

<b>Tab 1</b>	<b>SB 832</b> by <b>Calatayud</b> ; (Identical to H 01137) Employment of Individuals with Disabilities					
<b>Tab 2</b>	<b>CS/SB 902</b> by <b>BI, Boyd</b> ; (Similar to CS/H 00605) Motor Vehicle Retail Financial Agreements					
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<b>Tab 3</b>	<b>SB 1072</b> by <b>Avila</b> ; (Identical to H 01081) Tourist Development					
<b>Tab 4</b>	<b>SB 1346</b> by <b>Berman</b> ; (Identical to H 01231) Limited Liability Companies					
<b>Tab 5</b>	<b>SB 1596</b> by <b>Burgess</b> ; (Compare to CS/CS/H 00049) Employment of Minors					
<b>Tab 6</b>	<b>SB 1688</b> by <b>Osgood</b> ; (Identical to H 00553) Career-themed Courses					
<b>Tab 7</b>	<b>SB 1786</b> by <b>DiCeglie</b> ; (Similar to H 01559) Professional Licensure and Certification					
<b>Tab 8</b>	<b>SB 1448</b> by <b>Gruters</b> ; (Identical to H 01541) Transparency in Social Media					

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

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

**MEETING DATE:** Tuesday, January 30, 2024

**TIME:** 9:00—11:00 a.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 832</b> Calatayud (Identical H 1137)	Employment of Individuals with Disabilities; Requiring the collection and sharing of data between multiple agencies for the interagency cooperative agreement under the Employment First Act; requiring the Office of Reimagining Education and Career Help to issue an annual statewide report by a specified date each year, etc.  ED 01/23/2024 Favorable CM 01/30/2024 Favorable RC	Favorable Yeas 5 Nays 0
2	<b>CS/SB 902</b> Banking and Insurance / Boyd (Similar CS/H 605)	Motor Vehicle Retail Financial Agreements; Revising the definition of the term “guaranteed asset protection product”; prohibiting certain entities from deducting more than a specified amount in administrative fees when providing a refund of a guaranteed asset protection product; creating the “Florida Vehicle Value Protection Agreements Act”; authorizing the offer, sale, or gift of vehicle value protection agreements in compliance with a certain act; requiring vehicle value protection agreements to state the terms, restrictions, or conditions governing cancellation by the provider or the contract holder, etc.  BI 01/16/2024 Fav/CS CM 01/30/2024 Fav/CS FP	Fav/CS Yeas 5 Nays 0
3	<b>SB 1072</b> Avila (Identical H 1081)	Tourist Development; Providing an exception to the authorized uses of revenues received by counties imposing the tourist development tax; specifying uses of tax revenues received by certain counties imposing the tourist development tax; requiring that charter county convention development moneys be distributed to the governing boards of municipalities for specified purposes; revising the purposes for which a county may use charter county convention development moneys, etc.  CM 01/30/2024 Favorable FT AP	Favorable Yeas 5 Nays 0



**COMMITTEE MEETING EXPANDED AGENDA**

Commerce and Tourism

Tuesday, January 30, 2024, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1346</b> Berman (Identical H 1231)	Limited Liability Companies; Specifying that certain limited liability companies are considered a nonresident under certain circumstances; providing for powers and prohibitions for protected series of series limited liability companies; authorizing domestic limited liability companies to establish protected series; providing specifications and requirements for the registered agent for a protected series; authorizing service on, and provision of notice and demand to, certain limited liability companies and protected series in a specified manner; requiring the Department of State to issue a certificate of status under certain circumstances, etc.  CM 01/30/2024 Favorable JU FP	Favorable Yeas 5 Nays 0
5	<b>SB 1596</b> Burgess (Compare CS/CS/H 49)	Employment of Minors; Removing certain employment restrictions for minors 16 and 17 years of age; revising the age at which certain employment restrictions apply; authorizing the Department of Business and Professional Regulation to grant waivers of certain employment restrictions; specifying applicable penalties for noncompliant employers, etc.  CM 01/30/2024 Favorable RI RC	Favorable Yeas 4 Nays 1
6	<b>SB 1688</b> Osgood (Identical H 553)	Career-themed Courses; Revising the requirements for a specified school district strategic plan to include certain information; requiring the Department of Education to include specified data in an annual review of K-12 and postsecondary career and technical education offerings, etc.  ED 01/23/2024 Favorable CM 01/30/2024 Favorable RC	Favorable Yeas 5 Nays 0
7	<b>SB 1786</b> DiCeglie (Similar H 1559)	Professional Licensure and Certification; Authorizing the practice of a profession as a substitute for certain professional or occupational degrees for certain foreign-trained professionals; revising education and work experience requirements for taking the surveyor and mapper licensure examination, etc.  CM 01/30/2024 Favorable AEG RC	Favorable Yeas 5 Nays 0

TAB		BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8		<b>SB 1448</b> Gruters (Identical H 1541)	Transparency in Social Media; Designating the "Transparency in Social Media Act"; requiring foreign-adversary-owned entities operating social media platforms in the state to publicly disclose specified information in a certain manner; requiring foreign-adversary-owned entities operating social media platforms to implement a user verification system for certain entities, etc.  CM     01/30/2024 Favorable ACJ FP	Favorable Yeas 5 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.)

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

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BILL: SB 832

INTRODUCER: Senator Calatayud

SUBJECT: Employment of Individuals with Disabilities

DATE: January 29, 2024

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

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

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## **I. Summary:**

SB 832 adds requirements relating to data sharing and accountability measures to the roles, responsibilities, and objectives included in the Employment First Act to achieve better employment outcomes for individuals with disabilities.

The bill also requires the Office of Reimagining Education and Career Help to issue an annual statewide report by December 1 each year on the implementation of the Employment First Act and progress made on the accountability measures.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **The Employment First Act**

Employment is the most direct and cost-effective means to assist an individual in achieving independence and fulfillment; however, individuals with disabilities are confronted by unique barriers to employment which inhibit their opportunities to compete fairly in the labor force. The Employment First Act provides a framework for a long-term commitment to improving employment outcomes for individuals with disabilities.<sup>1</sup> The Employment First Act:<sup>2</sup>

- Prioritizes employment of individuals with disabilities and improves the employment system to better integrate individuals with disabilities into the workforce; and
- Encourages a collaborative effort between state agencies and organizations to achieve better employment outcomes for individuals with disabilities.

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<sup>1</sup> Section 413.80(2), F.S.

<sup>2</sup> Section 413.80(3), F.S.

The Employment First Act requires certain state agencies and organizations, and others, as appropriate, to develop an interagency cooperative agreement. The agencies that must participate in developing the agreement include:<sup>3</sup>

- The Division of Vocational Rehabilitation of the Department of Education.
- The Division of Blind Services of the Department of Education.
- The Bureau of Exceptional Education and Student Services of the Department of Education.
- The Agency for Persons with Disabilities.
- The Substance Abuse and Mental Health Program Office of the Department of Children and Families.
- The Department of Commerce.
- CareerSource Florida, Inc.
- The Florida Developmental Disabilities Council.
- The Florida Association of Rehabilitation Facilities.

The interagency cooperative agreement must identify its objectives and the roles and responsibilities of the state agencies and organizations. The objectives of the agreement must include:<sup>4</sup>

- Establishing a commitment by leadership of the state agencies and organizations to maximize resources and coordination to improve employment outcomes for individuals with disabilities who seek publicly funded services.
- Developing strategic goals and benchmarks to assist the state agencies and organizations in the implementation of the agreement.
- Identifying financing and contracting methods that will help to prioritize employment for individuals with disabilities by state agencies and organizations.
- Establishing training methods to better integrate individuals with disabilities into the workforce.
- Ensuring collaborative efforts between multiple agencies to achieve the purposes of the Employment First Act.
- Promoting service innovations to better assist individuals with disabilities in the workplace.
- Identifying accountability measures to ensure the sustainability of the agreement.

Florida's current interagency cooperative agreement remains in effect until June 30, 2024.<sup>5</sup>

### **Office of Reimagining Education and Career Help**

In 2021, the Legislature passed the Reimagining Education and Career Help Act (REACH Act). The REACH Act serves to address the evolving needs of Florida's economy by increasing the level of collaboration and cooperation among state businesses and education communities while improving training and equity and access to a more integrated workforce and education system.<sup>6</sup>

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<sup>3</sup> Section 413.80(4), F.S.

<sup>4</sup> Section 413.80(5), F.S.

<sup>5</sup> The Able Trust, *Maximizing Employment for Persons with Disabilities in Florida* (Nov. 28, 2023), available at <https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf> at 30 (last visited Jan. 29, 2024).

<sup>6</sup> Chapter 2021-164, s. 1, Laws of Fla., codified at s. 14.36, F.S.

To facilitate alignment and coordination of entities responsible for Florida's workforce development system, the Office of Reimagining Education and Career Help (REACH Office) was created in the Executive Office of the Governor. The Director of the REACH Office is appointed by, and serves at the pleasure of, the Governor.<sup>7</sup>

The duties of the REACH Office are to:<sup>8</sup>

- Serve as an advisor to the Governor on matters related to the state's workforce development system.
- Establish criteria and goals for workforce development and diversification in Florida's workforce development system.
- Provide strategies to align and improve efficiency in Florida's workforce development system and the delivery of workforce related programs.
- Coordinate state and federal workforce related programs, plans, resources, and activities provided by CareerSource, the Department of Commerce, and the Department of Education (DOE).
- Oversee the workforce development information system designed by the DOE to verify the validity of data collected and monitor compliance of workforce related programs and education and training programs with applicable federal and state requirements as authorized by federal and state law.
- Serve on the Credentials Review Committee to identify non-degree and degree credentials of value and facilitate the collection of data necessary to conduct committee work.
- Coordinate and facilitate a memorandum of understanding for data sharing agreements of the state's workforce performance data among state agencies and align, to the greatest extent possible, adopted performance measures.
- Develop the criteria for assigning a letter grade for each local workforce development board.
- Streamline the clinical placement process and increase clinical placement opportunities for students, hospitals, and other clinical sites by administering, directly or through a contract, a web-based centralized clinical placement system for use by all nursing education programs subject to the requirements of nursing education program approval.
- Direct the objectives of the Talent Development Council.

The office is required to provide the public with access to available federal, state, and local services and provide stakeholders with a systemwide, global view of workforce related program data across various programs through actionable qualitative and quantitative information.<sup>9</sup>

### **The Florida Endowment Foundation for Vocational Rehabilitation**

The Florida Endowment Foundation for Vocational Rehabilitation (Able Trust), is a direct support organization for the Division of Vocational Rehabilitation, within the DOE, that is intended to encourage public and private support to enhance vocational rehabilitation and employment of citizens who are disabled.<sup>10</sup> A board of directors, appointed by the Governor, oversees the operations of the Able Trust and ensures that funds are provided for programs or

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<sup>7</sup> Section 14.36(1), F.S.

<sup>8</sup> Section 14.36(3)(a)-(j), F.S.

<sup>9</sup> Section 14.36(5), F.S.

<sup>10</sup> Section 413.615(5), F.S.

initiatives which engage in the research, promotion, or aid of job training and counseling for Florida's disabled citizens, and to support the work of the Division of Vocational Rehabilitation.<sup>11</sup>

The Able Trust is required to conduct research and issue reports on the systems in Florida that provide services to individuals with disabilities, including autism and intellectual and developmental disabilities.<sup>12</sup> The board of the Able Trust was required to submit a report to the Legislature, and duly did so on November 28, 2023. The board was required to:<sup>13</sup>

- Identify the current systems for service delivery to persons with disabilities, including operations, services, coordination activities, and structures.
- Identify barriers and obstacles in transportation for persons with disabilities living in the home or receiving community-based services for jobs, medical appointments, and peer-to-peer groups.
- Identify workforce issues related to direct support professionals, behavioral or mental health specialists, health care practitioners, and other individuals who assist with the provision of services to persons with disabilities.
- Examine the best practices for uniform and efficient service delivery and the coordination of and transition among systems, including transitioning out of high school.
- Examine federal and state law and rules that impact or limit supports or services for persons with disabilities.
- Identify systemwide incongruency and inefficiencies in service delivery.
- Identify opportunities for job coaching and community participation supports, including those opportunities for individuals who cannot or choose not to go into the community because of underlying issues.

In the report, the board recommended that the partners to the interagency cooperative agreement should establish uniform employment outcome data and set targets for improvement that encompass various employment outcomes, including competitive or gainful employment.<sup>14</sup> The board noted it would be particularly valuable for agencies if the employment outcome data and targets for improvement included the categories of:<sup>15</sup>

- Competitive integrated employment;<sup>16</sup>
- Non-integrated employment; and
- Sub-minimum wage employment.

The Able Trust noted that the centralization of data, reporting, and information on an interagency portal for streamlined service access, reporting, and follow-up may serve to enhance awareness

<sup>11</sup> Sections 413.615(4)(c), and (8)-(10), F.S.

<sup>12</sup> Section 413.615(10)(a)2., F.S.

<sup>13</sup> Section 413.615(10)(a)2., F.S.

<sup>14</sup> The Able Trust, *Maximizing Employment for Persons with Disabilities in Florida* (Nov. 28, 2023), available at <https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf> at 30 (last visited Jan. 29, 2024).

<sup>15</sup> The Able Trust, *Maximizing Employment for Persons with Disabilities in Florida* (Nov. 28, 2023), available at <https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf> at 30 (last visited Jan. 29, 2024).

<sup>16</sup> The term "competitive integrated employment" refers to full-time or part-time work (including self-employment) where an individual is paid at least minimum wage or the standard rate for similar work, is eligible for the same benefits as other employees, works in a setting where they interact with non-disabled individuals to a similar extent as their non-disabled counterparts, and has comparable opportunities for advancement. 29 U.S.C. s. 705(5).

and communication regarding post-secondary education and employment resources, employer-centric support and resources for individuals with disabilities, and awareness of resources related to transportation, housing, and benefits or medical assistance planning services.<sup>17</sup>

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

SB 832 modifies s. 413.80, F.S., to add to the roles, responsibilities, and objectives of the interagency cooperative agreement that implements the Employment First Act to achieve better employment outcomes for individuals with disabilities.

The bill requires that the interagency cooperative agreement ensure that collaborative efforts between the agencies include the collection and sharing of data. The bill also requires that the accountability measures in the interagency cooperative agreement include, minimally, systemwide measures to:

- Increase the number of individuals working in competitive integrated employment;
- Decrease the number of individuals working in subminimum wage employment; and
- Decrease the number of individuals working in nonintegrated employment settings.

The bill also requires the Office of Reimagining Education and Career Help to issue an annual statewide report by December 1 each year on the implementation of the Employment First Act and progress made on the accountability measures.

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.

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<sup>17</sup> The Able Trust, *Maximizing Employment for Persons with Disabilities in Florida* (Nov. 28, 2023), available at <https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf> at 31 (last visited Jan. 29, 2024).

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 413.80 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 Calatayud

38-01067-24

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A bill to be entitled

An act relating to employment of individuals with disabilities; amending s. 413.80, F.S.; requiring the collection and sharing of data between multiple agencies for the interagency cooperative agreement under the Employment First Act; providing requirements for accountability measures; requiring the Office of Reimagining Education and Career Help to issue an annual statewide report by a specified date each year; providing an effective date.

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

Section 1. Paragraphs (e) and (g) of subsection (5) of section 413.80, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

413.80 Employment First Act.—

(5) ROLES, RESPONSIBILITIES, AND OBJECTIVES.—The interagency cooperative agreement must identify the roles and responsibilities of the state agencies and organizations identified in subsection (4) and the objectives of the interagency cooperative agreement, which must include all of the following:

(e) Ensuring collaborative efforts between multiple agencies to achieve the purposes of this act, including the collection and sharing of data.

(g) Identifying accountability measures to ensure the sustainability of this agreement. At a minimum, the accountability measures shall include systemwide measures to

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

38-01067-24

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increase the number of individuals working in competitive integrated employment, decrease the number of individuals working in subminimum wage employment, and decrease the number of individuals working in nonintegrated employment settings.

(6) ANNUAL REPORT.—The Office of Reimagining Education and Career Help shall issue an annual statewide report by December 1 each year on the implementation of this act and progress made on the accountability measures.

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

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

## The Florida Senate

**APPEARANCE RECORD**

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

1-30-24  
Meeting Date  
Commerce & Tourism  
Committee

932  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Lara - Lee Minutello Phone 321-946-6129

Address 24th Core Drive Email laxam@d.disabilityrightsfl.org  
Street  
Tallahassee FL 32308  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

Disability Rights FL

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

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

S-001 (08/10/2021)

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

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

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

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BILL: CS/CS/SB 902

INTRODUCER: Commerce and Tourism Committee; Banking and Insurance Committee; and Senator Boyd

SUBJECT: Motor Vehicle Retail Financial Agreements

DATE: January 30, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>McKay</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 902 substantially adopts portions of the Products Model Act by the Guarantee Asset Protection Alliance relating to vehicle value protection agreements, excess wear and use waivers, and guaranteed asset protection products.

**Vehicle Value Protection Agreements**

The bill creates the “Florida Vehicle Value Protection Agreements Act” (the “Florida Act”), which includes:

- Definitions of the terms: administrator, commercial transaction, consumer, contract holder, finance agreement, free look period, motor vehicle, provider, and vehicle value protection agreement.
  - A “vehicle value protection agreement” is a contractual agreement that provides a benefit toward either the reduction of some or all of the contract holder’s current finance agreement deficiency balance, or the purchase or lease of a replacement motor vehicle upon the occurrence of an adverse event to the vehicle. The term does not include guaranteed asset protection products, and the product is not insurance.
- Requirements for offering vehicle value protection agreements (“VVPAs”), including provisions regarding restricting the type of charges, prohibiting certain conditional sales, utilizing an administrator, providing a copy of the agreement, prohibiting sales with duplicative coverage, and providing for financial security requirements;

- The nature, extent and type of disclosures required in VVPAs;
- Penalties for violating the Florida Act, which include noncriminal violations punishable by a fine per violation or in the aggregate for all “violations of a similar nature,” which is defined in the bill; and
- Exemption of VVPAs offered in connection with a commercial transaction from the disclosure and penalty provisions of the Florida Act.

### **Excess Wear and Use Waivers**

The bill authorizes a retail lessee to contract with a retail lessor for an “excess wear and use waiver,” which is an agreement wherein the lessor agrees to cancel all or part of amounts that may become due under the lease because of excessive wear and use of a motor vehicle. The bill also prohibits the terms of the related motor vehicle lease from being conditioned upon the consumer’s payment for any excess wear and use waiver, except such waiver may be discounted or given at no charge for the purchase of other noncredit-related goods. A lease agreement that includes an excess wear and use waiver must contain certain disclosures. An excess wear and use waiver is not insurance for purposes of the Florida Insurance Code.

### **Guaranteed Asset Protection Products**

The bill amends the definition of “guaranteed asset protection product” (“GAP product”), which is an agreement by which a creditor agrees to waive a customer’s liability for any debt that exceed the value of the collateral, to specify that a GAP product:

- May be with or without a separate charge;
- May cancel, rather than just waive, the customer’s liability;
- Applies when a motor vehicle incurs total physical damage or is subject to an unrecovered theft; and
- May provide for a benefit that waives a portion of, or provides a customer with a credit toward, the purchase of a replacement vehicle.

The bill also amends the provisions regarding GAP products to:

- Provide for the refund of all unearned portions of the purchase price of a contract for a GAP product if the contract is terminated, unless the contract provides otherwise;
- Prohibit an entity from deducting more than \$75 in administrative fees from a refund;
- Provide that a GAP product may be cancelable or noncancelable after a “free-look period” defined in the bill; and
- Provide that if a termination of a GAP product occurs for a specified reason, the entity may pay any refund directly to the holder or administrator, and deduct the refund amount from the amount owed under the retail installment contract except if such contract has been paid in full.

The bill has an effective date of October 1, 2024.

## II. Present Situation:

### Florida Motor Vehicle Sales Finance Laws

The Florida Motor Vehicle Retail Sales Finance Act<sup>1</sup> regulates sellers,<sup>2</sup> commonly referred to as auto dealers, who enter into retail installment contracts<sup>3</sup> with buyers<sup>4</sup> for the purchase or lease of a motor vehicle.<sup>5</sup> Except for certain businesses, such as banks or trust companies, sellers are required to obtain a license to operate in Florida.<sup>6</sup> A seller must submit an application, specified information, and a nonrefundable fee to the Office of Financial Regulation (OFR) to obtain the required license.<sup>7</sup>

Any person who willfully and intentionally violates any provision of s. 520.995, F.S., or engages in the business of a retail installment seller without a license is guilty of a misdemeanor of the first degree. Section 520.995, F.S., provides grounds for disciplinary action by the OFR when, for instance, there is failure to comply with any provision of ch. 520, F.S. Further, the OFR has authority to issue and serve upon any person a cease and desist order whenever such person is violating, has violated, or is about to violate any provision of ch. 520, F.S.,<sup>8</sup> or may impose an administrative fine not to exceed \$1,000 for each violation that has occurred.<sup>9</sup>

Retail installment contracts must comply with several requirements and prohibitions, including, but not limited to, that the agreement must:

- Be in writing;<sup>10</sup>
- Contain a “Notice to the Buyer” which includes specified information;<sup>11</sup> and
- Contain other specified information, including the amount financed, finance charges, total amount of payments, total sale price, and payment details.<sup>12</sup>

Sellers must provide buyers with a separate written itemization of the amount financed.<sup>13</sup> Florida law contains several other provisions to protect the buyer, such as regulation on insurance rates,

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<sup>1</sup> Sections 520.01-520.10, 520.12, 520.125, and 520.13, F.S.

<sup>2</sup> Section 520.02(11), F.S., defines “motor vehicle retail installment seller” or “seller” as a person engaged in the business of selling motor vehicles to retail buyers in retail installment transactions.

<sup>3</sup> “Retail installment contract” or “contract” is defined as an agreement, entered into in this state, pursuant to which the title to, or a lien upon the motor vehicle, which is the subject matter of a retail installment transaction, is retained or taken by a seller from a retail buyer as security, in whole or in part, for the buyer’s obligation. The term includes a conditional sales contract and a contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or for no further or a merely nominal consideration, has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract. Section 520.02(17), F.S.

<sup>4</sup> “Retail buyer” or “buyer” is defined as a person who buys a motor vehicle from a seller not principally for the purpose of resale, and who executes a retail installment contract in connection therewith or a person who succeeds to the rights and obligations of such person.

<sup>5</sup> See Ch. 520, F.S.

