to  
maintaining the United States' leadership in space, and

WHEREAS, currently, certain parts of operations at airports  
and docks and wharfs qualify for tax-exempt financing, NOW,  
THEREFORE,

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

That the Congress of the United States is urged to add  
spaceports as a qualified tax-exempt category of private  
activity bonds.

BE IT FURTHER RESOLVED that the Secretary of State dispatch  
copies of this memorial to the President of the United States,  
the President of the United States Senate, the Speaker of the  
United States House of Representatives, and each member of the  
Florida delegation to the United States Congress.

Page 2 of 2

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

The Florida Senate

**APPEARANCE RECORD**

370

12-5-23

Meeting Date

Bill Number or Topic

Senate Commerce

Committee

Deliver both copies of this form to

Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Lindsey Pierce

Phone

334-268-8282

Address

113 E. College Ave.

Email

lpierce@spaceflorida.gov

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:

Space 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)

# CourtSmart Tag Report

Room: SB 110      Case No.:  
Caption: Senate Committee on Commerce and Tourism

Type:  
Judge:

Started: 12/5/2023 2:02:36 PM  
Ends: 12/5/2023 2:34:43 PM      Length: 00:32:08

2:02:35 PM Chair Trumbull calls meeting to order  
2:02:42 PM CAA calls roll  
2:02:50 PM Quorum is present  
2:02:58 PM Chair Trumbull in opening comments  
2:03:13 PM Tab 2, SB 196 Regional Rural Development Grants Program by Senator Simon  
2:03:37 PM Chair Trumbull recognizes Senator Simon  
2:04:06 PM Senator Simon explains bill  
2:04:15 PM Questions?  
2:04:16 PM No Questions  
2:04:18 PM Public Testimony  
2:04:18 PM Mike Grissom, waives in support  
2:04:22 PM No questions  
2:04:22 PM Jared Grigas, FI Association of Counties, waives in support  
2:04:23 PM Chair Trumbull  
2:04:28 PM Debate?  
2:04:33 PM No Debate  
2:04:38 PM  
2:04:38 PM  
2:04:44 PM  
2:04:44 PM Roll Call  
2:04:48 PM Senator Simon closes on bill  
2:04:50 PM SB 196 reported favorably  
2:04:57 PM Tab 4, SB 304 Household Moving Services by Senator Hooper  
2:05:07 PM Senator Hooper explains SB 304  
2:06:20 PM Questions?  
2:06:22 PM No Questions  
2:06:30 PM Public Testimony  
2:06:31 PM Nick Mayor, AARP, waiving in support  
2:06:32 PM Debate  
2:06:33 PM No Debate  
2:06:43 PM Senator Hooper closes on bill  
2:06:44 PM Roll Call  
2:06:59 PM SB 304 reported favorably  
2:07:03 PM Tab 1, SB 106 Acceptance of Cash Payments by Business by Senator Jones  
2:07:32 PM Senator Jones explains the bill  
2:08:16 PM Questions?  
2:08:30 PM No Questions  
2:08:32 PM Public Testimony  
2:09:03 PM Angela Bonds, Florida Retail Federation, Information  
2:09:04 PM Jess M. McCarty, Executive Assistant County Attorney, Miami Dade County, waiving in support  
2:09:04 PM Courtney Mooney, FI Association of Counties, waiving in support  
2:09:05 PM Debate?  
2:09:06 PM No Debate  
2:09:10 PM  
2:09:14 PM Senator Jones closes on bill  
2:09:15 PM Roll Call  
2:09:27 PM SB 106 reported favorably  
2:09:38 PM Tab 5, SM 370 Spaceports by Senator Wright  
2:10:14 PM Senator Wright explains SM 370  
2:11:22 PM Questions?  
2:11:31 PM No Questions  
2:11:35 PM Public Testimony

2:11:42 PM Lindsay Pierce, Space Florida, waives in support  
2:11:46 PM Debate?  
2:11:48 PM No Debate  
2:11:49 PM Senator Wright closes on bill  
2:11:51 PM Roll Call  
2:11:57 PM SM 370 reported favorably  
2:12:31 PM Recording Paused  
2:17:04 PM Recording Resumed  
2:18:13 PM Tab 3, SB 204 Competition for the Sale of Event Ticket by Senator Brodeur  
2:19:13 PM Chair Trumbull recognizes Senator Brodeur  
2:19:14 PM Senator Brodeur explains the bill  
2:21:15 PM Chair Trumbull  
2:21:20 PM Questions?  
2:21:48 PM Senator Brodeur explains strike all amendment 173084  
2:23:46 PM  
2:24:38 PM No questions  
2:24:53 PM Senator Brodeur  
2:24:59 PM Chair Trumbull  
2:25:38 PM  
2:25:45 PM Senator Rodriguez explains amendment 361308  
2:25:54 PM Senator Rodriguez moves to withdraw amendment 361308  
2:25:56 PM Amendment 361308 withdrawn  
2:26:00 PM  
2:26:06 PM No Questions amendment 173084  
2:26:08 PM Public Testimony  
2:26:13 PM Gerard O'Roarke, Vivid Seats, waiving in support  
2:26:20 PM Matt Forest, Waiving in opposition  
2:26:24 PM Ron Pierce, The Straz Center, waiving against  
2:26:25 PM Ron Pierce, Tampa Bay Lighting, waiving against  
2:26:26 PM Ron Pierce, Tampa Sports Authority, waiving against  
2:26:27 PM Ron Pierce, Florida Venue Managers Association, waiving against  
2:26:56 PM Matt Forest, Florida Entertainment & Arts Venues Association, waiving against  
2:27:03 PM Matt Forest, New York Yankees, waiving against  
2:27:19 PM David Touhey, Certified Venue Executive, speaking against  
2:31:36 PM  
2:31:55 PM Kelly Mallefle, Hard Rock Stadium, waiving against  
2:32:00 PM Laura Dooley, Stub Hub, waiving in support  
2:32:05 PM No Debate  
2:32:25 PM Chair Trumbull  
2:32:54 PM Chair Trumbull recognizes Senator Brodeur  
2:33:03 PM Senator Brodeur request for SB 204 to be postponed to Chair Trumbull  
2:33:38 PM Chair Trumbull postponed SB 204  
2:33:52 PM Chair Trumbull recognizes Senator Rodriguez  
2:33:56 PM Senator Rodriguez votes on SB 196, SB 304, SB 106  
2:34:10 PM Senator Torres moves to adjourned  
2:34:31 PM Meeting adjourned