<sup>6</sup> Section 520.03(1), F.S.

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

<sup>8</sup> Section 520.994(3), F.S.

<sup>9</sup> Section 520.994(4), F.S.

<sup>10</sup> Section 520.07(1)(a), F.S.

<sup>11</sup> Section 520.07(1)(b), F.S.

<sup>12</sup> Section 520.07(2), F.S.

<sup>13</sup> Section 520.07(3), F.S.

refunds for unearned insurance premiums, limits on the amount of delinquency charges a holder<sup>14</sup> may charge, and restrictions on when a contract may be signed with blank spaces.<sup>15</sup>

In conjunction with entering into any new retail installment contract or contract for a loan, a seller, a sales finance company,<sup>16</sup> or a retail lessor,<sup>17</sup> and any assignee of such an entity, may offer an optional guaranteed asset protection product (“GAP product”) for a fee or otherwise.<sup>18</sup>

Florida law defines a “guaranteed asset protection product” as:

a loan, lease, or retail installment contract term, or modification or addendum to a loan, lease, or retail installment contract, under which a creditor agrees to waive a customer’s liability for payment of some or all of the amount by which the debt exceeds the value of the collateral. Such a product is not insurance for purposes of the Florida Insurance Code. This subsection also applies to all guaranteed asset protection products issued before October 1, 2008.

A seller or any other authorized entity may not require the buyer to purchase a GAP product as a condition for making the loan. In order to offer a GAP product, a seller or any other authorized entity must comply with the following:<sup>19</sup>

- The cost of any GAP product must not exceed the amount of the loan indebtedness.
- Any contract or agreement pertaining to a GAP product must be governed by s. 520.07, F.S., relating to requirements and prohibitions as to retail installment contracts.
- A GAP product must remain the obligation of any person that purchases or otherwise acquires the loan contract covering such product.
- An entity providing GAP products must provide readily understandable disclosures that explain in detail eligibility requirements, conditions, refunds, and exclusions. The disclosures must explain that the purchase of the GAP product is optional, and must meet certain criteria regarding the language contained in it.
- An entity must provide a copy of the executed contract for the GAP product to the buyer.
- An entity may not offer a contract for a GAP product that contains terms giving the entity the right to unilaterally modify the contract unless:
  - The modification is favorable to the buyer and is made without any additional charge; or
  - The buyer is notified of any proposed change and is provided a reasonable opportunity to cancel the contract without penalty before the change goes in effect.
- If a contract for a GAP product is terminated, the entity must refund to the buyer any unearned fees paid for the contract unless the contract provides otherwise. A customer who receives the benefit of the GAP product is not entitled to a refund. The buyer must notify the entity of the event terminating the contract and request a refund within 90 days after the

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<sup>14</sup> Section 520.02(8), F.S., provides that a “holder” of a retail installment contract means the retail seller of a motor vehicle retail installment contract or an assignee of such contract.

<sup>15</sup> Section 520.07, F.S.

<sup>16</sup> Section 520.02(19), F.S., defines “sales finance company” as a person engaged in the business of purchasing retail installment contracts from one or more sellers. The term includes, but is not limited to, a bank or trust company, if so engaged. The term does not include the pledge of an aggregate number of such contracts to secure a bona fide loan thereon.

<sup>17</sup> Section 521.003(8), F.S., defines “retail lessor” as a person who regularly engages in the business of selling or leasing motor vehicles and who offers or arranges a lease agreement for a motor vehicle. The term includes an agent or affiliate who acts on behalf of the retail lessor and excludes any assignee of the lease agreement.

<sup>18</sup> Section 520.07(11), F.S.

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

terminating event. An entity may offer a buyer a nonrefundable contract for a GAP product only if the entity also offers the buyer a bona fide option to purchase a comparable contract that provides for a refund.

Ch. 520, F.S., does not contain any provisions on vehicle value protection agreements (“VVPAs”) or excess wear and use waivers.

### **GAPA Products Model Act**

The Guarantee Asset Protection Alliance (“GAPA”) is an organization composed of insurance companies, lenders, and administrative services companies, and offers member benefits relating to, amongst other things, legislative efforts regarding GAP waivers.<sup>20</sup> On November 30, 2023, GAPA approved the latest Products Model Act (the “Revised Model Act”) relating to motor vehicle financial protection,<sup>21</sup> such as VVPA and debt waivers.<sup>22</sup> Debt waivers include GAP products and excess wear and use waivers.<sup>23</sup> The Model Act relates to the GAP waiver only. The Revised Model Act, of which the bill adopts many portions, incorporates updated provisions on GAP waivers, provisions covering excess wear and use waivers, and provisions on VVPAs. According to GAPA, 15 states have enacted GAP waivers, 22 states have adopted the Model Act (including Florida), and 4 states have adopted the Revised Model Act.<sup>24</sup>

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

### **Florida Vehicle Value Protection Agreements Act**

**Section 3** of the bill provides that ss. 520.151, F.S., to 520.156, F.S., may be cited as the “Florida Act.”

**Section 4** of the bill defines, for purposes of the Florida Vehicle Value Protection Agreements Act, the following terms:

- “Administrator” means the person who is responsible for the administrative or operational function of managing vehicle value protection agreements, including, but not limited to, the adjudication of claims or benefit requests by contract holders.
- “Commercial transaction” means a transaction in which the motor vehicle subject to the transaction is used primarily for business or commercial purposes.
- “Contract holder” means a person who is the purchaser or holder of a vehicle value protection agreement.
- “Finance agreement” means a loan, retail installment sales contract, or lease for the purchase, refinancing, or lease of a motor vehicle.

<sup>20</sup> The GAPA, *Membership*, available at: [GAPA Membership Information \(gapalliance.org\)](https://gapalliance.org) (last visited Jan. 29, 2024).

<sup>21</sup> The GAPA, *Motor Vehicle Financial Protection Products Model Act*, Nov. 30, 2023, p. 2, available at: [GAPA-Model-Act-APPROVED-2023\\_11\\_30.pdf \(gapalliance.org\)](https://gapalliance.org) (last visited Jan. 29, 2024) (hereinafter cited as the “Revised Model Act”). The Revised Model Act defines “Motor Vehicle Financial Protection Products” as agreements defined herein that protect a Consumer’s financial interest in their current or future motor vehicle and include but are not limited to debt waivers and vehicle value protection agreements.

<sup>22</sup> The Revised Model Act.

<sup>23</sup> The Revised Model Act at p. 2-3.

<sup>24</sup> The GAPA, *Legislative Status of GAP Waiver*, May 2023, available at: [PowerPoint Presentation \(gapalliance.org\)](https://gapalliance.org) (last visited Jan. 29, 2024).

- “Free-look period” means the period of time, commencing on the effective date of the contract, during which the buyer may cancel the contract for a full refund of the purchase price. This period may not be shorter than 30 days.
- “Motor vehicle” has the same meaning as provided in s. 520.02, F.S., which defines the term as any device or vehicle, including automobiles, motorcycles, motor trucks, trailers, mobile homes, and all other vehicles operated over the public highways and streets of this state and propelled by power other than muscular power, but excluding traction engines, road rollers, implements of husbandry and other agricultural equipment, and vehicles which run only upon a track.
- “Provider” means a person that is obligated to provide a benefit under a VVPA. A provider may function as an administrator or retain the services of a third-party administrator.
- “Vehicle value protection agreement” includes a contractual agreement that provides a benefit towards either the reduction of some or all of the contract holder’s current finance agreement deficiency balance or the purchase or lease of a replacement motor vehicle or motor vehicle services upon the occurrence of an adverse event to the motor vehicle, including, but not limited to, loss, theft, damage, obsolescence, diminished value, or depreciation. The term does not include GAP products defined in s. 520.02, F.S. Such a product is not insurance for purposes of the Florida Insurance Code.

All of the defined terms are substantially the same as the definitions contained in the Revised Model Act.<sup>25</sup>

**Section 5** of the bill provides that a VVPA may be offered, sold, or given to consumers in compliance with the Florida Act. Notwithstanding any other law, any amount charged or financed for a VVPA must not be a finance charge or interest and must be separately stated in the finance agreement and in the VVPA. The extension or terms of credit, or the terms of the motor vehicle sale or lease may not be conditioned upon the consumer’s payment for or financing of any charge for a VVPA, except a VVPA may be discounted or given at no charge in connection with the purchase of other noncredit-related goods or services. These provisions are substantially the same as the provisions in the Revised Model Act that apply to the requirements for offering motor vehicle financial protection products.<sup>26</sup>

The bill authorizes a provider to use an administrator or other designee to administer a VVPA. A consumer may not be sold a VVPA unless a copy of the agreement has been or will be provided to him or her at a reasonable time after such agreement is sold, or if coverage is duplicative of another VVPA sold to a person or duplicative of a GAP product. The Revised Model Act does not contain a provision that prohibits duplicative coverage. This provision was added to ensure consumers were not purchasing products that provide the same coverage.

Each provider must do one of the following:

- Insure<sup>27</sup> all of its VVPAs under a policy that pays or reimburses the contract holder in the event the provider fails to perform its obligations under the agreement. The Revised Model Act provides more details on the amount of minimum coverage that would be required. This

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<sup>25</sup> The Revised Model Act at pp. 1-2, and 6

<sup>26</sup> The Revised Model Act at p. 2.

<sup>27</sup> The insurer must be licensed or otherwise authorized or eligible to do business in this state.



language was omitted to avoid inconsistencies with the Florida Insurance Code, but the overall intent and protection afforded under the Revised Model Act is maintained under this provision in the bill.

- Maintain a funded reserve account for its obligations under its contracts issued and outstanding in this state. The reserves may not be less than 40 percent of gross consideration received, less claims paid, on the sale of the VVPA for all in-force contracts in this state. The reserve must be placed in trust with the OFR and have a financial security deposit valued at not less than 5 percent of the gross consideration received, less claims paid, on the sale of the VVPAs for all VVPAs issued and in force in this state, but at least \$25,000. The reserve account must consist of one of the following:
  - A surety bond issued by an authorized surety;
  - Securities of the type eligible for deposit by insurers as provided in s. 625.52, F.S.;
  - Cash; or
  - A letter of credit issued by a qualified financial institution.
- Maintain, or together with its parent corporation maintain, a net worth or stockholders' equity of \$100 million and, upon request, provide the OFR with a copy of the provider's or the provider's parent company's Form 10-K or Form 20-F filed with the Securities and Exchange Commission ("SEC") within the last calendar year, or if the company does not file with the SEC, a copy of the company's audited financial statements, which must show a net worth of the provider or its parent company of at least \$100 million. If the provider's parent company's Form 10-K, Form 20-F, or financial statements are filed to meet the provider's financial security requirement, the parent company must agree to guarantee the obligations of the provider relating to vehicle value protection agreements sold by the provider in this state.

A financial security requirement other than those described in this paragraph may not be imposed on VVPA providers.

**Section 6** of the bill requires VVPAs to disclose in writing, in clear, understandable language, all of the following:

- The name and address of the provider, contract holder, and administrator.
- The terms of the VVPA, including any purchase price to be paid by the contract holder, the requirements for eligibility and conditions of coverage, and any exclusions.
- Whether the VVPA may be canceled by the contract holder during a free-look period, and that the contract holder is entitled to a full refund if the contract is cancelled of any purchase price if no benefits have been provided.
- Any procedure the contract holder must follow to obtain a benefit under the terms and conditions of the VVPA, including a telephone number, website, or mailing address where the contract holder may apply for a benefit.
- Whether the VVPA is cancelable after the free-look period and the conditions under which it may be canceled, including the procedures for requesting any refund of the unearned purchase price paid by the contract holder. In the event that the agreement is cancelable, it must include the methodology for calculating any refund due of the unearned purchase price of the vehicle value protection agreement.
- The extension or terms of credit, or the terms of the related motor vehicle sale or lease may not be conditioned upon the purchase of the vehicle value protection agreement.

- A VVPA must state the terms, restrictions, or conditions governing cancellation of the VVPA before the termination or expiration date of the VVPA by either the provider or the contract holder. The provider of the VVPA shall mail a written notice to the contract holder at the last known address of the contract holder contained in the records of the provider at least 5 days before cancellation by the provider, which notice must state the effective date of the cancellation and the reason for the cancellation. However, such prior notice is not required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation by the contract holder to the provider or administrator, or a substantial breach of duties by the contract holder relating to the covered motor vehicle or its use. If a vehicle value protection agreement is canceled by the provider for a reason other than nonpayment of the provider fee, the provider must refund to the contract holder 100 percent of the unearned pro rata provider fee paid by the contract holder, if any. If coverage under the vehicle value protection agreement continues after a claim, any refund may reflect a deduction for claims paid and, at the discretion of the provider, an administrative fee of not more than \$75.

**Section 7** of the bill provides that the provisions on disclosures (section 6) and the provisions on penalties (section 8) do not apply to VVPAs offered in connection with a commercial transaction, which is defined in section 4 of the bill as a transaction in which the motor vehicle subject to the transaction is used primarily for business or commercial purposes. This section of the bill adopts the Revised Model Act.

**Section 8** of the bill provides that a provider, an administrator, or any other person who willfully and intentionally violates the Florida Vehicle Value Protection Agreements Act commits a noncriminal violation.<sup>28</sup> Such violation is punishable by a civil fine not to exceed \$500 per violation and not more than \$10,000 in the aggregate for all violations of a similar nature. For purposes of this section, the term “violations of a similar nature” means violations that consist of the same or similar course of conduct, action, or practice, irrespective of the number of times the action, conduct, or practice determined to be a violation of the Florida Act occurred. The bill adopts part of the Revised Model Act that provides for penalties, including the issuance of cease and desist orders and the imposition of penalties. The OFR has administrative authority to issue cease and desist orders pursuant to s. 520.994, F.S.

### **Excess Wear and Use Waiver Agreements**

**Section 9** of the bill substantially adopts the definition of “excess wear and use waiver” in the Revised Model Act to mean a contractual agreement wherein a lessor agrees, with or without a separate charge, to cancel or waive all or part of amounts that may become due under a lease agreement as a result of excessive wear and use of a motor vehicle, which agreement must be part of, or a separate addendum to, the lease agreement. Such waivers may also cancel or waive amounts due for excess mileage.

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<sup>28</sup> Section 775.08(3), F.S., defines “noncriminal violation” as any offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by no other penalty than a fine, forfeiture, or other civil penalty. A noncriminal violation does not constitute a crime, and conviction for a noncriminal violation shall not give rise to any legal disability based on a criminal offense.

The bill establishes legal authority and requirements for retail lessees to contract with retail lessors for an excess wear and use waiver in connection with lease agreements. The terms of the related motor vehicle lease may not be conditioned upon the consumer's payment for any excess wear and use waiver. However, excess wear and use waivers may be discounted or given at no charge in connection with the purchase of other noncredit-related goods. A lease agreement that includes an excess wear and use waiver must disclose all of the following:

- The total charge for the excess wear and use waiver.
- Any exclusions or limitations on the amount of excess wear and use which may be waived under the excess wear and use waiver.
- The terms, restrictions, or conditions governing cancellation of the excess wear and use waiver before the termination or expiration of the excess wear and use waiver, which may include an administrative fee of not more than \$75.

The bill provides that an excess wear and use waiver is not insurance for purposes of the Florida Insurance Code.

### **Guaranteed Asset Protection Products**

**Section 1** of the bill amends the definition of “guaranteed asset protection product” to mean: a loan, lease, or retail installment contract term, or modification or addendum to a loan, lease, or retail installment contract, under which a creditor agrees, with or without a separate charge, to cancel or waive a customer's liability for payment of some or all of the amount by which the debt exceeds the value of the collateral that has incurred total physical damage or is the subject of an unrecovered theft. A guaranteed asset protection product may also provide, with or without a separate charge, a benefit that waives a portion of, or provides a customer with a credit toward, the purchase of a replacement motor vehicle... This subsection also applies to all guaranteed asset protection products issued before October 1, 2008.

The current definition of GAP products under Florida law is being amended to substantially conform to the Revised Model Act, and clarify that a GAP product can:

- Be included in a loan contract with or without a separate fee;
- Cover a loan balance when a consumer has a total loss of their car or an unrecovered theft; and
- Provide a credit towards the purchase of a replacement motor vehicle.

**Section 2** of the bill provides that if a contract for a GAP product is terminated, the entity that sold the product must refund to the buyer all unearned portions of the purchase price of the contract, unless the contract provides otherwise.

The bill also prohibits an entity that gives a refund pursuant to s. 520.07(11)(g), F.S., from deducting more than \$75 in administrative fees from the refund.

The bill allows GAP products to be cancelable or noncancelable after a free-look period, which is defined in **section 4** of the bill to mean the period of time, commencing on the effective date of the contract, during which the buyer may cancel the contract for a full refund of the purchase price. The period may not be shorter than 30 days.

If a GAP product is terminated because of:

- A default under the retail installment contract or contract for a loan,
- The repossession of the motor vehicle associated with such contract or loan, or
- Any other termination of such contract or loan, a refund of the GAP product amount maybe used to satisfy any balance owed on the retail installment contract or contract for a loan unless the buyer can show that the retail installment contract has been paid in full.

#### **Effective Date**

**Section 10** of the bill provides an effective date of October 1, 2024.

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

A. Municipality/County Mandates Restrictions:

None identified.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

OFR reports that any insignificant fiscal impact that may result from this bill could be absorbed within its current resources.<sup>29</sup>

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 520.02 and 520.07 of the Florida Statutes.

This bill creates sections 520.151, 520.152, 520.153, 520.154, 520.155, 520.156, and 520.157 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Commerce and Tourism on January 30, 2024:**

The CS provides that if a contract for a guaranteed asset protection product is terminated, the entity that sold the product must refund to the buyer all unearned portions of the purchase price of the contract, unless the contract provides otherwise.

**CS by Banking and Insurance on January 16, 2024:**

- Removes the modification to the definition of “guaranteed asset protection product” that would apply the definition to “related” products issued before October 1, 2008;
- With respect to financial security requirements for VVPAs, requires a provider to place the reserve in trust with the office (rather than the commission), and to provide the OFR (rather than the commission) with a copy of the company’s audited financial statements;
- Removes the option for another form of security held in reserve to be prescribed by commission regulation;
- Removes the definitions of the terms “person” and “commission;”
- Clarifies that the exemption for commercial transactions applies to the disclosure and penalties provisions by amending the cross-reference from s. 520.155, F.S., to s. 520.156, F.S.; and
- Relocates provisions on “excess wear and use waiver” from ch. 521, F.S., (motor vehicle lease disclosure) to ch. 520, F.S. (retail installment sales).

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<sup>29</sup> Email from Gregory C Oats, Director of the Division of Consumer Finance, OFR, to Jacqueline Moody, Florida Senate Committee on Banking and Insurance Senior Attorney, SB 902, (Jan. 12, 2024) (on file with Senate Committee on Banking and Insurance).

B. Amendments:

None.

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

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945370

LEGISLATIVE ACTION

	Senate	House
Comm: RCS	.	.
01/30/2024	.	.
	.	.
	.	.

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

**Senate Amendment (with title amendment)**

Delete lines 100 - 101

and insert:

is terminated, the entity shall refund to the buyer all any  
unearned portions of the purchase price of fees paid for the  
contract unless the contract provides

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

And the title is amended as follows:



945370

11 Delete line 5  
12 and insert:  
13 product"; amending s. 520.07, F.S.; requiring entities  
14 to refund the portions of the purchase price of the  
15 contract for a guaranteed asset protection product  
16 under certain circumstances; prohibiting

By the Committee on Banking and Insurance; and Senator Boyd

597-02163-24

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1 A bill to be entitled  
 2 An act relating to motor vehicle retail financial  
 3 agreements; amending s. 520.02, F.S.; revising the  
 4 definition of the term "guaranteed asset protection  
 5 product"; amending s. 520.07, F.S.; prohibiting  
 6 certain entities from deducting more than a specified  
 7 amount in administrative fees when providing a refund  
 8 of a guaranteed asset protection product; authorizing  
 9 guaranteed asset protection products to be cancelable  
 10 or noncancelable under certain circumstances;  
 11 authorizing certain entities to pay refunds directly  
 12 to the holder or administrator of a loan under certain  
 13 circumstances; creating s. 520.151, F.S.; providing a  
 14 short title; creating s. 520.152, F.S.; defining  
 15 terms; creating s. 520.153, F.S.; authorizing the  
 16 offer, sale, or gift of vehicle value protection  
 17 agreements in compliance with a certain act;  
 18 specifying a requirement regarding the amount charged  
 19 or financed for a vehicle value protection agreement;  
 20 prohibiting the conditioning of credit offers or terms  
 21 for the sale or lease of a motor vehicle upon a  
 22 consumer's payment for or financing of any charge for  
 23 a vehicle value protection agreement; authorizing  
 24 discounting or giving the vehicle value protection  
 25 agreement at no charge under certain circumstances;  
 26 authorizing providers to use an administrator or other  
 27 designee for administration of vehicle value  
 28 protection agreements; prohibiting vehicle value  
 29 protection agreements from being sold under certain

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

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30 circumstances; specifying financial security  
 31 requirements for providers; prohibiting additional  
 32 financial security requirements from being imposed on  
 33 providers; creating s. 520.154, F.S.; requiring  
 34 vehicle value protection agreements to include certain  
 35 disclosures in writing, in clear and understandable  
 36 language; requiring vehicle value protection  
 37 agreements to state the terms, restrictions, or  
 38 conditions governing cancellation by the provider or  
 39 the contract holder; specifying requirements for  
 40 notice by the provider, refund of fees, and deduction  
 41 of fees in the event the vehicle value protection  
 42 agreement is canceled; creating s. 520.155, F.S.;  
 43 providing an exemption for vehicle value protection  
 44 agreements in connection with a commercial  
 45 transaction; creating s. 520.156, F.S.; providing  
 46 noncriminal penalties; defining the term "violations  
 47 of a similar nature"; creating s. 520.157, F.S.;  
 48 defining the term "excess wear and use waiver";  
 49 authorizing a retail lessee to contract with a retail  
 50 lessor for an excess wear and use waiver; prohibiting  
 51 conditioning the terms of the consumer's motor vehicle  
 52 lease on his or her payment for any excess wear and  
 53 use waiver; authorizing discounting or giving the  
 54 excess wear and use waiver at no charge under certain  
 55 circumstances; requiring certain disclosures for a  
 56 lease agreement that includes an excess wear and use  
 57 waiver; providing construction; providing an effective  
 58 date.

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



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

Section 1. Subsection (7) of section 520.02, Florida Statutes, is amended to read:

520.02 Definitions.—In this act, unless the context or subject matter otherwise requires:

(7) "Guaranteed asset protection product" means a loan, lease, or retail installment contract term, or modification or addendum to a loan, lease, or retail installment contract, under which a creditor agrees, with or without a separate charge, to cancel or waive a customer's liability for payment of some or all of the amount by which the debt exceeds the value of the collateral that has incurred total physical damage or is the subject of an unrecovered theft. A guaranteed asset protection product may also provide, with or without a separate charge, a benefit that waives a portion of, or provides a customer with a credit toward, the purchase of a replacement motor vehicle. Such a product is not insurance for purposes of the Florida Insurance Code. This subsection also applies to all guaranteed asset protection products issued before October 1, 2008.

Section 2. Paragraph (g) of subsection (11) of section 520.07, Florida Statutes, is amended, and paragraphs (h) and (i) are added to that subsection, to read:

520.07 Requirements and prohibitions as to retail installment contracts.—

(11) In conjunction with entering into any new retail installment contract or contract for a loan, a motor vehicle retail installment seller as defined in s. 520.02, a sales

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finance company as defined in s. 520.02, or a retail lessor as defined in s. 521.003, and any assignee of such an entity, may offer, for a fee or otherwise, optional guaranteed asset protection products in accordance with this chapter. The motor vehicle retail installment seller, sales finance company, retail lessor, or assignee may not require the purchase of a guaranteed asset protection product as a condition for making the loan. In order to offer any guaranteed asset protection product, a motor vehicle retail installment seller, sales finance company, or retail lessor, and any assignee of such an entity, shall comply with the following:

(g) If a contract for a guaranteed asset protection product is terminated, the entity shall refund to the buyer any unearned fees paid for the contract unless the contract provides otherwise. A refund is not due to a consumer who receives a benefit under such product. In order to receive a refund, the buyer must notify the entity of the event terminating the contract and request a refund within 90 days after the occurrence of the event terminating the contract. An entity may offer a buyer a contract that does not provide for a refund only if the entity also offers that buyer a bona fide option to purchase a comparable contract that provides for a refund. An entity may not deduct more than \$75 in administrative fees from a refund made under this subsection.

(h) Guaranteed asset protection products may be cancelable or noncancelable after a free-look period as defined in s. 520.152.

(i) If the termination of the guaranteed asset protection product occurs because of a default under the retail installment

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contract or contract for a loan, the repossession of the motor vehicle associated with the retail installment contract or contract for a loan, or any other termination of the retail installment contract or contract for a loan, the entity may pay any refund due directly to the holder or administrator and apply the refund as a reduction of the amount owed under the retail installment contract or contract for a loan, unless the buyer can show that the retail installment contract has been paid in full.

Section 3. Section 520.151, Florida Statutes, is created to read:

520.151 Florida Vehicle Value Protection Agreements Act.—Sections 520.151-520.156 may be cited as the “Florida Vehicle Value Protection Agreements Act.”

Section 4. Section 520.152, Florida Statutes, is created to read:

520.152 Definitions.—As used in ss. 520.151-520.156, unless the context or subject matter otherwise requires, the term:

(1) “Administrator” means the person who is responsible for the administrative or operational function of managing vehicle value protection agreements, including, but not limited to, the adjudication of claims or benefit requests by contract holders.

(2) “Commercial transaction” means a transaction in which the motor vehicle subject to the transaction is used primarily for business or commercial purposes.

(3) “Contract holder” means a person who is the purchaser or holder of a vehicle value protection agreement.

(4) “Finance agreement” means a loan, retail installment sales contract, or lease for the purchase, refinancing, or lease

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of a motor vehicle.

(5) “Free-look period” means the period of time, commencing on the effective date of the contract, during which the buyer may cancel the contract for a full refund of the purchase price. This period may not be shorter than 30 days.

(6) “Motor vehicle” has the same meaning as provided in s. 520.02.

(7) “Provider” means a person that is obligated to provide a benefit under a vehicle value protection agreement. A provider may function as an administrator or retain the services of a third-party administrator.

(8) “Vehicle value protection agreement” includes a contractual agreement that provides a benefit toward either the reduction of some or all of the contract holder’s current finance agreement deficiency balance or the purchase or lease of a replacement motor vehicle or motor vehicle services upon the occurrence of an adverse event to the motor vehicle, including, but not limited to, loss, theft, damage, obsolescence, diminished value, or depreciation. The term does not include guaranteed asset protection products as defined in s. 520.02. Such a product is not insurance for purposes of the Florida Insurance Code.

Section 5. Section 520.153, Florida Statutes, is created to read:

520.153 Requirements and prohibitions as to vehicle value protection agreements.—

(1) Vehicle value protection agreements may be offered, sold, or given to consumers in this state in compliance with this act.

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- 175 (2) Notwithstanding any other law, any amount charged or  
 176 financed for a vehicle value protection agreement is not  
 177 considered a finance charge or interest and must be separately  
 178 stated in the finance agreement and in the vehicle value  
 179 protection agreement.
- 180 (3) The extension of credit, the terms of credit, or the  
 181 terms of the related motor vehicle sale or lease may not be  
 182 conditioned upon the consumer's payment for or financing of any  
 183 charge for a vehicle value protection agreement. However, a  
 184 vehicle value protection agreement may be discounted or given at  
 185 no charge in connection with the purchase of other noncredit-  
 186 related goods or services.
- 187 (4) A provider may use an administrator or other designee  
 188 to administer a vehicle value protection agreement.
- 189 (5) A vehicle value protection agreement may not be sold to  
 190 any person unless he or she has been or will be provided access  
 191 to a copy of such vehicle value protection agreement at a  
 192 reasonable time after such vehicle value protection agreement is  
 193 sold.
- 194 (6) A vehicle value protection agreement may not be sold if  
 195 coverage is duplicative of another vehicle value protection  
 196 agreement sold to a person or duplicative of a guaranteed asset  
 197 protection product.
- 198 (7) Each provider shall do one of the following:
- 199 (a) Insure all of its vehicle value protection agreements  
 200 under a policy that pays or reimburses the contract holder in  
 201 the event the provider fails to perform its obligations under  
 202 the vehicle value protection agreement. The insurer must be  
 203 licensed or otherwise authorized or eligible to do business in

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- 204 this state.
- 205 (b) Maintain a funded reserve account for its obligations  
 206 under its contracts issued and outstanding in this state. The  
 207 reserves may not be less than 40 percent of gross consideration  
 208 received, less claims paid, on the sale of the vehicle value  
 209 protection agreement for all in-force contracts in this state.  
 210 The reserve must be placed in trust with the office and have a  
 211 financial security deposit valued at not less than 5 percent of  
 212 the gross consideration received, less claims paid, on the sale  
 213 of the vehicle value protection agreements for all vehicle value  
 214 protection agreements issued and in force in this state, but at  
 215 least \$25,000. The reserve account must consist of one of the  
 216 following:
- 217 1. A surety bond issued by an authorized surety.
- 218 2. Securities of the type eligible for deposit by insurers  
 219 as provided in s. 625.52.
- 220 3. Cash.
- 221 4. A letter of credit issued by a qualified financial  
 222 institution.
- 223 (c) Maintain, or together with its parent corporation  
 224 maintain, a net worth or stockholders' equity of \$100 million  
 225 and, upon request, provide the office with a copy of the  
 226 provider's or the provider's parent company's Form 10-K or Form  
 227 20-F filed with the Securities and Exchange Commission within  
 228 the last calendar year, or if the company does not file with the  
 229 Securities and Exchange Commission, a copy of the company's  
 230 audited financial statements, which must show a net worth of the  
 231 provider or its parent company of at least \$100 million. If the  
 232 provider's parent company's Form 10-K, Form 20-F, or financial

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statements are filed to meet the provider's financial security requirement, the parent company must agree to guarantee the obligations of the provider relating to vehicle value protection agreements sold by the provider in this state.

(8) A financial security requirement other than those imposed in subsection (7) may not be imposed on vehicle value protection agreement providers.

Section 6. Section 520.154, Florida Statutes, is created to read:

520.154 Disclosures.-

(1) A vehicle value protection agreement must disclose in writing, in clear, understandable language, all of the following:

(a) The name and address of the provider, contract holder, and administrator, if any.

(b) The terms of the vehicle value protection agreement, including, but not limited to, the purchase price to be paid by the contract holder, if any, the requirements for eligibility and conditions of coverage, and any exclusions.

(c) Whether the vehicle value protection agreement may be canceled by the contract holder during a free-look period as defined in s. 520.152, and that, in the event of cancellation, the contract holder is entitled to a full refund of the purchase price, if any, so long as no benefits have been provided.

(d) The procedure the contract holder must follow, if any, to obtain a benefit under the terms and conditions of the vehicle value protection agreement, including, if applicable, a telephone number, website, or mailing address where the contract holder may apply for a benefit.

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(e) Whether the vehicle value protection agreement is cancelable after the free-look period and the conditions under which it may be canceled, including the procedures for requesting any refund of the unearned purchase price paid by the contract holder. In the event that the agreement is cancelable, it must include the methodology for calculating any refund due of the unearned purchase price of the vehicle value protection agreement.

(f) That the extension of credit, the terms of the credit, or the terms of the related motor vehicle sale or lease may not be conditioned upon the purchase of the vehicle value protection agreement.

(2) A vehicle value protection agreement must state the terms, restrictions, or conditions governing cancellation of the vehicle value protection agreement before the termination or expiration date of the vehicle value protection agreement by either the provider or the contract holder. The provider of the vehicle value protection agreement shall mail a written notice to the contract holder at the last known address of the contract holder contained in the records of the provider at least 5 days before cancellation by the provider, which notice must state the effective date of the cancellation and the reason for the cancellation. However, such prior notice is not required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation by the contract holder to the provider or administrator, or a substantial breach of duties by the contract holder relating to the covered motor vehicle or its use. If a vehicle value protection agreement is canceled by the provider for a reason other than nonpayment of the provider fee,

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291 the provider must refund to the contract holder 100 percent of  
 292 the unearned pro rata provider fee paid by the contract holder,  
 293 if any. If coverage under the vehicle value protection agreement  
 294 continues after a claim, any refund may reflect a deduction for  
 295 claims paid and, at the discretion of the provider, an  
 296 administrative fee of not more than \$75.

297 Section 7. Section 520.155, Florida Statutes, is created to  
 298 read:

299 520.155 Commercial transactions exempt.—Sections 520.154  
 300 and 520.156 do not apply to vehicle value protection agreements  
 301 offered in connection with a commercial transaction.

302 Section 8. Section 520.156, Florida Statutes, is created to  
 303 read:

304 520.156 Penalties.—A provider, an administrator, or any  
 305 other person who willfully and intentionally violates ss.  
 306 520.151-520.155 commits a noncriminal violation as defined in s.  
 307 775.08(3), punishable by a fine not to exceed \$500 per violation  
 308 and not more than \$10,000 in the aggregate for all violations of  
 309 a similar nature. For purposes of this section, the term  
 310 “violations of a similar nature” means violations that consist  
 311 of the same or similar course of conduct, action, or practice,  
 312 irrespective of the number of times the action, conduct, or  
 313 practice determined to be a violation of ss. 520.151-520.155  
 314 occurred.

315 Section 9. Section 520.157, Florida Statutes, is created to  
 316 read:

317 520.157 Excess wear and use waiver.—

318 (1) For purposes of this section, the term “excess wear and  
 319 use waiver” means a contractual agreement wherein a lessor

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320 agrees, regardless of whether subject to a separate fee, to  
 321 cancel or waive all or part of amounts that may become due under  
 322 a lease agreement as a result of excess wear and use of a motor  
 323 vehicle, which agreement must be part of, or a separate addendum  
 324 to, the lease agreement. Such waivers may also cancel or waive  
 325 amounts due for excess mileage.

326 (2) A retail lessee may contract with a retail lessor for  
 327 an excess wear and use waiver in connection with a lease  
 328 agreement.

329 (3) The terms of the related motor vehicle lease may not be  
 330 conditioned upon the consumer’s payment for any excess wear and  
 331 use waiver. However, excess wear and use waivers may be  
 332 discounted or given at no charge in connection with the purchase  
 333 of other noncredit-related goods.

334 (4) A lease agreement that includes an excess wear and use  
 335 waiver must disclose all of the following:

336 (a) The total charge for the excess wear and use waiver.

337 (b) Any exclusions or limitations on the amount of excess  
 338 wear and use which may be waived under the excess wear and use  
 339 waiver.

340 (c) The terms, restrictions, or conditions governing  
 341 cancellation of the excess wear and use waiver before the  
 342 termination or expiration of the excess wear and use waiver,  
 343 which may include an administrative fee of not more than \$75.

344 (5) An excess wear and use waiver is not insurance for  
 345 purposes of the Florida Insurance Code.

346 Section 10. This act shall take effect October 1, 2024.



SENATOR JIM BOYD  
20th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Banking and Insurance, Chair  
Agriculture, Vice Chair  
Appropriations Committee on Agriculture, Environment,  
and General Government  
Finance and Tax  
Fiscal Policy  
Judiciary  
Rules

January 16, 2024

Senator Jay Trumbull  
Committee on Commerce and Tourism  
310 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Trumbull:

I respectfully request SB 902: Motor Vehicle Retail Financial Agreements, be scheduled for a hearing in the Committee on Commerce and Tourism, at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

Jim Boyd

cc: Todd McKay  
Renita Hayes

REPLY TO:  
☐ 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445  
☐ 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

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

KATHLEEN PASSIDOMO  
President of the Senate

DENNIS BAXLEY  
President Pro Tempore

The Florida Senate		902
<b>APPEARANCE RECORD</b>		Bill Number or Topic
1/30/24 Meeting Date		Amendment Barcode (if applicable)
Commerce & Tourism Committee		Deliver both copies of this form to Senate professional staff conducting the meeting
Name	Achley Kalifeh	Phone
Address	124 W Jefferson St	Email
City	TLH	State
	FL	Zip
	32301	
Speaking: <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> Information <b>OR</b> Waive Speaking: <input checked="" type="checkbox"/> In Support <input type="checkbox"/> Against		
<div>PLEASE CHECK ONE OF THE FOLLOWING:</div> <div><input type="checkbox"/> I am appearing without compensation or sponsorship.</div> <div><input checked="" type="checkbox"/> I am a registered lobbyist, representing:</div> <div><input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:</div> <div>Guaranteed Asset Protection Alliance</div>		
<small>While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. <a href="#">2020-2022 Joint Rules.pdf</a> (<a href="http://flsenate.gov">flsenate.gov</a>)</small>		
This form is part of the public record for this meeting.		S-001 (08/10/2021)

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

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

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

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BILL: SB 1072

INTRODUCER: Senator Avila

SUBJECT: Tourist Development

DATE: January 29, 2024

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

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

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**I. Summary:**

SB 1072 amends s. 125.0104, F.S., to provide an exception to the authorized uses of revenues received by counties imposing the tourist development tax (TDT). Under the bill, a county as defined in s. 125.011(1), F.S. (i.e. Miami-Dade County) may use the revenues to complete existing projects, debt obligations, or contracts in existence as of July 1, 2024. Revenues may not be used to renew or to extend such projects.

For remaining revenues not needed for existing projects, contracts, or debt obligations, 50 percent of TDT revenues must be distributed proportionally to municipalities in the county for specified uses.

The county must distribute the remaining tax revenues monthly as follows:

- 20 percent for the primary bureau, department, or association responsible for organizing, funding, and promoting artist and cultural organizations;
- 30 percent for visitors bureaus and homeless shelters; and
- 50 percent for regular TDT uses.

The bill amends s. 212.0305, F.S., to revise the purposes for which Miami-Dade County may use charter county convention development revenue, by providing that 50 percent of the revenues must be distributed proportionally to the governing boards of the municipalities within the county. Distributions may be used to:

- Acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain a convention center, an exhibition hall, a coliseum, an auditorium, a performing arts center, or a related building or parking facility for such buildings.
- Promote and advertise tourism and to fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus.

The county must use the remaining charter county convention development revenue to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain a countywide convention and visitors bureau, a convention center, an exhibition hall, a coliseum, an auditorium, a performing arts center, or a related building or parking facility for such buildings.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Tourist Development Taxes

Pursuant to the Local Option Tourist Development Act,<sup>1</sup> counties are authorized to levy five separate taxes on transient rental<sup>2</sup> transactions (tourist development taxes or TDTs). Depending on a county's eligibility to levy such taxes, the maximum potential tax rate varies:

- The original TDT may be levied at the rate of 1 or 2 percent.<sup>3</sup>
- An additional 1 percent tax may be levied by counties who have previously levied the original TDT at the 1 or 2 percent rate for at least three years.<sup>4</sup>
- A high tourism impact tax may be levied at an additional 1 percent.<sup>5</sup>
- A professional sports franchise facility tax may be levied up to an additional 1 percent.<sup>6</sup>
- An additional professional sports franchise facility tax no greater than 1 percent may be imposed by a county that has already levied the professional sports franchise facility tax.<sup>7</sup>

### TDT Process

Each county that levies the original 1 or 2 percent TDT is required to have a tourist development council consisting of county residents who are appointed by the county governing board.<sup>8</sup> The tourist development council makes recommendations to the county governing board for the effective operation of special projects or for uses of the TDT revenue.<sup>9</sup>

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<sup>1</sup> Section 125.0104, F.S.

<sup>2</sup> Section 125.0104(3)(a)1., F.S., considers "transient rental" to be the rental or lease of any accommodation for a term of six months or less.

<sup>3</sup> Section 125.0104(3)(c), F.S. All 67 of Florida's counties are eligible to levy this tax, but only 62 counties have done so, all at a rate of 2 percent. Office of Economic and Demographic Research (EDR), *2024 Local Option Tourist Tax Rates*, <http://edr.state.fl.us/Content/local-government/data/county-municipal/2024LOTTates.pdf> (last visited Jan 29, 2024). These counties are estimated to realize \$583 million in revenue from these taxes in the 2023-2024 fiscal year. EDR *2023 Florida Tax Handbook*, p. 289, <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2023.pdf> (last visited Jan. 29, 2024).

<sup>4</sup> Section 125.0104(3)(d), F.S. Fifty-six of the eligible 59 counties levy this tax, with an estimated 2023-2024 state fiscal year collection of \$254 million in revenue. EDR *2023 Florida Tax Handbook*, *supra* note 3 at 293.

<sup>5</sup> Section 125.0104(3)(m), F.S. Ten of the 14 eligible counties levy this tax with an estimated 2023-2024 state fiscal collection of \$161 million in revenue. EDR *2023 Florida Tax Handbook*, *supra* note 3 at 300.

<sup>6</sup> Section 125.0104(3)(l), F.S. Revenue can be used to pay debt service on bonds for the construction or renovation of professional sports franchise facilities, spring training facilities or professional sports franchises, and convention centers and to promote and advertise tourism. Forty-six of the 67 counties levy this additional tax, with an estimated 2023-2024 state fiscal year collection of \$259 million in revenue. EDR *2023 Florida Tax Handbook*, *supra* note 3 at 297.

<sup>7</sup> Section 125.0104(3)(n), F.S. Thirty-six of the eligible 65 counties levy the additional professional sports franchise facility tax, with an estimated 2023-2024 state fiscal year collection of \$226 million in revenue. EDR *2023 Florida Tax Handbook*, *supra* note 3 at 303.

<sup>8</sup> Section 125.0104(4)(e), F.S.

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



Prior to the authorization of the original 1 or 2 percent TDT, the levy must be approved by a countywide referendum held at a general election,<sup>10</sup> and additional TDT levies must be authorized by a vote of the county's governing board or by voter approval in a countywide referendum.<sup>11</sup> Each county proposing to levy the original 1 or 2 percent tax must then adopt an ordinance for the levy and imposition of the tax,<sup>12</sup> which must include a plan for tourist development prepared by the tourist development council.<sup>13</sup> The plan for tourist development must include the anticipated net tax revenue to be derived by the county for the two years following the tax levy, as well as a list of the proposed uses of the tax and the approximate cost for each project or use.<sup>14</sup> The plan for tourist development may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the governing board.<sup>15</sup>

### ***TDT Uses***

The revenues derived from TDTs may be used for:<sup>16</sup>

- The acquisition, construction, extension, enlargement, remodeling, repair, or improvement of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, aquarium, or a museum that is publicly owned and operated or owned and operated by a not-for-profit organization, or promotion of a zoo.
- Promoting and advertising tourism in the state.
- Funding of convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies, or by contract with chambers of commerce or similar associations in the county.
- Financing beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement, cleanup or restoration of inland lakes and rivers to which there is public access as those uses relate to the physical preservation of the beach, shoreline, or inland lake or river.<sup>17</sup>
- In counties with populations less than 950,000, the acquisition, construction, extension, enlargement, remodeling, repair, or improvement, maintenance, operation, or promotion of zoos, fishing piers, or nature centers which are publicly owned and operated or owned and operated by a not-for-private organization and open to the public.<sup>18</sup>
- Securing revenue bonds issued by the county for the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, aquarium, or a museum, or financing beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control.

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<sup>10</sup> Section 125.0104(6), F.S.

<sup>11</sup> Section 125.0104(3)(d), F.S.

<sup>12</sup> Section 125.0104(4)(a), F.S.

<sup>13</sup> Section 125.0104(4), F.S.

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

<sup>15</sup> *Id.* The provisions found in s. 125.0104(4)(a)-(d), F.S., do not apply to the high tourism impact tax, the professional sports franchise facility tax, or the additional professional sports franchise facility tax.

<sup>16</sup> Section 125.0104(5), F.S.

<sup>17</sup> In counties with populations less than 100,000, up to 10 percent of TDT revenues may be used for financing beach park facilities. *See* s. 125.0104(5)(a), F.S.

<sup>18</sup> Section 125.0104(5)(b), F.S.

## Home Rule Charter Counties

Section 125.011(1), F.S., defines a county as:

Any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VII, s. (e) of the Constitution of 1968, 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.

The local governments authorized to operate under a home rule charter by sections 10, 11, and 24, Art. VIII of the Constitution of 1885, are the city of Key West and Monroe County,<sup>19</sup> Miami-Dade County,<sup>20</sup> and Hillsborough County.<sup>21</sup> Of these, only Miami-Dade County currently operates under a home-rule charter adopted pursuant to these specific provisions.

## Convention Development Taxes

Each county, as defined by s. 125.011(1), F.S., (i.e., Miami-Dade County) is authorized to impose a 3 percent convention development tax on the total consideration charged for transient rental transactions. The tax must be levied pursuant to an ordinance enacted by the county’s governing body.<sup>22</sup> During fiscal year 2022-2023, Miami-Dade generated approximately \$130 million in revenue.<sup>23</sup> Tax proceeds must be used in the following manner:<sup>24</sup>

- Two-thirds of the proceeds must be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.
- After completion of any project above, proceeds may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, auditoriums, or golf courses, and may be used to acquire and construct an intercity light rail transportation system.
- One-third of the proceeds must be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.
- After completion of the above projects, tax revenues and interest accrued pursuant to that authorized use may be used, as determined by the county to operate an authority created pursuant to s. 212.0305(4)(b)4., F.S., or to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, auditoriums, golf courses, or related buildings and parking facilities in the most populous municipality in the county.

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<sup>19</sup> Art. VIII, s. 6, n. 2

<sup>20</sup> Art. VIII, s. 6, n. 3

<sup>21</sup> Art. VIII, s. 6, n. 4

<sup>22</sup> Section 212.0305(4)(b)1., F.S.

<sup>23</sup> Florida Office of Economic and Demographic Research, *2023 Florida Tax Handbook*, p. 312, <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2023.pdf> (last visited Jan. 29, 2024).

<sup>24</sup> Section 212.0305(4)(b)2., F.S.

Prior to the county enacting an ordinance imposing the levy, the county must notify the governing body of each municipality in which projects are to be developed. As a precondition to the receipt of funding, the governing bodies must designate or appoint an authority that has the power to approve the concept, location, program, and design of the facilities or improvements to be developed. The authority administers and disburses the tax proceeds and any other related source of revenue. However, the authority's annual budget is subject to approval of the municipality's governing body.<sup>25</sup>

The governing body of each municipality levying the tax may adopt a resolution prohibiting the imposition of the convention development tax within the municipality's jurisdiction. If a municipality adopts such a resolution, the tax is imposed by the county in all other areas of the county except such municipality. No funds collected from the convention development tax may be expended in a municipality that has adopted such a resolution.<sup>26</sup>

### III. Effect of Proposed Changes:

The bill amends s. 125.0104, F.S., to provide an exception to the authorized uses of revenues received by counties imposing the TDT for a county defined in s. 125.011(1), F.S. (i.e. Miami-Dade County). The bill specifies that revenues may be used to complete any project underway or to perform any contract in existence as of July 1, 2024, and that revenues may not be used to renew or extend the contracts or projects. Bonds or other outstanding debt as of July 1, 2024, may be refinanced; however, the duration of the debt pledging the TDT may not be extended and the outstanding principal may not be increased, except to account for the costs of issuance.

Revenues not needed for projects, debt obligations, or contracts must be distributed as follows:

- 50 percent must be distributed proportionally to the governing authorities of the municipalities within the county on a monthly basis. The receiving municipality may use the distributions to:
  - Promote and advertise tourism.
  - Fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus. Municipalities may enter into interlocal agreements for the purpose of using the revenue for these stated purposes in combination with moneys used by the county for a countywide convention and visitor bureau pursuant to s. 212.0305(4)(b)2.b.(II), F.S.
  - Acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or finance public facilities<sup>27</sup> within the boundaries of the municipality, if the public facilities are needed to increase tourist-related business activities in the municipality. Tax distributions may be used for any related land acquisition, land improvement, design and engineering costs, and all other professional and related costs required to bring the public facilities into service. Tax distributions may only be used if:
    - At least 2/3 of the governing authority of the municipality approves the use;
    - No more than 70 percent of the cost will be paid for using TDT revenues;

<sup>25</sup> Section 212.0305(4)(b)4., F.S.

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

<sup>27</sup> The bill defines the term "public facilities" as major capital improvements that have a life expectancy of 5 or more years, including, but not limited to, transportation; sanitary sewer, including solid waste, drainage, and potable water; and pedestrian facilities.

- No more than 40 percent of all TDT revenues distributed to the municipality are spent to promote and advertise tourism.
- Acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote parks or trails that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public.
- Reimburse expenses incurred in providing public safety services including emergency medical services as defined in s. 401.107(3), F.S., and law enforcement needed to address impacts related to increased tourism and visitors to a municipality.
- Finance water quality improvement projects including, but not limited to, flood mitigation; algae control, cleanup, or prevention measures; and Biscayne Bay and waterway network restoration activities.
- Provide for septic-to-sewer conversion projects.

The county must distribute the remaining tax revenues monthly as follows:

- 20 percent for the primary bureau, department, or association responsible for organizing, funding, and promoting artist and cultural organizations;
- 30 percent for visitors bureaus and homeless shelters under s. 212.0306(3), F.S.; and
- 50 percent for regular TDT uses.

The bill amends s. 212.0305, F.S., to revise the purposes for how a county may use charter county convention development moneys. The bill provides that 50 percent of charter county convention development money must be distributed proportionally to the governing boards of the municipalities within the county on a monthly basis. Moneys collected in unincorporated areas of the county are not included in the distribution. The distributions may be used for the following purposes:

- To acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain a convention center, an exhibition hall, a coliseum, an auditorium, a performing arts center, or a related building or parking facility to such buildings.
- To promote and advertise tourism and to fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus. Municipalities may enter into interlocal agreements to use the revenue in combination with moneys used by the county for a countywide convention and visitor's bureau.

The county must use the remaining charter county convention development money only for the following purposes:

- To acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain a convention center, an exhibition hall, a coliseum, an auditorium, a performing arts center, or a related building or parking facility for such buildings.
- To acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain a countywide convention and visitors bureau which, by interlocal agreement and contract with the municipalities within the county, has the primary responsibility for promoting the county and its municipalities as a destination site for conventions, trade shows, and pleasure travel, or to be used for regular TDT uses. If the county is not or is no longer a party to an interlocal agreement, the county must distribute the revenue for regular TDT uses.

The bill deletes the requirement that the county notify the governing board of each municipality before enacting an ordinance imposing the levy, as well as the designation or appointment of an authority and the powers granted to the authority.

Lastly, the bill directs the Division of Law Revision to replace the phrase “the effective date of this act” wherever it occurs in this act with the date the act becomes law.

The bill takes effect July 1, 2024.

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

Article VII, section 18 of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature to pass legislation requiring counties and municipalities to spend funds, limiting their ability to raise revenue, or reducing the percentage of a state tax shared with them. This bill does not require counties or municipalities to spend funds, limit their authority to raise revenue, or reduce the percentage of a state tax shared with them as specified in Article VII, section 18 of the Florida Constitution. Therefore, the provisions of Article VII, section 18 of the Florida Constitution do not apply.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

The bill does not create or raise a state tax or fee. Therefore, the requirements of Art. VII, s. 19 of the Florida Constitution do not apply.

**E. Other Constitutional Issues:**

None identified.

**IV. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

C. Government Sector Impact:

None.

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

None.

**VII. Statutes Affected:**

This bill substantially amends sections 125.0104 and 212.0305 of the Florida Statutes.

**VIII. 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 Avila

39-00747A-24

20241072\_\_

1 A bill to be entitled  
 2 An act relating to tourist development; amending s.  
 3 125.0104, F.S.; providing an exception to the  
 4 authorized uses of revenues received by counties  
 5 imposing the tourist development tax; specifying uses  
 6 of tax revenues received by certain counties imposing  
 7 the tourist development tax; defining the term "public  
 8 facilities"; amending s. 212.0305, F.S.; requiring  
 9 that charter county convention development moneys be  
 10 distributed to the governing boards of municipalities  
 11 for specified purposes; revising the purposes for  
 12 which a county may use charter county convention  
 13 development moneys; deleting the requirement that the  
 14 county notify the governing board of each municipality  
 15 under certain circumstances; providing a directive to  
 16 the Division of Law Revision; providing an effective  
 17 date.  
 18  
 19 Be It Enacted by the Legislature of the State of Florida:  
 20  
 21 Section 1. Paragraphs (a) and (e) of subsection (5) of  
 22 section 125.0104, Florida Statutes, are amended, and paragraph  
 23 (f) is added to that subsection, to read:  
 24 125.0104 Tourist development tax; procedure for levying;  
 25 authorized uses; referendum; enforcement.—  
 26 (5) AUTHORIZED USES OF REVENUE.—  
 27 (a) Except for counties identified in paragraph (f), all  
 28 tax revenues received pursuant to this section by a county  
 29 imposing the tourist development tax shall be used by that

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

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30 county for the following purposes only:  
 31 1. To acquire, construct, extend, enlarge, remodel, repair,  
 32 improve, maintain, operate, or promote one or more:  
 33 a. Publicly owned and operated convention centers, sports  
 34 stadiums, sports arenas, coliseums, or auditoriums within the  
 35 boundaries of the county or subcounty special taxing district in  
 36 which the tax is levied;  
 37 b. Auditoriums that are publicly owned but are operated by  
 38 organizations that are exempt from federal taxation pursuant to  
 39 26 U.S.C. s. 501(c)(3) and open to the public, within the  
 40 boundaries of the county or subcounty special taxing district in  
 41 which the tax is levied; or  
 42 c. Aquariums or museums that are publicly owned and  
 43 operated or owned and operated by not-for-profit organizations  
 44 and open to the public, within the boundaries of the county or  
 45 subcounty special taxing district in which the tax is levied;  
 46 2. To promote zoological parks that are publicly owned and  
 47 operated or owned and operated by not-for-profit organizations  
 48 and open to the public;  
 49 3. To promote and advertise tourism in this state and  
 50 nationally and internationally; however, if tax revenues are  
 51 expended for an activity, service, venue, or event, the  
 52 activity, service, venue, or event must have as one of its main  
 53 purposes the attraction of tourists as evidenced by the  
 54 promotion of the activity, service, venue, or event to tourists;  
 55 4. To fund convention bureaus, tourist bureaus, tourist  
 56 information centers, and news bureaus as county agencies or by  
 57 contract with the chambers of commerce or similar associations  
 58 in the county, which may include any indirect administrative

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costs for services performed by the county on behalf of the promotion agency;

5. To finance beach park facilities, or beach, channel, estuary, or lagoon improvement, maintenance, renourishment, restoration, and erosion control, including construction of beach groins and shoreline protection, enhancement, cleanup, or restoration of inland lakes and rivers to which there is public access as those uses relate to the physical preservation of the beach, shoreline, channel, estuary, lagoon, or inland lake or river. However, any funds identified by a county as the local matching source for beach renourishment, restoration, or erosion control projects included in the long-range budget plan of the state's Beach Management Plan, pursuant to s. 161.091, or funds contractually obligated by a county in the financial plan for a federally authorized shore protection project may not be used or loaned for any other purpose. In counties of fewer than 100,000 population, up to 10 percent of the revenues from the tourist development tax may be used for beach park facilities; or

6. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or finance public facilities within the boundaries of the county or subcounty special taxing district in which the tax is levied, if the public facilities are needed to increase tourist-related business activities in the county or subcounty special district and are recommended by the county tourist development council created pursuant to paragraph (4)(e). Tax revenues may be used for any related land acquisition, land improvement, design and engineering costs, and all other professional and related costs required to bring the public facilities into service. As used in this subparagraph,

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the term "public facilities" means major capital improvements that have a life expectancy of 5 or more years, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, and pedestrian facilities. Tax revenues may be used for these purposes only if the following conditions are satisfied:

a. In the county fiscal year immediately preceding the fiscal year in which the tax revenues were initially used for such purposes, at least \$10 million in tourist development tax revenue was received;

b. The county governing board approves the use for the proposed public facilities by a vote of at least two-thirds of its membership;

c. No more than 70 percent of the cost of the proposed public facilities will be paid for with tourist development tax revenues, and sources of funding for the remaining cost are identified and confirmed by the county governing board;

d. At least 40 percent of all tourist development tax revenues collected in the county are spent to promote and advertise tourism as provided by this subsection; and

e. An independent professional analysis, performed at the expense of the county tourist development council, demonstrates the positive impact of the infrastructure project on tourist-related businesses in the county.

Subparagraphs 1. and 2. may be implemented through service contracts and leases with lessees that have sufficient expertise or financial capability to operate such facilities.

(e) Any use of the local option tourist development tax



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revenues collected pursuant to this section for a purpose not expressly authorized by paragraph (3)(l) or paragraph (3)(n) or paragraphs (a)-(d) and (f) of this subsection is expressly prohibited.

(f) All tax revenues received pursuant to this section by a county, as defined in s. 125.011(1), imposing the tourist development tax may only be used by the county as specified in this paragraph.

1. Revenues may be used to complete any project underway as of the effective date of this act or to perform any contract in existence on the effective date of this act, pursuant to this section as this section existed before the effective date of this act. Revenues may not be used to renew or extend such contracts or projects. Bonds or other debt outstanding as of the effective date of this act may be refinanced, but the duration of such debt pledging the tourist development tax may not be extended and the outstanding principal may not be increased, except to account for the costs of issuance.

2. Revenues not needed for projects, contracts, or debt obligations pursuant to subparagraph 1. must be distributed and used as follows:

a. Fifty percent must be distributed monthly by the county to the governing authorities of the municipalities within the county. Distributions to each municipality must be in proportion to the amount collected in the prior month within the municipality as a share of the total amount collected from all municipalities in the county. These distributions may be used by the receiving municipality to:

(I) Promote and advertise tourism.

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(II) Fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus. Municipalities may enter into interlocal agreements for the purpose of using the revenue received for the purpose stated in this sub-sub-subparagraph in combination with moneys used by the county for a countywide convention and visitors bureau under s. 212.0305(4)(b)2.b.(II).

(III) Acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or finance public facilities within the boundaries of the municipality, if the public facilities are needed to increase tourist-related business activities in the municipality.

(A) As used in this sub-sub-subparagraph, the term "public facilities" means major capital improvements that have a life expectancy of 5 or more years, including, but not limited to, transportation; sanitary sewer, including solid waste, drainage, and potable water; and pedestrian facilities.

(B) Tax distributions may be used for any related land acquisition, land improvement, design and engineering costs, and all other professional and related costs required to bring the public facilities into service.

(C) Tax distributions may be used for the purposes stated in sub-sub-sub-subparagraph (B) only if the following conditions are satisfied:

i. The governing authority of the municipality approves the use for each proposed public facility by a vote of at least two-thirds of its membership.

ii. No more than 70 percent of the cost of a proposed public facility will be paid for using tourist development tax revenues, and sources of funding for the remaining costs are

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175 identified and confirmed by the governing authority of the  
 176 municipality.  
 177 iii. No more than 40 percent of all tourist development tax  
 178 revenues distributed to the municipality are spent to promote  
 179 and advertise tourism as provided in this paragraph.  
 180 (IV) Acquire, construct, extend, enlarge, remodel, repair,  
 181 improve, maintain, operate, or promote parks or trails that are  
 182 publicly owned and operated or owned and operated by not-for-  
 183 profit organizations and open to the public, within the  
 184 boundaries of the municipality.  
 185 (V) Reimburse expenses incurred in providing public safety  
 186 services, including, but not limited to, emergency medical  
 187 services as defined in s. 401.107(3), and law enforcement  
 188 services, needed to address impacts related to increased tourism  
 189 and visitors to a municipality.  
 190 (VI) Finance water quality improvement projects, including,  
 191 but not limited to, all of the following:  
 192 (A) Flood mitigation.  
 193 (B) Algae control, cleanup, or prevention measures.  
 194 (C) Biscayne Bay and waterway network restoration  
 195 initiatives.  
 196 (VII) Provide for septic-to-sewer conversion projects  
 197 important to the local tourism industry which are primarily  
 198 undertaken to reduce or prevent the discharge of untreated or  
 199 partially treated wastewater into surface waters.  
 200 b. A county shall use the remaining tax revenues received  
 201 pursuant to this section as provided in this sub-subparagraph.  
 202 Twenty percent must be distributed monthly to the governing  
 203 board of the county to fund the primary bureau, department, or

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204 association responsible for organizing, funding, and promoting  
 205 opportunities for artists and cultural organizations within the  
 206 county. Thirty percent must be distributed monthly to the  
 207 governing board of the county and used for one or more of the  
 208 purposes set forth in s. 212.0306(3). Fifty percent must be  
 209 distributed monthly to the governing board of the county and  
 210 used for the purposes set forth in paragraph (5)(a) or sub-sub-  
 211 paragraphs 2.a.(IV)-(VII).  
 212 Section 2. Paragraph (b) of subsection (4) of section  
 213 212.0305, Florida Statutes, is amended to read:  
 214 212.0305 Convention development taxes; intent;  
 215 administration; authorization; use of proceeds.—  
 216 (4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER  
 217 REQUIREMENTS.—  
 218 (b) *Charter county levy for convention development.—*  
 219 1. Each county, as defined in s. 125.011(1), may impose,  
 220 under an ordinance enacted by the governing body of the county,  
 221 a levy on the exercise within its boundaries of the taxable  
 222 privilege of leasing or letting transient rental accommodations  
 223 described in subsection (3) at the rate of 3 percent of the  
 224 total consideration charged therefor. The proceeds of this levy  
 225 shall be known as the charter county convention development tax.  
 226 2.a. Fifty percent of all charter county convention  
 227 development moneys, including any interest accrued thereon,  
 228 received by a county imposing the levy shall be distributed  
 229 monthly to the governing boards of the municipalities within the  
 230 county in proportion to the amount collected in the prior month  
 231 within each municipality compared with the total collected from  
 232 all municipalities in the county. Moneys collected within the

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233 unincorporated area of the county are not included in the  
 234 distribution under this subparagraph. The distributions as  
 235 described in this sub-subparagraph may be used by the receiving  
 236 municipality only for the following purposes used as follows:

237 (I) To acquire, construct, extend, enlarge, remodel,  
 238 repair, improve, operate, or maintain one or more of the  
 239 following:

240 (A) A convention center.

241 (B) An exhibition hall.

242 (C) A coliseum.

243 (D) An auditorium.

244 (E) A performing arts center.

245 (F) A related building or parking facility to such  
 246 buildings described in sub-sub-sub-subparagraphs (A)-(E).

247 (II) To promote and advertise tourism and to fund  
 248 convention bureaus, tourist bureaus, tourist information  
 249 centers, and news bureaus. Municipalities may enter into  
 250 interlocal agreements for the purpose of using the revenue  
 251 received for the purpose stated in this sub-sub-subparagraph in  
 252 combination with moneys used by the county for a countywide  
 253 convention and visitor's bureau under sub-sub-subparagraph b.

254 (II).

255 b. The governing body of the county shall use the remaining  
 256 charter county convention development moneys only for the  
 257 following purposes:

258 (I) To acquire, construct, extend, enlarge, remodel,  
 259 repair, improve, operate, or maintain one or more of the  
 260 following:

261 (A) A convention center.

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262 (B) An exhibition hall.

263 (C) A coliseum.

264 (D) An auditorium.

265 (E) A performing arts center.

266 (F) A related building or parking facility to such  
 267 buildings described in sub-sub-sub-subparagraphs (A)-(E).

268 (II) To acquire, construct, extend, enlarge, remodel,  
 269 repair, improve, operate, or maintain a countywide convention  
 270 and visitors bureau which, by interlocal agreement and contract  
 271 with the municipalities within the county, has the primary  
 272 responsibility for promoting the county and its municipalities  
 273 as a destination site for conventions, trade shows, and pleasure  
 274 travel, or to be used for purposes provided in s.

275 125.0104(5) (a)2.b. or c. If the county is not or is no longer a  
 276 party to such an interlocal agreement, the county must allocate  
 277 the proceeds of such tax for the purposes described in s.

278 125.0104(5) (a)2.b. or c.

279 a. Two-thirds of the proceeds shall be used to extend,  
 280 enlarge, and improve the largest existing publicly owned  
 281 convention center in the county.

282 b. One-third of the proceeds shall be used to construct a  
 283 new multipurpose convention/coliseum/exhibition center/stadium  
 284 or the maximum components thereof as funds permit in the most  
 285 populous municipality in the county.

286 c. After the completion of any project under sub-  
 287 subparagraph a., the tax revenues and interest accrued under  
 288 sub-subparagraph a. may be used to acquire, construct, extend,  
 289 enlarge, remodel, repair, improve, plan for, operate, manage, or  
 290 maintain one or more convention centers, stadiums, exhibition

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291 ~~halls, arenas, coliseums, auditoriums, or golf courses, and may~~  
 292 ~~be used to acquire and construct an intercity light rail~~  
 293 ~~transportation system as described in the Light Rail Transit~~  
 294 ~~System Status Report to the Legislature dated April 1988, which~~  
 295 ~~shall provide a means to transport persons to and from the~~  
 296 ~~largest existing publicly owned convention center in the county~~  
 297 ~~and the hotels north of the convention center and to and from~~  
 298 ~~the downtown area of the most populous municipality in the~~  
 299 ~~county as determined by the county.~~

300 d. After completion of any project under sub-subparagraph  
 301 b., the tax revenues and interest accrued under sub-subparagraph  
 302 b. may be used, as determined by the county, to operate an  
 303 authority created pursuant to subparagraph 4. or to acquire,  
 304 construct, extend, enlarge, remodel, repair, improve, operate,  
 305 or maintain one or more convention centers, stadiums, exhibition  
 306 halls, arenas, coliseums, auditoriums, golf courses, or related  
 307 buildings and parking facilities in the most populous  
 308 municipality in the county.

309 e. For the purposes of completion of any project pursuant  
 310 to this paragraph, tax revenues and interest accrued may be  
 311 used:

312 (I) As collateral, pledged, or hypothecated for projects  
 313 authorized by this paragraph, including bonds issued in  
 314 connection therewith; or

315 (II) As a pledge or capital contribution in conjunction  
 316 with a partnership, joint venture, or other business arrangement  
 317 between a municipality and one or more business entities for  
 318 projects authorized by this paragraph.

319 3. The governing body of each municipality in which a

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320 municipal tourist tax is levied may adopt a resolution  
 321 prohibiting imposition of the charter county convention  
 322 development levy within such municipality. If the governing body  
 323 adopts such a resolution, the convention development levy must  
 324 ~~shall~~ be imposed by the county in all other areas of the county  
 325 except such municipality. No funds collected pursuant to this  
 326 paragraph may be expended in a municipality which has adopted  
 327 such a resolution.

328 4.a. Before the county enacts an ordinance imposing the  
 329 levy, the county shall notify the governing body of each  
 330 municipality in which projects are to be developed pursuant to  
 331 sub-subparagraph 2.a., sub-subparagraph 2.b., sub-subparagraph  
 332 2.c., or sub-subparagraph 2.d. As a condition precedent to  
 333 receiving funding, the governing bodies of such municipalities  
 334 shall designate or appoint an authority that shall have the sole  
 335 power to:

336 (I) Approve the concept, location, program, and design of  
 337 the facilities or improvements to be built in accordance with  
 338 this paragraph and to administer and disburse such proceeds and  
 339 any other related source of revenue.

340 (II) Appoint and dismiss the authority's executive  
 341 director, general counsel, and any other consultants retained by  
 342 the authority. The governing body shall have the right to  
 343 approve or disapprove the initial appointment of the authority's  
 344 executive director and general counsel.

345 b. The members of each such authority shall serve for a  
 346 term of not less than 1 year and shall be appointed by the  
 347 governing body of such municipality. The annual budget of such  
 348 authority shall be subject to approval of the governing body of

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the municipality. If the governing body does not approve the budget, the authority shall use as the authority's budget the previous fiscal year budget.

~~c. The authority, by resolution to be adopted from time to time, may invest and reinvest the proceeds from the convention development tax and any other revenues generated by the authority in the same manner that the municipality in which the authority is located may invest surplus funds.~~

~~5.~~ The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

~~5.6.~~ A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

~~6.7.~~ Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

Section 3. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

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



SENATOR Bryan Avila  
39th District

THE FLORIDA  
SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:  
Government Oversight and Accountability, Chair  
Appropriations  
Appropriations Committee on Education  
Appropriations Committee of Health and Human  
Services  
Education Pre-K 12  
Ethics and Elections  
Health Policy  
Select Committee on Resiliency  
Joint Select Committee on Collective Bargaining

January 8, 2024

Honorable Senator Jay Trumbull  
Committee on Commerce & Tourism

Honorable Chair Trumbull:

I respectfully request SB 1072 Tourist Development be placed on the next committee agenda.

SB 1072 Tourist Development; Providing an exception to the authorized uses of revenues received by counties imposing the tourist development tax; specifying uses of tax revenues received by certain counties imposing the tourist development tax; requiring that charter county convention development moneys be distributed to the governing boards of municipalities for specified purposes; revising the purposes for which a county may use charter county convention development moneys.

Sincerely,

*Bryan Avila*

Senator Bryan Avila  
Florida Senate, District 39

CC: Todd McKay, Staff Director  
Renita Hayes, Committee Administrative Assistant  
Andrea Gainey, Legislative Assistant

REPLY TO:  
□ 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073  
□ 326 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

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

Kathleen Passidomo  
President of the Senate

Dennis Baxley  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

SB 1072  
Bill Number or Topic

1-30-2024  
Meeting Date  
Commerce & Tourism  
Committee

Bay Harbor Islands  
Name: Maria Lasday, Town Manager Phone: 305-202-1498  
Address: 9665 Bay Harbor Terrace Email: mlasday@bayharbor  
islands-fl.gov  
City: Bay Harbor Islands, FL State: FL Zip: 33154

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I 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

SB 1072

Meeting Date

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Robert Yaffe

Phone

305 749 2341

Address

1267 102 St

Email

ryaffe@bayharborislands-fl.gov

Street

City

Bay Harbor

State

FL

Zip

33154

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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

S-001 (08/10/2021)

## The Florida Senate

## APPEARANCE RECORD

SB 1072

Meeting Date

Bill Number or Topic

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Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Milton Segarra

Phone

787-616-0000

Address

2195 Southern Blvd

Email

msegarra@thepalmbeach.com

Street

City

West Palm Beach FL

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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

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

11/30/24

Meeting Date

Commerce &amp; Tourism

Committee

1072 - Tourist Development

Bill Number or Topic

Amendment Barcode (if applicable)

Name Samantha Padgett

Phone 850-224-2250

Address 230 S. Adams St.

Street

Email spadgett@flh.org

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☐ In Support ☒ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐ I am appearing without compensation or sponsorship.☒ I am a registered lobbyist, representing:

Florida Restaurant &amp; Lodgings 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

**APPEARANCE RECORD**

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

January 30, 2024

Meeting Date

Commerce &amp; Tourism

Committee

SB 1072 Tourist Development

Bill Number or Topic

Amendment Barcode (if applicable)

Name Mat Forrest

Phone 850-577-0444

Address 201 E. Park Ave.

Street

Email Mat@ballardpartners.com

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:

Destinations Florida

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

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

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

S-001 (08/10/2021)



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

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

---

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

---

BILL: SB 1346

INTRODUCER: Senator Berman

SUBJECT: Limited Liability Companies

DATE: January 29, 2024

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

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

---

## **I. Summary:**

SB 1346 amends the Florida Revised Limited Liability Company Act in ch. 605, F.S., to provide for the formation of a protected series limited liability company (LLC) under Florida law. The bill specifies definitions, operations and governance, powers and duties, liability limitations, and requirements related to service and notice, reporting, management, merger, and dissolution.

The bill also changes an internal reference in s. 605.0103, F.S., related to knowledge and notice.

The bill takes effect January 1, 2025.

## **II. Present Situation:**

### **Limited Liability Companies**

A limited liability company (LLC) is a type of business entity recognized by and regulated under ch. 605, F.S., the Florida Revised Limited Liability Company Act (LLC Act). Benefits to forming a business as an LLC include a flexible tax structure<sup>1</sup> and a “vertical liability shield,”

---

<sup>1</sup> Depending on elections made by an LLC’s members, the IRS will treat an LLC as either a corporation, a partnership, or a disregarded entity. This last option allows for what is known as “pass-through taxation,” in which the LLC’s members claim the LLC’s profits or losses as part of their personal taxes, alleviating the LLC of needing to file its own tax return and preventing the profits and losses from being taxed twice. IRS, *Limited Liability Company (LLC)*, <https://www.irs.gov/businesses/small-businesses-self-employed/limited-liability-company-llc> (last visited Jan. 29, 2024).

which limits the personal liability of the LLC's members<sup>2</sup> and managers<sup>3</sup> for company obligations.<sup>4</sup>

### ***Forming a Florida LCC***

To form an LLC in Florida, the authorized representatives<sup>5</sup> must first choose a name, which name must be distinguishable from the names of all other business entity names in the records of the Department of State (DOS) and include the words "limited liability company" or the abbreviation "LLC" or "L.L.C."<sup>6</sup> The authorized representatives must also designate a registered agent to accept legal notices and service of process on behalf of the LLC at a registered office located in Florida.<sup>7</sup>

Once these steps are completed, the authorized representatives must sign and deliver to the DOS for filing articles of organization stating the LLC's name; the street and mailing addresses of the LLC's principal office; and the name, street address in Florida, and written acceptance of the LLC's registered agent.<sup>8</sup> An LLC is formed when the LLC's articles of organization become effective<sup>9</sup> and when at least one person becomes a member at the time the articles of organization become effective.<sup>10</sup>

Once formed, the members of the LLC may establish an operating agreement to lay the groundwork for the company, which agreement governs the:

- Relations among the members as members and between the members and the LLC;
- Rights and duties of a person serving in the capacity of manager;
- LLC's activities and affairs; and
- Means and conditions for amending the operating agreement.<sup>11</sup>

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<sup>2</sup> "Member" means a person who: (a) is a member of an LLC under s. 605.0401, F.S., or was a member in a company when the company became subject to the Act; and (b) has not dissociated from the LLC under s. 605.0602, F.S. Section 605.0102(40), F.S.

<sup>3</sup> "Manager" means a person who, under the operating agreement of a manager-managed LLC, is responsible, alone or in concert with others, for performing the management functions stated in ss. 605.0407(3) and 605.04073(2), F.S. Section 605.0102(38), F.S.

<sup>4</sup> Exceptions to the liability shield include a member's or manager's written consent to be liable for an obligation; a statutory claw-back provision for improper distributions; provisions in agreements signed before the LLC's organization; a member's or manager's tortious conduct; a member's or manager's action or inaction that results in a violation of criminal law or improper personal gain; liability arising under federal tax laws of the Florida sales and use tax laws; and a violation of fiduciary duties to creditors. Section 605.0304, F.S. Daniel S. Kleinberger, *Limited Liability Limited* (Aug. 28, 2019), [https://www.americanbar.org/groups/business\\_law/publications/blt/2019/09/limited-liability/](https://www.americanbar.org/groups/business_law/publications/blt/2019/09/limited-liability/) (last visited Jan. 29, 2024).

<sup>5</sup> One or more persons may act as authorized representatives to form an LLC. Section 605.0201, F.S.

<sup>6</sup> Section 605.0112, F.S.

<sup>7</sup> The registered agent must be an individual who resides in Florida and whose business address is identical to the address of the registered office; another domestic entity that is an authorized entity and whose business address is identical to the address of the registered office; or a foreign entity authorized to transact business in Florida that is an authorized entity and whose business address is identical to the address of the registered office. Section 605.0113, F.S.

<sup>8</sup> The articles of organization may contain statements on additional matters as specified in statute. Section 605.0201, F.S.

<sup>9</sup> Except as otherwise provided, any document delivered to the DOS for filing under the LLC Act may specify an effective time and a delayed effective date. In the case of initial articles of organization, a prior effective date may be specified in the articles of organization if such date is within five business days before the date of filing. If the record does not specify an effective time or a prior or delayed effective date, the record is effective on the date and at the time the record is accepted, as evidenced by the DOS's endorsement of the date and time on the filing. Section 605.0207, F.S.

<sup>10</sup> Section 605.0201, F.S.

<sup>11</sup> Section 605.0105, F.S.

An LLC must also deliver to the DOS for filing an annual report stating:

- The LLC's name;
- The LLC's principal office and mailing addresses;
- The date of the LLC's organization;
- The LLC's federal employer identification number<sup>12</sup> or, if none exists, whether one has been applied for;
- The name, title or capacity, and address of at least one person with the authority to manage the LLC; and
- Any additional information that is necessary or appropriate to enable the DOS to carry out the LCC Act.<sup>13</sup>

### ***Foreign LLCs Doing Business in Florida***

An entity organized as an LLC under the laws of another jurisdiction (a foreign LLC) that wishes to do business in Florida must, through an authorized representative, first apply for a certificate of authority to transact business in Florida by delivering an application for such a certificate to the DOS, which application must contain:

- The foreign LLC's name;
- The name of the foreign LLC's jurisdiction of formation;
- The foreign LLC's principal office and mailing addresses;
- The name and street address in Florida of, and the written acceptance by, the foreign LLC's initial registered agent in Florida;
- The name, title or capacity, and address of at least one person with the authority to manage the foreign LLC; and
- Additional information as may be necessary or appropriate in order to enable the DOS to determine whether the foreign LLC is entitled to file an application for a certificate of authority and to determine and assess applicable fees.<sup>14</sup>

Unless the DOS determines that such an application does not comply with the LLC Act's filing requirements, the DOS must, upon the payment of all filing fees, file the certificate of authority application.<sup>15</sup> The filing of the application means the foreign LLC has obtained a certificate of authority and is authorized to do business in Florida.<sup>16</sup> Such an LLC must file annual reports as required of a domestic LLC, which reports must include additional information pertinent to a foreign LLC as specified in the LLC Act.<sup>17</sup>

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<sup>12</sup> The federal employer identification number, also known as a federal tax identification number, is issued by the IRS and used to identify a business for federal tax purposes. IRS, *Employer ID Numbers*, <https://www.irs.gov/businesses/small-businesses-self-employed/employer-id-numbers> (last visited Jan. 29, 2024)

<sup>13</sup> Section 605.0212, F.S.

<sup>14</sup> Section 605.0902, F.S.

<sup>15</sup> Section 605.0903, F.S.

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

<sup>17</sup> Section 605.0212, F.S.

## Protected Series Limited Liability Companies

In 1996, Delaware enacted legislation providing for the formation of a “protected series limited liability company” (protected series LLC), which offers both the traditional, vertical liability shield of an LLC and a new, horizontal liability shield for any protected series of the LLC; in other words, the assets of any one protected series of an LLC are not available to satisfy the claims of creditors of the LLC or of any other protected series of the LLC.<sup>18</sup> Since then, 20 other states and the District of Columbia have enacted legislation providing for the formation of some type of protected series LLC.<sup>19</sup>

In response to the growing popularity of this type of business entity, the Uniform Law Commission promulgated the Uniform Protected Series Act (UPSA) in 2017, intended as a model law that could be inserted into a state’s existing LLC statutes.<sup>20</sup> The UPSA contains definitions; a description of the nature and purpose of a protected series LLC, as well as its powers, purpose, and duration; a description of how a protected series is governed by the LLC’s operating agreement; and rules for applying certain provisions of a state’s existing LLC act to a protected series.<sup>21</sup>

### Florida

A protected series LLC formed in another state (a foreign series LLC) is currently authorized to do business in Florida if it meets all applicable statutory requirements for a foreign LLC and registers with the DOS.<sup>22</sup> However, Florida law does not currently recognize the protected series LLC model; thus, each series in a foreign series LLC must qualify to do business in Florida as if each series were a separate legal entity. Moreover, there is no guidance for lawyers and judges being asked to address a foreign series LLC with respect to contracts, claims, and disputes.<sup>23</sup>

In 2020, the Business Law Section of the Florida Bar formed the Protected Series LLC Task Force (Task Force) to analyze the UPSA and consider its adoption in Florida.<sup>24</sup> The Task Force ultimately proposed that new sections be added to the LLC Act to authorize the formation of a protected series LLC under Florida law, using model language borrowed from the UPSA and language which deviates from the UPSA to address unique aspects of Florida law.<sup>25</sup>

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<sup>18</sup> Protected Series LLC Task Force of the Florida Bar Business Law Section, *White Paper: Analysis of Proposed Additions to Chapter 605* (Jan. 14, 2024).

<sup>19</sup> These states are: Wisconsin, Oklahoma, Illinois, Nevada, Tennessee, Iowa, Texas, Kansas, Missouri, Montana, Utah, Alabama, Indiana, Arkansas, Nebraska, North Dakota, South Dakota, Virginia, Wyoming, and Ohio. Puerto Rico also recognizes a protected series LLC. *Id.*

<sup>20</sup> Uniform Law Commission, *The Uniform Protected Series Act*, <https://www.uniformlaws.org/search?executeSearch=true&SearchTerm=uniform+protected+series+act&l=1> (last visited Jan. 29, 2024).

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

<sup>22</sup> See Business Law Section, *supra* note 18.

<sup>23</sup> *Id.*; See s. 605.0902, F.S., authorizing the DOS to require each individual series of a foreign series LLC to make a separate application for a certificate of authority, and to make such other filings as may be required for purposes of complying with the requirements of the LLC Act as if such series was a separate foreign LLC.

<sup>24</sup> See Business Law Section, *supra* note 18.

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

### III. Effect of Proposed Changes:

The bill adopts the Business Law Section Task Force's recommendations, creating The Uniform Protected Series Provisions in ss. 605.2101-605.2802, F.S., within the LLC Act to allow for the formation of a protected series LLC under Florida law. The bill refers to a protected series LLC as a "series LLC" and defines the term to mean a domestic LLC with at least one protected series established under s. 605.2201, F.S.

Practically speaking, this may encourage a business wishing to organize as a protected series LLC to organize under Florida law. The bill also recognizes the structure of existing foreign series LLCs wishing to do business in Florida, and provides clarity for lawyers and judges engaging with a business organized as a series LLC.

#### **Series LLC Formation**

The bill specifies that the provisions of the LLC Act applicable to the formation of an LLC generally also apply to the formation of a series LLC or protected series, except as otherwise provided. The bill also establishes provisions specific to the formation of a series LLC or protected series.

**Section 5** specifies a short title for sections 605.2101 through 605.2802 – the "Uniform Protected Series Provisions."

**Section 6** specifies definitions for use in the provisions.

#### ***Designation of Protected Series***

**Section 13** creates s. 605.2201, F.S., to provide that, with the affirmative vote or consent of all members of an LLC, the LLC may establish a protected series. To establish a protected series after such a vote, the bill requires an LLC to deliver to the DOS for filing a protected series designation, signed by the LLC, stating the names of the LLC and of the protected series to be established, and any other information the DOS requires for filing.

Under the bill, a protected series is established when the protected series designation takes effect. To amend such a designation, a series LLC must deliver to the DOS for filing a statement of designation change, signed by the company, that sets forth:

- The names of the series LLC and of the protected series to which the designation applies;
- Each change to the protected series designation; and
- A statement that the change was approved by the affirmative vote or consent of the members of the series LLC required to make the designated change.

The amendment takes effect when the statement of designation change takes effect.

#### ***Protected Series Name***

**Section 14** creates s. 605.2202, F.S., to specify that a protected series' name generally must meet the statutory requirements for LLC names. However, under the bill, a protected series' name must also:

- Begin with the series LLC's name, including any word or abbreviation required by the LLC Act; and
- Contain the phrase "protected series" or the abbreviation "P.S." or "PS."

If a series LLC changes its name, the LLC must deliver to the DOS for filing a statement of designation change for each of the LLC's protected series, changing the name of each such series to comply with this section.

### *Nature of a Protected Series*

**Section 7** creates s. 605.2103, F.S. to provide that a protected series is a person<sup>26</sup> distinct from all of the following:

- The series LLC, generally.
- Another protected series of the series LLC.
- A member of the series LLC, regardless of whether the member is an associated member<sup>27</sup> of the protected series.
- A protected-series transferee<sup>28</sup> of a protected series of the series LLC.
- A transferee of a transferrable interest<sup>29</sup> of the series LLC.

### *Powers and Duties of a Protected Series*

**Section 8** creates s. 605.2104, F.S., to provide that a protected series:

- Can sue and be sued in its own name.
- Generally has the same powers and purposes as the series LLC.
- Ceases to exist not later than when the series LLC completes its winding up.
- May not:
  - Be a member of the series LLC;
  - Establish a protected series; or
  - Except as otherwise authorized by Florida law, have a purpose or power, or take an action, that Florida law prohibits an LLC from having or taking.

### **Liability Limitations**

The bill recognizes both the traditional, vertical liability shield of an LLC and the new, horizontal liability shield of a series LLC, and establishes the limitations of such shields as applied to a series LLC.

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<sup>26</sup> "Person" means an individual, business corporation, nonprofit corporation, partnership, limited partnership, LLC, limited cooperative association, unincorporated nonprofit association, statutory trust, business trust, common law business trust, estate, trust, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or another legal or commercial entity. *See* s. 605.0102, F.S.

<sup>27</sup> An "associated member" is a member of a series LLC that meets statutory requirements and is associated with a protected series. *See* s. 605.2302, F.S.

<sup>28</sup> "Protected-series transferee" means a person to which all or part of a protected-series transferable interest of a protected series has been transferred, other than the series LLC company, and includes a person that owns a protected-series transferable interest as a result of ceasing to be an associated member of a protected series.

<sup>29</sup> "Protected series transferrable interest" means a right to receive a distribution from a protected series.

### ***Liability Shield***

**Section 24** creates s. 605.2401, F.S., to provide that the following concepts generally apply:

- A series LLC's debt, obligation, or other liability is solely the debt, obligation, or liability of the series LLC.
- A protected series' debt, obligation, or other liability is solely the debt, obligation, or liability of the protected series.
- A series LLC is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of its protected series solely by reason of the protected series being a protected series of the series LLC, or the series LLC:
  - Being or acting as a protected-series manager of the protected series;
  - Having the protected series manage the series LLC; or
  - Owning a protected-series transferrable interest of the protected series.
- A protected series is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of the series LLC or another protected series of the series LLC, solely by reason of:
  - Being a protected series of the series LLC;
  - Being or acting as a manager of the series LLC or a protected-series manager of another protected series of the company; or
  - Having the series LLC or another protected series of the company be or act as a protected-series manager of the protected series.

Further, the bill specifies that a person is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of:

- A protected series of a series LLC solely by reason of being or acting as:
  - An associated member, protected-series manager, or protected-series transferee of the protected series; or
  - A member, manager, or a transferee of the series LLC.
- A series LLC solely by reason of being or acting as an associated member, protected-series manager, or protected-series transferee of a protected series of the LLC.

### ***Claim Seeking to Disregard Liability Limitation***

**Section 25** creates s. 605.2402, F.S., to provide that a claim seeking to disregard a liability limitation pertaining to a series LLC, a protected series, or persons connected thereto, including a principal providing a right to a creditor or holding a person liable for a debt, obligation, or other liability of another person, is governed by the principles of law and equity which would apply if each protected series were an LLC formed separately from the series LLC and distinct from the series LLC and any other protected series of such LLC. The bill also specifies that:

- Failure of an LLC or a protected series to observe the formalities of its activities and affairs is not grounds to disregard a limitation in s. 605.2401(1), F.S., relating to the liability of persons acting in specified roles, but may be grounds to disregard a limitation in s. 605.2401(2), F.S., relating to the liability of a protected series or series LLC.

- This section applies to a claim seeking to disregard a liability limitation applicable to a foreign series LLC<sup>30</sup> or a foreign protected series<sup>31</sup> and comparable to a limitation stated in s. 605.2401, F.S., if:
  - The claimant is a Florida resident, transacting business in Florida, or authorized to transact business in Florida; or
  - The claim is to establish or enforce a liability arising under Florida law other than the LLC Act or from an act or omission in Florida.

### ***Remedies of Certain Judgment Creditors***

**Section 26** creates s. 605.2403, F.S., to specify that the provisions of s. 605.0503, F.S., which provide or restrict remedies available to a judgment creditor<sup>32</sup> of a member or transferee of an LLC, apply to a judgment creditor of:

- An associated member or protected-series transferee of a protected series; and
- A series LLC, to the extent the LLC owns a protected-series transferable interest of a protected series.

### ***Enforcement of Claim Against Non-Associated Assets***

**Section 27** creates s. 605.2404, F.S., to specify that, if a claim against a series LLC or a protected series of the LLC has been reduced to judgment, in addition to any other remedy provided by law or equity, the judgment may be enforced in accordance with the following:

- A judgment against a series LLC may be enforced against an asset<sup>33</sup> of a protected series of the LLC if the asset:
  - Was a non-associated asset<sup>34</sup> of the protected series on the incurrence date;<sup>35</sup> or
  - Is a non-associated asset of the protected series on the enforcement date.<sup>36</sup>
- A judgment against a protected series may be enforced against the series LLC if the asset:
  - Was a non-associated asset of the series LLC on the incurrence date; or
  - Is a non-associated asset of the series LLC on the enforcement date.
- A judgment against a protected series may be enforced against an asset of another protected series of the series LLC if the asset:

<sup>30</sup> A “foreign series LLC” is a foreign LLC that has at least one foreign series or protected series.

<sup>31</sup> A “foreign protected series” means an arrangement, configuration, or other structure established by a foreign LLC which has attributes comparable to a protected series established under ch. 605, F.S., regardless of whether the law under which such company is organized refers to “series” or “protected series.”

<sup>32</sup> A “judgment creditor” is a person with the right to demand the payment of monetary damages awarded as part of a judgment rendered in a civil action. Legal Information Institute, *Judgment Creditor*, [https://www.law.cornell.edu/wex/judgment\\_creditor](https://www.law.cornell.edu/wex/judgment_creditor) (last visited Jan. 29, 2024).

<sup>33</sup> “Asset” means property: (a) in which a series LLC or a protected series has rights; or (b) as to which the series LLC or protected series has the power to transfer rights.

<sup>34</sup> A “non-associated asset” means: (a) an asset of a series LLC which is not an associated asset of such LLC; or (b) an asset of a protected series which is not an associated asset of the protected series. “Associated asset,” meanwhile, means an asset that meets the requirements of s. 605.2301, F.S. In other words, associated assets have only one owner (that is, either the series LLC or the protected series), while non-associated assets are available to the creditors of both the series LLC and the protected series.

<sup>35</sup> “Incurrence date” means the date on which a series LLC or protected series incurred the liability giving rise to a claim that a claimant seeks to enforce under s. 605.2404, F.S.

<sup>36</sup> “Enforcement date” means 12:01 a.m. on the date on which a claimant first serves process on a series LLC or protected series in an action seeking to enforce a claim against an asset of the LLC or protected series by attachment, levy, or the like under s. 605.2404, F.S.



- Was a non-associated asset of the other protected series on the incurrence date; or
- Is a non-associated asset of the other protected series on the enforcement date.

Further, under the bill:

- If a claim against a series LLC or a protected series has not been reduced to a judgment, and a law other than the LLC Act authorizes a prejudgment remedy by attachment,<sup>37</sup> levy,<sup>38</sup> or the like, the court may apply the foregoing as a prejudgment remedy.
- The party asserting that an asset is or was an associated asset of a series LLC or a protected series has the burden of proof on the issue.
- Newly-created s. 605.2404, F.S., applies to an asset of a foreign series LLC or foreign protected series under specified circumstances, including that the asset is real or tangible property located in Florida.

### **Protected Series LLC Operations and Governance**

The bill specifies that the provisions of the LLC Act applicable to LLCs in general, and their members and managers, including, but not limited to, provisions relating to LLC operation, existence, and management; court proceedings; and filings with the DOS and other state or local government agencies, generally apply to each series LLC and to each protected series established under s. 605.2201, F.S. The bill also creates provisions of the LLC Act applicable only to the operation and governance of a series LLC and a protected series.

#### ***Protected Series Governing Law***

**Sections 9 and 39** create ss. 605.2105 and 605.2701, F.S., respectively, to provide that Florida law governs:

- The internal affairs of a protected series or foreign protected series.
- The relations between a protected series or foreign protected series and specified parties, including the series LLC or foreign series LLC and another protected series of such LLC.
- The liability of a person for a debt, obligation, or other liability of a protected series or foreign protected series arising under specified circumstances.
- The liability of a series LLC or foreign series LLC for a debt, obligation, or other liability of its protected series arising under specified circumstances.
- The liability of a protected series or foreign protected series for a debt, obligation, or other liability of the series LLC or foreign series LLC arising under specified circumstances.

#### ***Operating Agreements***

**Section 10** creates s. 605.2106, F.S., to provide that a series LLC's operating agreement generally governs the internal affairs of a protected series and relations between a protected series and specified parties. The bill also specifies:

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<sup>37</sup> An "attachment" is a court order directing the freezing or seizure of specific assets belonging to a debtor, pending the outcome of a civil matter involving a creditor who may obtain a judgment in his or her favor that could be satisfied by the sale or application of the assets. Legal Information Institute, *Attachment*, <https://www.law.cornell.edu/wex/attachment> (last visited Jan. 29, 2024).

<sup>38</sup> A "levy" is the court-ordered seizure and sale of property to satisfy a delinquent debt or judgment. Legal Information Institute, *Levy*, <https://www.law.cornell.edu/wex/levy> (last visited Jan. 29, 2024).

- How such matters are determined if the operating agreement of a series LLC does not provide for such matters in an authorized manner.
- How certain restrictions on operating agreements imposed by the LLC Act or other laws apply.

**Section 11** creates s. 605.2107, F.S., to provide that an operating agreement for a series LLC may not vary the effect of specified provisions of law created by the bill, except to the extent otherwise specified therein. Under the bill, an operating agreement may not unreasonably restrict the duties and rights of a person who is not an associated member of a protected series to information concerning the protected series, but may impose reasonable restrictions on the availability and use of such information, and may provide appropriate remedies, including liquidated damages, for a breach of any reasonable restriction on such use.

### ***Application***

**Section 12** creates s. 605.2108, F.S., which specifies application of ch. 605, F.S., to specified provisions of protected series, and exemptions.

### ***Registered Agent***

**Section 15** creates s. 605.2203, F.S., to provide that the registered agent in Florida for a series LLC is the registered agent in Florida for each protected series of that LLC, but a series LLC must agree with a registered agent that the agent will serve as the registered agent in Florida for the LLC and for each protected series of the LLC before delivering a protected series designation to the DOS for filing. Further, under the bill, a person that ceases to be the registered agent for a:

- Series LLC ceases to be the registered agent for each protected series of such LLC.
- Protected series, other than as a result of the termination of the protected series, ceases to be the registered agent of the series LLC and any other protected series of such LLC.

The bill also provides that, except as otherwise agreed upon by a series LLC and its registered agent, the registered agent is not obligated to distinguish between a process, notice, demand, or other record concerning the series LLC and a process, notice, demand, or other record concerning a protected series of the series LLC.

### ***Service of Process, Notice, Demand, or Other Record***

**Section 16** creates s. 605.2204, F.S., to provide that process against a series LLC, a protected series, a registered foreign series LLC, or a registered foreign protected series may be serviced in the same manner as service is made on such entity under s. 48.062 and chapters 48 or 49, F.S. Under the bill, any notice or demand on a series LLC or protected series may be given or made to any member of a member-managed series LLC or to any manager of a manager-managed LLC; to the registered agent of a series LLC at the registered office of the series LLC in Florida; or to any other address in Florida which is the principal Florida office of the series LLC. Similarly, any notice or demand on a registered foreign series LLC or a registered foreign protected series may be given or made to any member of a member-managed foreign series LLC or to any manager of a manager-managed foreign series LLC; the registered agent of the registered foreign series LLC at the registered office of the foreign series LLC; or to the principal office address, or any other Florida address, which is the principal Florida office of the registered

foreign series LLC. However, the bill does not affect the right to serve process on, give notice to, or make a demand on a series LLC or a protected series thereof, or on a foreign series LLC or a protected series thereof, in any other manner provided by law.

**Section 3** amends s. 605.0117, F.S., to delete a provision that a registered series of a foreign series limited liability company may be served in the same manner as a registered limited liability company.

**Section 1** amends s. 48.062, F.S., to define “registered foreign protected series of a foreign series LLC” and “registered foreign series LLC” and to provide that:

- Service on a series LLC is notice to each protected series thereof.
- Service on a protected series is notice to the series LLC thereof.
- Service on a registered foreign series LLC is notice to each protected series thereof.
- Service on a registered foreign protected series is notice to each registered foreign series LLC thereof.

### ***Foreign Series LLCs and Foreign Protected Series***

**Section 40** creates s. 605.2702, F.S., to provide that, in determining whether a foreign series LLC or foreign protected series is transacting business in Florida or is subject to the personal jurisdiction of Florida courts, the activities and affairs of the:

- Foreign series LLC are not attributable to a foreign protected series of such LLC solely by reason of the foreign protected series being a foreign protected series of the LLC.
- Foreign protected series are not attributable to a foreign series LLC or another foreign protected series of the LLC solely by reason of the foreign protected series being a foreign protected series of the foreign series LLC.

**Section 41** creates s. 605.2703, F.S., to require that an application by a foreign protected series for a certificate of authority to do business in Florida must include specified information, including the name and jurisdiction of formation of the foreign series LLC and the foreign protected series seeking the certificate and, if the foreign series LLC has other foreign protected series, the name, title, capacity, and street and mailing address of at least one person who has the authority to manage the foreign series LLC and who knows specified information about the protected series. The bill also specifies which provisions of the LLC Act apply to the application for a certificate of authority by a foreign series LLC, which provisions include the naming requirements and provisions relating to required information.

**Section 42** creates s. 605.2704, F.S., to provide that, not later than 30 days after becoming a party to a proceeding before a civil, administrative, or other adjudicative tribunal of or located in Florida, or a tribunal of the United States located in Florida:<sup>39</sup>

- A foreign series LLC must disclose to each other party the name and street and mailing address of:
  - Each of its foreign protected series; and

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<sup>39</sup> The disclosure requirements are tolled under the bill if a foreign series LLC or foreign protected series challenges the personal jurisdiction of the tribunal, until the tribunal determines whether it has personal jurisdiction.

- Each foreign protected series manager of and a registered agent for service of process for each foreign protected series.
- A foreign protected series must disclose to each other party the name and street and mailing address of:
  - The foreign series LLC;
  - An agent for service of process for the foreign series LLC;
  - Any other foreign protected series of the foreign series LLC; and
  - Each foreign protected-series manager of and an agent for service of process for the other foreign protected series.

Under the bill, where a foreign series LLC or foreign protected series does not comply with the disclosure requirements under s. 605.2704, F.S., a party to the proceeding may ask the tribunal to treat the noncompliance as a failure to comply with the tribunal's discovery rules or bring a separate proceeding to the court to enforce compliance.

### ***Issuance of Certificate of Status or Authority***

**Section 17** creates s. 605.2205, F.S., to provide that, upon the satisfaction of specified requirements, the DOS must issue a certificate of status for a protected series, or a certificate of authority for a foreign protected series, if:

- In the case of a protected series, the records show that the DOS has accepted and filed articles of organization for the series LLC and a protected series designation for the protected series.
- In the case of a foreign protected series, the records show that the DOS has filed a certificate of authority for the foreign series LLC and a certificate of authority for the foreign protected series.

A certificate issued under this section must contain specified information, including:

- In the case of a protected series, the name of the protected series, the series LLC's name, the date the protected series designation took effect, and other information.
- In the case of a foreign protected series, the foreign protected series' name, the foreign series LLC's name, the fact that the foreign series LLC is authorized to do business in Florida, and other information.

Under the bill, the certificate may be relied on as conclusive evidence of the facts stated therein, subject to any qualifications stated by the DOS in the certificate.

### ***Annual Report Information***

**Section 18** creates s. 605.2206, F.S., to require that, in its annual report, a series LLC must include the name of each its protected series:

- For which the series LLC has previously delivered to the DOS for filing a protected series designation; and
- Which has not dissolved and completed winding up.

Under the bill, a series LLC's failure to comply with this requirement with regard to a protected series prevents issuance of a certificate of status pertaining to the protected series, but does not otherwise affect the protected series.

Similarly, the bill requires that, in its annual report, a registered foreign series LLC include the name of each registered foreign protected series of the registered foreign series LLC:

- For which the registered foreign series LLC has previously delivered to the DOS for filing an application for a certificate of authority to do business in Florida, which the DOS has accepted; and
- Which has not withdrawn its certificate of authority.

Under the bill, the failure of a registered foreign series LLC to comply with this requirement with regard to a registered foreign protected series prevents issuance of a certificate of status pertaining to the foreign protected series.

### ***Associated Assets***

**Section 19** creates s. 605.2301, F.S., to provide that only an asset of a protected series may be an associated asset of the protected series, while only an asset of a series LLC may be an associated asset of the series LLC. Further, the bill specifies that an asset of a protected series is an associated asset of the protected series, and an asset of a series LLC is an associated asset of the series LLC, only if the protected series or series LLC creates and maintains specified records that state the name of the protected series or series LLC and describe the asset with sufficient specificity to permit a disinterested, reasonable individual to make specified determinations about the asset. Such records may be organized by specific listing, category, type, quantity, or computational or allocational formula or procedure, including a percentage or share of any asset, or in any other reasonable manner.

Further, under the bill, a series LLC or protected series may, to the extent authorized by law, hold an associated asset directly or indirectly, except that:

- A protected series may not hold an associated asset in the name of the series LLC or another protected series of such LLC; and
- The series LLC may not hold an associated asset in the name of its protected series.

The bill also provides for the effect of a deed or other instrument granting an interest in real property to or from a series LLC or one or more protected series of a series LLC, or any other instrument otherwise affecting an interest in real property held by such entity, in each case to the extent such deed or other instrument is recorded in the office for recording transfers or other matters affecting real property and specified records are maintained.

### ***Associated Member***

**Section 20** creates s. 605.2302, F.S., to specify that only a member of a series LLC may be an associated member of a protected series of such LLC. Under the bill, a member of a series LLC becomes an associated member of a protected series of such LLC if the operating agreement or a procedure established therein states:

- That the member is an associated member of the protected series;
- The date on which the member became an associated member of the protected series; and
- Any protected-series transferable interest the associated member has in connection with becoming or being an associated member of the protected series.

Further, the bill specifies:

- That if a person that is an associated member of a protected series is dissociated from the series LLC, the person ceases to be an associated member of the protected series.
- The rights of an associated member of a protected series to vote on or consent to an amendment to the series LLC's operating agreement or any other matter being decided by the members or to maintain a derivative action to enforce a right of the LLC.
- That an associated member of a protected series is an agent of the protected series with certain powers to bind the protected series.

### ***Protected-Series Transferrable Interest***

**Section 21** creates s. 605.2303, F.S., to provide that a protected-series transferrable interest of a protected series must be owned initially by an associated member of the protected series or the series LLC. Under the bill, if a protected series has no associated members when established, the series LLC owns the protected-series transferable interests in the protected series. A series LLC may also acquire a protected-series transferable interest through a transfer from another person or as provided in the operating agreement.

Further, except as otherwise specified, a provision of the:

- LLC Act which applies to a protected-series transferee of a protected series applies to the series LLC in its capacity as an owner of a protected-series transferable interest of the protected series.
- Operating agreement of a series LLC which applies to a protected-series transferee of a protected series applies to the series LLC in its capacity as an owner of a protected-series transferrable interest of the protected series.

### ***Management***

**Section 22** creates s. 605.2304, F.S., to specify that a protected series may have more than one protected-series manager and, if a protected series has no associated members, the series LLC is the protected-series manager. The bill also provides for the determination of any duties of a protected-series manager to:

- The protected series;
- Any associated member of the protected series; and
- Any protected-series transferee of the protected series.

However, the bill provides that, solely by reason of being or acting as a protected-series manager, a person owes no duty to:

- The series LLC;
- Another protected series of the series LLC; or
- Another person in that person's capacity as:
  - A member of the series LLC which is not an associated member of the protected series;
  - A protected-series transferee or protected-series manager of another protected series; or
  - A transferee of the series LLC.

### ***Right of Non-Associated Members to Specified Information***

**Section 23** creates s. 605.2305, F.S., to specify the rights to information concerning the protected series of a member of a series LLC which is not an associated member of a protected series of such LLC; a person who was formerly an associated member of a protected series; the legal representative of a deceased associated member of a protected series; and a protected-series manager of a protected series. Such rights generally correspond to the current rights of the counterparts of such persons under the LLC Act. The bill also provides that the court-ordered inspection provisions of s. 605.0411, F.S.,<sup>40</sup> apply to such information rights.

### ***Entity Transactions***

**Section 31** specifies definitions for use in provisions relating to entity transactions and mergers.

The bill provides for the role of, and in some instance prohibits the participation of, a series LLC or a protected series in certain entity transactions, including conversions,<sup>41</sup> domestications,<sup>42</sup> interest exchanges,<sup>43</sup> and mergers.<sup>44</sup>

**Sections 32 and 33** create ss. 605.2602 and 605.2603, F.S., respectively, to provide that a protected series and a series LLC, respectively, may not be a party to, be formed, organized, established, or created in, or result from:

- A conversion, domestication, or an interest exchange under the LLC Act or the law of a foreign jurisdiction; or
- A transaction with the same substantive effect as a conversion, domestication, or interest exchange.

The bill also specifies that a:

- Protected series may not be a party to, be formed, organized, established, or created in, or result from a merger under the LLC Act or the law of a foreign jurisdiction or a transaction with the same substantive effect as a merger.
- Series LLC may not, except as otherwise provided by law, be a party to or the surviving company<sup>45</sup> of a merger under the LLC Act or the law of a foreign jurisdiction or a transaction with the same substantive effect as a merger.

### ***Mergers Authorized***

**Section 34** creates s. 605.2604, F.S., to authorize a series LLC to be party to a merger only if:

- Each other party to the merger is an LLC; and
- The surviving company is not created in the merger.

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<sup>40</sup> S. 605.0411, F.S., applies if an LLC does not allow a member, manager, or other person who complies with applicable law to inspect and copy any records required to be available for inspection. Under this section, the circuit court may summarily order inspection and copying of the records demanded under specified circumstances, and may order the LLC to pay the costs, including reasonable attorney fees, incurred by the member, manager, or other person seeking the records to obtain the order and enforce its rights.

<sup>41</sup> A “conversion” is a transaction authorized under ss. 605.1041-605.1046, F.S.

<sup>42</sup> A “domestication” is a transaction authorized under ss. 605.1051-605.1056, F.S.

<sup>43</sup> An “interest exchange” is a transaction authorized under ss. 605.1031-605.1036, F.S.

<sup>44</sup> A “merger” is a transaction authorized under ss. 605.1021-605.1026, F.S.

<sup>45</sup> “Surviving company” means a merging company that continues in existence after a merger.

**Section 35** creates s. 605.2605, F.S., to require that the plan of merger:

- Comply with the requirements for the contents of a plan of merger for an LLC; and
- State specified information in a record, which information depends on whether the protected series is a protected series of a non-surviving company,<sup>46</sup> a protected series of a surviving company, a relocated protected series,<sup>47</sup> a continuing protected series,<sup>48</sup> or a protected series to be established by the surviving company.

**Section 36** creates s. 605.2606, F.S., to require that the articles of merger:

- Comply with the requirements for the articles of merger for an LLC;<sup>49</sup> and
- Include specified attachments, including, as appropriate, a signed statement of designation cancellation and termination; a signed statement of relocation and a statement of protected series designation; or a signed protected series designation.

### *Effect of Merger*

**Section 37** creates s. 605.2607, F.S., to establish the effects of a merger which occur in addition to the effects stated in s. 605.1026, F.S., relating to the merger of an LLC. Under this section:

- As provided in the plan of merger, each protected series of each merging series LLC which was established before the merger is a relocated or continuing protected series or is dissolved, wound up, and terminated.
- Any protected series to be established due to the merger is established.
- Any relocated or continuing protected series is the same person it was before the merger.
- All property of a relocated or continuing protected series continues to be vested in such protected series.
- All debts, obligations, and other liabilities of a relocated or continuing protected series continue as debts, obligations, and other liabilities of such protected series.
- Except as otherwise provided by law or the plan of merger, all rights, privileges, immunities, powers, and purposes of a relocated or continuing protected series remain in such protected series.
- The new name of a relocated protected series may be substituted for its former name in any pending action or proceeding.
- To the extent provided in the plan of merger:
  - A person becomes an associated member or a protected-series transferee or a relocated protected series or continuing protected series.
  - A person becomes an associated member of a protected series established by the surviving company due to the merger.

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<sup>46</sup> “Non-surviving company” means a merging company that does not continue in existence after a merger.

<sup>47</sup> “Relocated protected series” means a protected series of a non-surviving company which, after a merger, continues in uninterrupted existence as a protected series of the surviving company.

<sup>48</sup> “Continuing protected series” means a protected series of a surviving series LLC which continues in uninterrupted existence after a merger.

<sup>49</sup> Under s. 605.1025, F.S., after a plan of merger is approved, articles of merger must be signed by each merging entity and delivered to the DOS for filing. The articles must also contain specified information, including the merger’s effective date and the name, jurisdiction of formation, and type of entity of each merging entity that is not the surviving entity and of each entity that is the surviving entity.



- Any change in a person's rights or obligations in the person's capacity as an associated member or a protected series or continuing protected series takes effect.
- Any consideration to be paid to a person that before the merger was an associated member or a protected-series transferee of a relocated protected series or continuing protected series is due.
- Any person that is an associated member of a relocated protected series becomes a member of the surviving company, if not already a member.

**Section 38** creates s. 605.2608, F.S., to specify how creditors' rights existing under s. 605.2404, F.S., immediately before a merger may be enforced.

### **Protected Series Dissolution and Reinstatement**

The bill establishes the methods by which a protected series may be voluntarily or is automatically dissolved under the LLC Act.

#### ***Events Causing Protected Series Dissolution***

**Section 28** creates s. 605.2501, F.S., to provide that a protected series is dissolved, and its activities and affairs must be wound up, upon the occurrence of specified events, including:

- Dissolution of the series LLC;
- Occurrence of an event which the operating agreement states causes dissolution;
- Affirmative vote or consent of all members of the protected series;
- Entry of a court order dissolving the protected series under specified circumstances;
- Automatic or involuntary dissolution of the series LLC that established the protected series; and
- The filing of a statement of administrative dissolution<sup>50</sup> by the DOS.

#### ***Winding Up Dissolved Protected Series***

**Section 29** creates s. 605.2502, F.S., to provide the manner in which a dissolved protected series must wind up its activities and affairs, including by filing with the DOS articles of protected series dissolution and a statement of designation cancellation, and the extent to which judicial supervision or another judicial remedy is available in such a winding up. Further, the bill specifies that a series LLC does not complete its winding up until each of its protected series has completed its winding up.

#### ***Effect of Reinstatement or Voluntary Dismissal Revocation***

**Section 30** creates s. 605.2503, F.S., to provide that, if a series LLC that has been administratively dissolved is reinstated, or a series LLC that voluntarily dissolved revokes its articles of dissolution, before filing a statement of termination:

- Each protected series of the series LLC ceases winding up; and
- The provisions of s. 605.0708, F.S., relating to revocation of articles of dissolution, apply to the series LLC and to each protected series as specified in law.

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<sup>50</sup> Administrative dissolution is governed by s. 605.0714, F.S.

**Electronic Signatures**

**Section 43** creates s. 605.2801, F.S., to provide that s. 605.1102, F.S., relating to the applicability of the Electronic Signatures in Global and National Commerce Act, applies to the Uniform Protected Series Provisions.

**Other Provisions**

**Section 2** amends s. 605.0103, F.S., to specify that a person knows a fact if they are deemed to know the fact under paragraph (4)(a), changing the reference from the current (4)(b).

**Section 4** amends s. 605.0211, F.S., to make clarifying changes to provisions related to certificates of status.

**Effective Date**

**Section 44** creates s. 605.2802, F.S., to provide that:

- Beginning July 1, 2025, Chapter 605, F.S., governs all domestic and foreign series LLCs, all domestic protected series, and all foreign series that do business in Florida.
- A domestic LLC formed before January 1, 2025, may not create or designate any protected series before the bill's effective date.

**Section 45** provides an effective date of January 1, 2025.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

**B. Private Sector Impact:**

Indeterminate. New or additional business entities may organize and do business in the state.

**C. Government Sector Impact:**

Indeterminate. New or additional entities registering with the Department of State may marginally increase their workload.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 48.062, 605.0103, 605.0117, and 605.0211.

This bill creates the following sections of the Florida Statutes: 605.2101, 605.2102, 605.2103, 605.2104, 605.2105, 605.2106, 605.2107, 605.2108, 605.2201, 605.2202, 605.2203, 605.2204, 605.2205, 605.2206, 605.2301, 605.2302, 605.2303, 605.2304, 605.2305, 605.2401, 605.2402, 605.2403, 605.2404, 605.2501, 605.2502, 605.2503, 605.2601, 605.2602, 605.2603, 605.2604, 605.2605, 605.2606, 605.2607, 605.2608, 605.2701, 605.2702, 605.2703, 605.2704, 605.2801, and 605.2802

**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 Berman

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1 A bill to be entitled  
 2 An act relating to limited liability companies;  
 3 amending s. 48.062, F.S.; defining the terms  
 4 "registered foreign protected series of a foreign  
 5 series limited liability company" and "registered  
 6 foreign series limited liability company"; specifying  
 7 that certain limited liability companies are  
 8 considered a nonresident under certain circumstances;  
 9 providing for service of a summons and complaint on  
 10 such companies and series; specifying that such  
 11 service serves as notice to such companies and series;  
 12 amending s. 605.0103, F.S.; correcting a cross-  
 13 reference; amending s. 605.0117, F.S.; conforming a  
 14 provision to changes made by the act; amending s.  
 15 605.0211, F.S.; revising requirements for certificates  
 16 of status; creating s. 605.2101, F.S.; providing a  
 17 short title; creating s. 605.2102, F.S.; defining  
 18 terms; creating s. 605.2103, F.S.; providing that a  
 19 protected series of a series limited liability company  
 20 is a person distinct from certain other entities;  
 21 creating s. 605.2104, F.S.; providing for powers and  
 22 prohibitions for protected series of series limited  
 23 liability companies; creating s. 605.2105, F.S.;  
 24 providing construction; creating s. 605.2106, F.S.;  
 25 providing construction regarding protected series  
 26 operating agreements; providing applicability with  
 27 regard to certain restrictions on limited liability  
 28 companies; creating s. 605.2107, F.S.; providing  
 29 prohibitions and authorizations relating to operating

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30 agreements; creating s. 605.2108, F.S.; providing  
 31 applicability; creating s. 605.2201, F.S.; authorizing  
 32 domestic limited liability companies to establish  
 33 protected series; specifying requirements for  
 34 establishing protected series and amending protected  
 35 series designations; creating s. 605.2202, F.S.;  
 36 specifying requirements for naming a protected series;  
 37 creating s. 605.2203, F.S.; providing specifications  
 38 and requirements for the registered agent for a  
 39 protected series; specifying requirements relating to  
 40 protected series designations; specifying that a  
 41 registered agent is not required to distinguish  
 42 between certain processes, notices, demands, and  
 43 records unless otherwise agreed upon; creating s.  
 44 605.2204, F.S.; authorizing service on, and provision  
 45 of notice and demand to, certain limited liability  
 46 companies and protected series in a specified manner;  
 47 providing that certain notice is effective regardless  
 48 of whether any notice or demand identify a person if  
 49 certain requirements are met; providing authorizations  
 50 relating to certain services and notices; providing  
 51 construction; creating s. 605.2205, F.S.; requiring  
 52 the Department of State to issue a certificate of  
 53 status under certain circumstances; specifying  
 54 requirements for certificates of status; providing  
 55 that a certificate of status may be relied upon as  
 56 conclusive evidence of the facts stated in the  
 57 certificate; creating s. 605.2206, F.S.; requiring  
 58 series limited liability companies and registered

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59 foreign series limited liability companies to include  
 60 specified information in a required annual report;  
 61 specifying that failure to include such information  
 62 prevents a certificate of status from being issued;  
 63 creating s. 605.2301, F.S.; specifying that only  
 64 certain assets may be considered associated assets;  
 65 specifying requirements for an asset to be considered  
 66 an associated asset; authorizing that certain records  
 67 and recordkeeping be organized in a specified manner;  
 68 authorizing series limited liability companies or  
 69 protected series of such companies to hold an  
 70 associated asset in a specified manner; providing  
 71 exceptions; creating s. 605.2302, F.S.; specifying  
 72 requirements for becoming an associated member of a  
 73 protected series of a series limited liability  
 74 company; creating s. 605.2303, F.S.; requiring that  
 75 protected-series transferable interests be owned  
 76 initially by an associated member of the protected  
 77 series or the series limited liability company;  
 78 providing for ownership when a protected series of a  
 79 series limited liability company does not have  
 80 associated members upon establishment under certain  
 81 circumstances; authorizing series limited liability  
 82 companies to acquire such interests by transfer;  
 83 providing applicability; creating s. 605.2304, F.S.;  
 84 authorizing a protected series to have one or more  
 85 protected-series managers; specifying that if a  
 86 protected series does not have associated members, the  
 87 series limited liability company is the protected-

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88 series manager; providing applicability; specifying  
 89 that a person does not owe a duty to specified  
 90 entities for certain reasons; providing rights of  
 91 associated members; providing applicability;  
 92 specifying that an associated member of a member-  
 93 managed protected series, or a protected-series  
 94 manager of a manager-managed protected series, is an  
 95 agent for the protected series and has a specified  
 96 power; creating s. 605.2305, F.S.; providing rights  
 97 for certain persons relating to information concerning  
 98 protected series; providing applicability; creating s.  
 99 605.2401, F.S.; providing limitations on liability for  
 100 certain persons; creating s. 605.2402, F.S.;  
 101 specifying that certain claims are governed by  
 102 specified provisions; specifying that the failure of  
 103 limited liability companies or protected series to  
 104 observe certain formalities is not a ground to  
 105 disregard a specified limitation; providing  
 106 applicability; creating s. 605.2403, F.S.; specifying  
 107 that certain provisions relating to the provision or  
 108 restriction of remedies apply to certain judgment  
 109 creditors; creating s. 605.2404, F.S.; defining the  
 110 terms "enforcement date" and "incurrence date";  
 111 authorizing that certain judgments be enforced in  
 112 accordance with specified provisions; authorizing  
 113 courts to provide a specified prejudgment remedy;  
 114 providing that a party making a certain assertion has  
 115 the burden of proof in specified proceedings;  
 116 providing applicability; creating s. 605.2501, F.S.;

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117 providing events causing the dissolution of protected  
 118 series of series limited liability companies; creating  
 119 s. 605.2502, F.S.; specifying requirements and  
 120 authorizations relating to dissolved protected series;  
 121 specifying that a series limited liability company has  
 122 not completed winding up until each of the protected  
 123 series of the company has done so; creating s.  
 124 605.2503, F.S.; providing for the effect of  
 125 reinstatements of series limited liability companies  
 126 and revocations of voluntary dissolutions; creating s.  
 127 605.2601, F.S.; defining terms; creating s. 605.2602,  
 128 F.S.; prohibiting protected series from involvement in  
 129 certain transactions; creating s. 605.2603, F.S.;  
 130 prohibiting series limited liability companies from  
 131 involvement in certain transactions; creating s.  
 132 605.2604, F.S.; authorizing series limited liability  
 133 companies to be a party to a merger under certain  
 134 circumstances; creating s. 605.2605, F.S.; requiring  
 135 that plans of merger meet certain requirements;  
 136 creating s. 605.2606, F.S.; requiring articles of  
 137 merger to meet certain requirements; creating s.  
 138 605.2607, F.S.; providing for effects of mergers of  
 139 protected series; creating s. 605.2608, F.S.;  
 140 providing the means for enforcement of creditors'  
 141 rights; providing applicability of certain provisions  
 142 after a merger; creating s. 605.2701, F.S.; providing  
 143 that the law of the jurisdiction of a foreign series  
 144 limited liability company's formation governs certain  
 145 aspects of the internal affairs of the foreign series

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146 limited liability company; providing applicability;  
 147 creating s. 605.2702, F.S.; specifying requirements  
 148 for making a specified determination relating to  
 149 certain companies transacting business in this state  
 150 or being subject to the personal jurisdiction of the  
 151 courts in this state; creating s. 605.2703, F.S.;  
 152 providing applicability of laws of this state relating  
 153 to certificates of authority for foreign series  
 154 limited liability companies and foreign protected  
 155 series of such companies; requiring an application by  
 156 a foreign protected series for a certificate of  
 157 authority to include certain information and comply  
 158 with specified provisions; providing applicability;  
 159 creating s. 605.2704, F.S.; requiring foreign series  
 160 limited liability companies and foreign protected  
 161 series of such companies to make specified  
 162 disclosures; tolling such requirements under certain  
 163 circumstances; authorizing certain parties to make a  
 164 specified request or bring a separate proceeding if  
 165 such company or series fails to make the disclosures;  
 166 creating s. 605.2801, F.S.; providing applicability of  
 167 provisions relating to electronic signatures; creating  
 168 s. 605.2802, F.S.; providing construction; prohibiting  
 169 domestic limited liability companies from creating or  
 170 designating any protected series before a specified  
 171 date; providing an effective date.

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

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Section 1. Present subsection (7) of section 48.062, Florida Statutes, is redesignated as subsection (11), a new subsection (7) and subsections (8), (9), and (10) are added to that section, and subsections (1) and (6) of that section are amended, to read:

48.062 Service on a domestic limited liability company or registered foreign limited liability company.—

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

(a) "Registered foreign limited liability company" means a foreign limited liability company that has an active certificate of authority to transact business in this state pursuant to a record filed with the Department of State.

(b) "Registered foreign protected series of a foreign series limited liability company" means a protected series of a foreign series limited liability company that has an active certificate of authority to transact business in this state pursuant to a record filed with the Department of State.

(c) "Registered foreign series limited liability company" means a foreign series limited liability company that has an active certificate of authority to transact business in this state pursuant to a record filed with the Department of State.

(6) A foreign limited liability company, foreign series limited liability company, or foreign protected series of a foreign series limited liability company engaging in business in this state which is not registered is considered, for purposes of service of process, a nonresident engaging in business in this state and may be served pursuant to s. 48.181 or by order of the court under s. 48.102.

(7) Service of a summons and complaint on a series limited

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liability company is notice to each protected series of the series limited liability company of service of the summons and complaint and the contents of the complaint.

(8) Service of a summons and complaint on a protected series of a series limited liability company is notice to the series limited liability company and any other protected series of the series limited liability company of service of the summons and complaint and the contents of the complaint.

(9) Service of a summons and complaint on a registered foreign series limited liability company is notice to each registered foreign protected series of the registered foreign series limited liability company of service of the summons and complaint and the contents of the complaint.

(10) Service of a summons and complaint on a registered foreign protected series of a foreign series limited liability company is notice to the foreign series limited liability company and to any other registered foreign protected series of the foreign series limited liability company of service of the summons and complaint and the contents of the complaint.

(11) This section does not apply to service of process on insurance companies.

Section 2. Subsection (1) of section 605.0103, Florida Statutes, is amended to read:

605.0103 Knowledge; notice.—

(1) A person knows a fact if the person:

(a) Has actual knowledge of the fact; or

(b) Is deemed to know the fact under paragraph (4) (a) ~~(4) (b)~~, or a law other than this chapter.

Section 3. Subsection (3) of section 605.0117, Florida

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Statutes, is amended to read:

605.0117 Serving process, giving notice, or making a demand.—

~~(3) A registered series of a foreign series limited liability company may be served in the same manner as a registered limited liability company.~~

Section 4. Paragraphs (c) through (f) of subsection (1) and subsection (2) of section 605.0211, Florida Statutes, are amended to read:

605.0211 Certificate of status.—

(1) The department, upon request and payment of the requisite fee, shall issue a certificate of status for a limited liability company if the records filed in the department show that the department has accepted and filed the company's articles of organization. A certificate of status must state the following:

(c) Whether all fees and penalties due to the department under this chapter have been paid.

(d) Whether ~~if~~ the company's most recent annual report required under s. 605.0212 has ~~not~~ been filed by the department.

(e) Whether ~~if~~ the department has administratively dissolved the company or received a record notifying the department that the company has been dissolved by judicial action pursuant to s. 605.0705.

(f) Whether ~~if~~ the department has filed articles of dissolution for the company.

(2) The department, upon request and payment of the requisite fee, shall furnish a certificate of status for a foreign limited liability company if the filed records ~~filed~~

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show that the department has filed a certificate of authority for that company. A certificate of status for a foreign limited liability company must state the following:

(a) The foreign limited liability company's name and any current alternate name adopted under s. 605.0906(1) for use in this state.

(b) That the foreign limited liability company is authorized to transact business in this state.

(c) Whether all fees and penalties due to the department under this chapter or other law have been paid.

(d) Whether ~~if~~ the foreign limited liability company's most recent annual report required under s. 605.0212 has ~~not~~ been filed by the department.

(e) Whether ~~if~~ the department has:

1. Revoked the foreign limited liability company's certificate of authority; or

2. Filed a notice of withdrawal of certificate of authority of the foreign limited liability company.

Section 5. Section 605.2101, Florida Statutes, is created to read:

605.2101 Short title.—Sections 605.2101-605.2802 may be cited as the "Uniform Protected Series Provisions."

Section 6. Section 605.2102, Florida Statutes, is created to read:

605.2102 Definitions.—As used in ss. 605.2101-605.2802, the term:

(1) "Asset" means either of the following:

(a) Property in which a series limited liability company or a protected series has rights; or

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291 (b) Property as to which the series limited liability  
 292 company or protected series has the power to transfer rights.  
 293 (2) "Associated asset" means an asset that meets the  
 294 requirements of s. 605.2301.  
 295 (3) "Associated member" means a member that meets the  
 296 requirements of s. 605.2302.  
 297 (4) "Foreign protected series" means an arrangement, a  
 298 configuration, or another structure established by a foreign  
 299 limited liability company which has attributes comparable to a  
 300 protected series established under this chapter, regardless of  
 301 whether the law under which the foreign company is organized  
 302 refers to "series" or "protected series."  
 303 (5) "Foreign series limited liability company" means a  
 304 foreign limited liability company that has at least one foreign  
 305 series or protected series.  
 306 (6) "Non-associated asset" means either of the following:  
 307 (a) An asset of a series limited liability company which is  
 308 not an associated asset of the company; or  
 309 (b) An asset of a protected series of a series limited  
 310 liability company which is not an associated asset of the  
 311 protected series.  
 312 (7) "Person" has the same meaning as in s. 605.0102 and  
 313 includes a protected series and a foreign protected series.  
 314 (8) "Protected series," except in the phrase "foreign  
 315 protected series," means a protected series established under s.  
 316 605.2201.  
 317 (9) "Protected-series manager" means a person under whose  
 318 authority the powers of a protected series are exercised and  
 319 under whose direction the activities and affairs of the

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320 protected series are managed under the operating agreement and  
 321 this chapter.  
 322 (10) "Protected-series transferable interest" means a right  
 323 to receive a distribution from a protected series.  
 324 (11) "Protected-series transferee" means a person other  
 325 than the series limited liability company to which all or part  
 326 of a protected-series transferable interest of a protected  
 327 series of a series limited liability company has been  
 328 transferred. The term includes a person that owns a protected-  
 329 series transferable interest as a result of ceasing to be an  
 330 associated member of a protected series.  
 331 (12) "Registered foreign protected series" means a  
 332 protected series of a foreign series limited liability company  
 333 that has an active certificate of authority to transact business  
 334 in this state pursuant to a record filed with the department.  
 335 (13) "Registered foreign series limited liability company"  
 336 means a foreign series limited liability company that has an  
 337 active certificate of authority to transact business in this  
 338 state pursuant to a record filed with the department.  
 339 (14) "Series limited liability company," except in the  
 340 phrase "foreign series limited liability company," means a  
 341 domestic limited liability company that has at least one  
 342 protected series.  
 343 Section 7. Section 605.2103, Florida Statutes, is created  
 344 to read:  
 345 605.2103 Nature of protected status.—A protected series of  
 346 a series limited liability company is a person distinct from all  
 347 of the following:  
 348 (1) The series limited liability company, subject to ss.

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349 605.2104(3), 605.2501(1), and 605.2502(4).

350 (2) Another protected series of the series limited

351 liability company.

352 (3) A member of the series limited liability company,

353 regardless of whether the member is an associated member of the

354 protected series of the series limited liability company.

355 (4) A protected-series transferee of a protected series of

356 the series limited liability company.

357 (5) A transferee of a transferable interest of the series

358 limited liability company.

359 Section 8. Section 605.2104, Florida Statutes, is created

360 to read:

361 605.2104 Powers and duration of protected series.—

362 (1) A protected series of a series limited liability

363 company has the capacity to sue and be sued in its own name.

364 (2) Except as otherwise provided in subsections (3) and

365 (4), a protected series of a series limited liability company

366 has the same powers and purposes as the series limited liability

367 company.

368 (3) A protected series of a series limited liability

369 company ceases to exist not later than when the series limited

370 liability company completes its winding up.

371 (4) A protected series of a series limited liability

372 company may not be or do, as applicable, any of the following:

373 (a) Be a member of the series limited liability company;

374 (b) Establish a protected series; or

375 (c) Except as permitted by the laws of this state other

376 than this chapter, have a purpose or power, or take an action,

377 that the laws of this state other than this chapter prohibit a

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378 limited liability company from having or doing.

379 Section 9. Section 605.2105, Florida Statutes, is created

380 to read:

381 605.2105 Protected series governing law.—The laws of this

382 state govern the following:

383 (1) The internal affairs of a protected series of a series

384 limited liability company, including all of the following:

385 (a) Relations among any associated members of the protected

386 series.

387 (b) Relations between the protected series and:

388 1. Any associated member;

389 2. Any protected-series manager; or

390 3. Any protected-series transferee.

391 (c) Relations between any associated member and:

392 1. Any protected-series manager; or

393 2. Any protected-series transferee.

394 (d) The rights and duties of a protected-series manager.

395 (e) Governance decisions affecting the activities and

396 affairs of the protected series and the conduct of those

397 activities and affairs.

398 (f) Procedures and conditions for becoming an associated

399 member or a protected-series transferee.

400 (2) The relations between a protected series of a series

401 limited liability company and each of the following:

402 (a) The series limited liability company.

403 (b) Another protected series of the series limited

404 liability company.

405 (c) A member of the series limited liability company which

406 is not an associated member of the protected series of the

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series limited liability company.

(d) A protected-series manager that is not a protected-series manager of the protected series.

(e) A protected-series transferee that is not a protected-series transferee of the protected series.

(3) The liability of a person for a debt, an obligation, or another liability of a protected series of a series limited liability company if the debt, obligation, or liability is asserted solely by reason of the person being or acting as any of the following:

(a) An associated member, protected-series transferee, or protected-series manager of the protected series;

(b) A member of the series limited liability company which is not an associated member of the protected series;

(c) A protected-series manager that is not a protected-series manager of the protected series;

(d) A protected-series transferee that is not a protected-series transferee of the protected series;

(e) A manager of the series limited liability company; or

(f) A transferee of a transferable interest of the series limited liability company.

(4) The liability of a series limited liability company for a debt, an obligation, or another liability of a protected series of the series limited liability company if the debt, obligation, or liability is asserted solely in connection with any of the following on the part of the series limited liability company:

(a) Having delivered to the department for filing under s. 605.2201(2) a protected series designation pertaining to the

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protected series or under s. 605.2201(4) or s. 605.2202(3) a statement of designation change pertaining to the protected series;

(b) Being or acting as a protected-series manager of the protected series;

(c) Having the protected series be or act as a manager of the series limited liability company; or

(d) Owning a protected-series transferable interest of the protected series.

(5) The liability of a protected series of a series limited liability company for a debt, an obligation, or another liability of the series limited liability company or of another protected series of the series limited liability company if the debt, obligation, or liability is asserted solely by reason of any of the following:

(a) The protected series:

1. Being a protected series of the series limited liability company or having as a protected-series manager the series limited liability company or another protected series of the series limited liability company; or

2. Being or acting as a protected-series manager of another protected series of the series limited liability company or a manager of the series limited liability company; or

(b) The series limited liability company owning a protected-series transferable interest of the protected series.

Section 10. Section 605.2106, Florida Statutes, is created to read:

605.2106 Relation of a protected series operating agreement and the protected series provisions of this chapter.-

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465 (1) Except as otherwise provided in this section, and  
 466 subject to ss. 605.2107 and 605.2108, the operating agreement of  
 467 a series limited liability company governs the following:  
 468 (a) The internal affairs of a protected series, including  
 469 all of the following:  
 470 1. Relations among any associated members of the protected  
 471 series.  
 472 2. Relations between the protected series and:  
 473 a. Any associated member of the protected series;  
 474 b. Any protected-series manager; or  
 475 c. Any protected-series transferee.  
 476 3. Relations between any associated member and:  
 477 a. Any protected-series manager; or  
 478 b. Any protected-series transferee.  
 479 4. The rights and duties of a protected-series manager.  
 480 5. Governance decisions affecting the activities and  
 481 affairs of the protected series and the conduct of those  
 482 activities and affairs.  
 483 6. Procedures and conditions for becoming an associated  
 484 member or a protected-series transferee.  
 485 (b) Relations between a protected series of the series  
 486 limited liability company and each of the following:  
 487 1. The series limited liability company.  
 488 2. Another protected series of the series limited liability  
 489 company.  
 490 3. The protected series, any of its protected-series  
 491 managers, any associated member of the protected series, or any  
 492 protected-series transferee of the protected series.  
 493 4. A person in the person's capacity as:

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494 a. A member of the series limited liability company which  
 495 is not an associated member of the protected series;  
 496 b. A protected-series transferee or protected-series  
 497 manager of another protected series; or  
 498 c. A transferee of the series limited liability company.  
 499 (2) If this chapter restricts the power of an operating  
 500 agreement to affect a matter, the restriction applies to a  
 501 matter under ss. 605.2101-605.2802 in accordance with s.  
 502 605.0105.  
 503 (3) If a law of this state other than this chapter imposes  
 504 a prohibition, limitation, requirement, condition, obligation,  
 505 liability, or other restriction on a limited liability company;  
 506 a member, a manager, or another agent of a limited liability  
 507 company; or a transferee of a limited liability company, except  
 508 as otherwise provided in the laws of this state other than this  
 509 chapter, the restriction applies in accordance with s. 605.2108.  
 510 (4) Except as otherwise provided in s. 605.2107, if the  
 511 operating agreement of a series limited liability company does  
 512 not provide for a matter described in subsection (1) in a manner  
 513 authorized by ss. 605.2101-605.2802, the matter is determined in  
 514 accordance with the following:  
 515 (a) To the extent that ss. 605.2101-605.2802 address the  
 516 matter, ss. 605.2101-605.2802 govern.  
 517 (b) To the extent that ss. 605.2101-605.2802 do not address  
 518 the matter, this chapter governs the matter in accordance with  
 519 s. 605.2108.  
 520 Section 11. Section 605.2107, Florida Statutes, is created  
 521 to read:  
 522 605.2107 Additional limitations on operating agreements.—

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523 (l) An operating agreement may not vary the effect of:  
 524 (a) This section;  
 525 (b) Section 605.2103;  
 526 (c) Section 605.2104(1);  
 527 (d) Section 605.2104(2), to provide a protected series a  
 528 power beyond those provided in this chapter to a limited  
 529 liability company;  
 530 (e) Section 605.2104(3) or (4);  
 531 (f) Section 605.2105;  
 532 (g) Section 605.2106;  
 533 (h) Section 605.2108;  
 534 (i) Section 605.2201, except to vary the manner in which a  
 535 series limited liability company approves establishing a  
 536 protected series;  
 537 (j) Section 605.2202;  
 538 (k) Section 605.2301;  
 539 (l) Section 605.2302;  
 540 (m) Section 605.2303(1) or (2);  
 541 (n) Section 605.2304(3) or (6);  
 542 (o) Section 605.2401, except to decrease or eliminate a  
 543 limitation of liability stated in that section;  
 544 (p) Section 605.2402;  
 545 (q) Section 605.2403;  
 546 (r) Section 605.2404;  
 547 (s) Section 605.2501(1), (4), and (5);  
 548 (t) Section 605.2502, except to designate a different  
 549 person to manage winding up;  
 550 (u) Section 605.2503;  
 551 (v) Sections 605.2601-605.2608;

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552 (w) Sections 605.2701-605.2704;  
 553 (x) Sections 605.2801-605.2802, except to vary the person  
 554 that has the right to sign and deliver to the department for  
 555 filing a record under this chapter; or  
 556 (y) A provision of this chapter pertaining to:  
 557 1. A registered office or registered agents; or  
 558 2. The department, including provisions relating to records  
 559 authorized or required to be delivered to the department for  
 560 filing under this chapter.  
 561 (2) An operating agreement may not unreasonably restrict  
 562 the duties and rights conferred under s. 605.2305 but may impose  
 563 reasonable restrictions on the availability and use of  
 564 information obtained under that section and may provide  
 565 appropriate remedies, including liquidated damages, for a breach  
 566 of any reasonable restriction on use.  
 567 Section 12. Section 605.2108, Florida Statutes, is created  
 568 to read:  
 569 605.2108 Application of this chapter to protected series.—  
 570 (1) Except as otherwise provided in subsection (2) and s.  
 571 605.2107, the following provisions apply in the application of  
 572 ss. 605.2106, 605.2304(3) and (6), 605.2501(4)(a), 605.2502(1),  
 573 and 605.2503(2):  
 574 (a) A protected series of a series limited liability  
 575 company is deemed to be a limited liability company that is  
 576 formed separately from the series limited liability company and  
 577 is distinct from the series limited liability company and any  
 578 other protected series of the series limited liability company;  
 579 (b) An associated member of the protected series of a  
 580 series limited liability company is deemed to be a member of the

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581 series limited liability company deemed to exist under paragraph  
582 (a);

583 (c) A protected-series transferee of the protected series  
584 is deemed to be a transferee of the series limited liability  
585 company deemed to exist under paragraph (a);

586 (d) A protected-series transferable interest of the  
587 protected series is deemed to be a transferable interest of the  
588 series limited liability company deemed to exist under paragraph  
589 (a);

590 (e) A protected-series manager is deemed to be a manager of  
591 the series limited liability company deemed to exist under  
592 paragraph (a);

593 (f) An asset of the protected series is deemed to be an  
594 asset of the series limited liability company deemed to exist  
595 under paragraph (a), regardless of whether the asset is an  
596 associated asset of the protected series; or

597 (g) Any creditor or other obligee of the protected series  
598 is deemed to be a creditor or obligee of the series limited  
599 liability company deemed to exist under paragraph (a).

600 (2) Subsection (1) does not apply if its application would  
601 do either of the following:

602 (a) Contravene s. 605.0105; or

603 (b) Authorize or require the department to:

604 1. Accept for filing a type of record which this chapter  
605 does not authorize or require a person to deliver to the  
606 department for filing; or

607 2. Make or deliver a record that this chapter does not  
608 authorize or require the department to make or deliver.

609 (3) Except to the extent otherwise specified in ss.

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610 605.2101-605.2802, the provisions of this chapter applicable to  
611 limited liability companies in general and their managers,  
612 members, and transferees, including, but not limited to,  
613 provisions relating to formation, powers, operation, existence,  
614 management, court proceedings, and filings with the department  
615 and other state or local government agencies, are applicable to  
616 each series limited liability company and to each protected  
617 series established pursuant to s. 605.2201.

618 Section 13. Section 605.2201, Florida Statutes, is created  
619 to read:

620 605.2201 Establishment of protected series; change of  
621 designation.—

622 (1) With the affirmative vote or consent of all members of  
623 a limited liability company, the company may establish a  
624 protected series.

625 (2) To establish a protected series, a limited liability  
626 company shall deliver to the department for filing a protected  
627 series designation, signed by the company, stating the name of  
628 the company and the name of the protected series to be  
629 established, and any other information the department requires  
630 for filing.

631 (3) A protected series is established when the protected  
632 series designation takes effect under s. 605.0207.

633 (4) To amend a protected series designation, a series  
634 limited liability company shall deliver to the department for  
635 filing a statement of designation change, signed by the company,  
636 that sets forth the following:

637 (a) The name of the series limited liability company and  
638 the name of the protected series to which the change to the

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protected series designation applies;

(b) Each change to the protected series designation; and

(c) A statement that each designation change was approved by the affirmative vote or consent of the members of the series limited liability company required to make each change to the protected series designation.

(5) Each designation change made pursuant to subsection (4) takes effect when the statement of designation change takes effect under s. 605.0207.

Section 14. Section 605.2202, Florida Statutes, is created to read:

605.2202 Protected series name.—

(1) Except as otherwise provided in subsection (2), the name of a protected series must comply with s. 605.0112.

(2) The name of a protected series of a series limited liability company must:

(a) Begin with the name of the series limited liability company, including any word or abbreviation required by s. 605.0112; and

(b) Contain the phrase "protected series" or the abbreviation "P.S." or "PS."

(3) If a series limited liability company changes its name, the company must deliver to the department for filing a statement of designation change for each of the company's protected series, changing the name of each protected series to comply with this section.

Section 15. Section 605.2203, Florida Statutes, is created to read:

605.2203 Registered agent.—

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(1) The registered agent in this state for a series limited liability company is the registered agent in this state for each protected series of that company.

(2) Before delivering a protected series designation to the department for filing, a series limited liability company must agree with a registered agent specifying that the agent will serve as the registered agent in this state for that company and for each protected series of that company.

(3) A person that signs a protected series designation delivered to the department for filing affirms as a fact that the series limited liability company on whose behalf the designation is delivered has complied with subsection (2).

(4) A person that ceases to be the registered agent for a series limited liability company ceases to be the registered agent for each protected series of that company.

(5) A person that ceases to be the registered agent for a protected series of a series limited liability company, other than as a result of the termination of the protected series, ceases to be the registered agent of that company and any other protected series of that company.

(6) Except as otherwise agreed upon by a series limited liability company and its registered agent, the registered agent is not obligated to distinguish between a process, notice, demand, or other record concerning the company and a process, notice, demand, or other record concerning a protected series of the company.

Section 16. Section 605.2204, Florida Statutes, is created to read:

605.2204 Series limited liability company; service of

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697 process; giving notice or making demand.-

698 (1) Process against a series limited liability company, a  
 699 protected series of a series limited liability company, a  
 700 registered foreign series limited liability company, or a  
 701 registered foreign protected series of a registered foreign  
 702 series limited liability company, respectively, may be served in  
 703 the same manner as service is made on each such entity under s.  
 704 48.062 and chapter 48 or chapter 49.

705 (2) Any notice or demand on a series limited liability  
 706 company or a protected series of a series limited liability  
 707 company under this chapter may be given or made to any member of  
 708 a member-managed series limited liability company or to any  
 709 manager of a manager-managed series limited liability company;  
 710 to the registered agent of a series limited liability company at  
 711 the registered office of the series limited liability company in  
 712 this state; or to any other address in this state which is the  
 713 principal office in this state of the series limited liability  
 714 company.

715 (3) Any notice or demand on a registered foreign series  
 716 limited liability company or a registered foreign protected  
 717 series of a registered foreign series limited liability company  
 718 under this chapter may be given or made to any member of a  
 719 member-managed foreign series limited liability company or to  
 720 any manager of a manager-managed foreign series limited  
 721 liability company; to the registered agent of the registered  
 722 foreign series limited liability company at the registered  
 723 office of the registered foreign series limited liability  
 724 company in this state; or to the principal office address, or  
 725 any other address in this state which is, in fact, the principal

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726 office in this state of the registered foreign series limited  
 727 liability company.

728 (4) This section does not affect the right to serve process  
 729 on, give notice to, or make a demand on a series limited  
 730 liability company or any protected series of a series limited  
 731 liability company, or to or on any foreign series limited  
 732 liability company or any protected series of the foreign series  
 733 limited liability company, in any other manner provided by law.

734 Section 17. Section 605.2205, Florida Statutes, is created  
 735 to read:

736 605.2205 Certificate of status for domestic or foreign  
 737 protected series.-

738 (1) The department, upon request, payment of the requisite  
 739 fee, and compliance with any other filing requirements of the  
 740 department, shall issue a certificate of status for a protected  
 741 series of a series limited liability company if the records  
 742 filed in the department show that the department has accepted  
 743 and filed articles of organization for the series limited  
 744 liability company and a protected series designation for the  
 745 protected series. A certificate of status for a protected series  
 746 of a series limited liability company must state all of the  
 747 following:

748 (a) The series limited liability company's name.

749 (b) The name of the protected series.

750 (c) That the series limited liability company was organized  
 751 under the laws of this state and the date of organization.

752 (d) That the protected series was designated under the laws  
 753 of this state and the date of designation.

754 (e) Whether all fees and penalties due to the department



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755 under this chapter or other law by the series limited liability  
 756 company and the protected series have been paid.

757 (f) Whether the series limited liability company's most  
 758 recent annual report required by s. 605.0212 has been filed by  
 759 the department.

760 (g) Whether the series limited liability company's most  
 761 recent annual report includes the name of the protected series,  
 762 unless:

763 1. When the series limited liability company delivered the  
 764 annual report for filing, the protected series designation  
 765 pertaining to the protected series had not yet taken effect; or

766 2. After the series limited liability company delivered the  
 767 annual report for filing, the company delivered to the  
 768 department for filing a statement of designation change, which  
 769 changes the name of the protected series.

770 (h) Whether the department has administratively dissolved  
 771 the series limited liability company or received a record  
 772 notifying the department that the company has been dissolved by  
 773 judicial action pursuant to s. 605.0705.

774 (i) Whether the department has administratively dissolved  
 775 the protected series or received a record notifying the  
 776 department that the protected series has been dissolved by  
 777 judicial action pursuant to s. 605.2501(4) or (5).

778 (j) Whether the department has filed articles of  
 779 dissolution for the series limited liability company.

780 (k) Whether the department has filed a statement of  
 781 dissolution, termination, or relocation for the protected  
 782 series.

783 (2) The department, upon request, payment of the requisite

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784 fee, and compliance with any other filing requirements of the  
 785 department, shall issue a certificate of status for a foreign  
 786 protected series of a foreign series limited liability company  
 787 if the records filed in the department show that the department  
 788 has filed a certificate of authority for the foreign series  
 789 limited liability company and a certificate of authority for the  
 790 foreign protected series. A certificate of status for a  
 791 registered foreign protected series of a registered foreign  
 792 series limited liability company must state all of the  
 793 following:

794 (a) The foreign series limited liability company's name and  
 795 any current alternative name adopted under s. 605.0906(1) for  
 796 use in this state.

797 (b) The name of the foreign protected series and any  
 798 current alternative name adopted under s. 605.0906(1) for use in  
 799 this state.

800 (c) That the foreign series limited liability company is  
 801 authorized to transact business in this state.

802 (d) That the foreign protected series is authorized to  
 803 transact business in this state.

804 (e) Whether all fees and penalties due to the department  
 805 under this chapter or other law by the foreign series limited  
 806 liability company and the foreign protected series have been  
 807 paid.

808 (f) Whether the foreign series limited liability company's  
 809 most recent annual report required by s. 605.0212 has been filed  
 810 by the department.

811 (g) Whether the foreign series limited liability company's  
 812 most recent annual report includes the name of the foreign

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protected series, unless:

1. When the foreign series limited liability company delivered the annual report for filing, the foreign protected series designation pertaining to the foreign protected series had not yet taken effect; or

2. After the foreign series limited liability company delivered the annual report for filing, the foreign series limited liability company delivered to the department for filing a statement of designation change which changes the name of the foreign protected series.

(h) Whether the department has:

1. Revoked the foreign series limited liability company's certificate of authority or revoked the foreign protected series certificate of authority; or

2. Filed a notice of withdrawal of the certificate of authority for the foreign series limited liability company or for the foreign protected series.

(3) Subject to any qualification stated by the department in a certificate of status, a certificate of status issued by the department may be relied upon as conclusive evidence of the facts stated in the certificate of status as to the active status of the domestic or foreign series limited liability company and any protected series of the domestic or foreign limited liability company authorized to transact business in this state.

Section 18. Section 605.2206, Florida Statutes, is created to read:

605.2206 Information required in annual report; failure to comply.—

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(1) In the annual report required by s. 605.0212, a series limited liability company shall include the name of each protected series of the company:

(a) For which the series limited liability company has previously delivered to the department for filing a protected series designation; and

(b) Which has not dissolved and completed winding up.

(2) The failure of a series limited liability company to comply with subsection (1) with regard to a protected series prevents issuance of a certificate of status pertaining to the protected series, but does not otherwise affect the protected series.

(3) In the annual report required by s. 605.0212, a registered foreign series limited liability company shall include the name of each registered foreign protected series of the registered foreign series limited liability company:

(a) For which the registered foreign series limited liability company has previously delivered to the department for filing an application for a certificate of authority to transact business in this state, which has been accepted by the department; and

(b) Which has not withdrawn its certificate of authority to transact business in this state.

(4) The failure of a registered foreign series limited liability company to comply with subsection (3) with regard to a registered foreign protected series prevents issuance of a certificate of status pertaining to the registered foreign protected series.

Section 19. Section 605.2301, Florida Statutes, is created

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871 to read:

872 605.2301 Associated asset.—

873 (1) Only an asset of a protected series may be an  
 874 associated asset of the protected series. Only an asset of a  
 875 series limited liability company may be an associated asset of  
 876 the company.

877 (2) (a) An asset of a protected series of a series limited  
 878 liability company is an associated asset of the protected series  
 879 only if the protected series creates and maintains records that  
 880 state the name of the protected series and describe the asset  
 881 with sufficient specificity to permit a disinterested,  
 882 reasonable individual to:

883 1. Identify the asset and distinguish it from any other  
 884 asset of the protected series, any asset of the series limited  
 885 liability company, and any asset of any other protected series  
 886 of the company;

887 2. Determine when and from which person the protected  
 888 series acquired the asset or how the asset otherwise became an  
 889 asset of the protected series; and

890 3. If the protected series acquired the asset from the  
 891 series limited liability company or another protected series of  
 892 the company, determine any consideration paid, the payor, and  
 893 the payee.

894 (b) A deed or other instrument granting an interest in real  
 895 property to or from one or more protected series of a series  
 896 limited liability company, or any other instrument otherwise  
 897 affecting an interest in real property held by one or more  
 898 protected series of a series limited liability company, in each  
 899 case to the extent such deed or other instrument is in favor of

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900 a person who gives value without knowledge of the lack of  
 901 authority of the person signing and delivering a deed or other  
 902 instrument and is recorded in the office for recording transfers  
 903 or other matters affecting real property, is conclusive of the  
 904 authority of the person signing and constitutes a record that  
 905 such interest in real property is an associated asset or  
 906 liability, as applicable, of the protected series.

907 (3) (a) An asset of a series limited liability company is an  
 908 associated asset of the company only if the company creates and  
 909 maintains records that state the name of the company and  
 910 describe the asset with sufficient specificity to permit a  
 911 disinterested, reasonable individual to:

912 1. Identify the asset and distinguish it from any other  
 913 asset of the series limited liability company and any asset of  
 914 any protected series of the company;

915 2. Determine when and from which person the series limited  
 916 liability company acquired the asset or how the asset otherwise  
 917 became an asset of the company; and

918 3. If the series limited liability company acquired the  
 919 asset from a protected series of the company, determine any  
 920 consideration paid, the payor, and the payee.

921 (b) A deed or other instrument granting an interest in real  
 922 property to or from a series limited liability company, or any  
 923 other instrument otherwise affecting an interest in real  
 924 property held by a series limited liability company, in each  
 925 case to the extent such deed or other instrument is in favor of  
 926 a person who gives value without knowledge of the lack of  
 927 authority of the person signing and delivering a deed or other  
 928 instrument and is recorded in the office for recording transfers

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929 or other matters affecting real property, is conclusive of the  
 930 authority of the person signing and constitutes a record that  
 931 such interest in real property is an associated asset or  
 932 liability, as applicable, of the series limited liability  
 933 company.

934 (4) The records and recordkeeping required by subsections  
 935 (2) and (3) may be organized by specific listing, category,  
 936 type, quantity, or computational or allocative formula or  
 937 procedure, including a percentage or share of any asset, or in  
 938 any other reasonable manner.

939 (5) To the extent authorized by this chapter and the laws  
 940 of this state other than this chapter, a series limited  
 941 liability company or protected series of a series limited  
 942 liability company may hold an associated asset directly or  
 943 indirectly, through a representative, nominee, or similar  
 944 arrangement, except for the following:

945 (a) A protected series may not hold an associated asset in  
 946 the name of the series limited liability company or another  
 947 protected series of the company; and

948 (b) A series limited liability company may not hold an  
 949 associated asset in the name of a protected series of the  
 950 company.

951 Section 20. Section 605.2302, Florida Statutes, is created  
 952 to read:

953 605.2302 Associated member.—

954 (1) Only a member of a series limited liability company may  
 955 be an associated member of a protected series of the company.

956 (2) A member of a series limited liability company becomes  
 957 an associated member of a protected series of the company if the

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958 operating agreement or a procedure established by the operating  
 959 agreement states all of the following:

960 (a) That the member is an associated member of the  
 961 protected series.

962 (b) The date on which the member became an associated  
 963 member of the protected series.

964 (c) Any protected-series transferable interest the  
 965 associated member has in connection with becoming or being an  
 966 associated member of the protected series.

967 (3) If a person that is an associated member of a protected  
 968 series of a series limited liability company is dissociated from  
 969 the company, the person ceases to be an associated member of the  
 970 protected series.

971 Section 21. Section 605.2303, Florida Statutes, is created  
 972 to read:

973 605.2303 Protected-series transferable interest.—

974 (1) A protected-series transferable interest of a protected  
 975 series of a series limited liability company must be owned  
 976 initially by an associated member of the protected series or the  
 977 series limited liability company.

978 (2) If a protected series of a series limited liability  
 979 company has no associated members when established, the company  
 980 owns the protected-series transferable interests in the  
 981 protected series.

982 (3) In addition to acquiring a protected-series  
 983 transferable series interest under subsection (2), a series  
 984 limited liability company may acquire a protected-series  
 985 transferable interest through a transfer from another person or  
 986 as provided in the operating agreement.

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987 (4) Except for s. 605.2108(1)(c), any provision of this  
 988 chapter which applies to a protected-series transferee of a  
 989 protected series of a series limited liability company applies  
 990 to the company in its capacity as an owner of a protected-series  
 991 transferable interest of the protected series. Any provision of  
 992 the operating agreement of a series limited liability company  
 993 which applies to a protected-series transferee of a protected  
 994 series of the company applies to the company in its capacity as  
 995 an owner of a protected-series transferable interest of the  
 996 protected series.

997 Section 22. Section 605.2304, Florida Statutes, is created  
 998 to read:

999 605.2304 Management.—

1000 (1) A protected series may have one or more protected-  
 1001 series managers.

1002 (2) If a protected series has no associated members, the  
 1003 series limited liability company is the protected-series  
 1004 manager.

1005 (3) Section 605.2108 applies to the determination of any  
 1006 duties of a protected-series manager of a protected series to  
 1007 each of the following:

1008 (a) The protected series.

1009 (b) Any associated member of the protected series.

1010 (c) Any protected-series transferee of the protected  
 1011 series.

1012 (4) Solely by reason of being or acting as a protected-  
 1013 series manager of a protected series, a person owes no duty to  
 1014 any of the following:

1015 (a) The series limited liability company.

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1016 (b) Another protected series of the series limited  
 1017 liability company.

1018 (c) Another person in that person's capacity as:

1019 1. A member of the series limited liability company which  
 1020 is not an associated member of the protected series;

1021 2. A protected-series transferee or protected-series  
 1022 manager of another protected series; or

1023 3. A transferee of the series limited liability company.

1024 (5) An associated member of a protected series of a series  
 1025 limited liability company has the same rights as any other  
 1026 member of the company to vote on or consent to an amendment to  
 1027 the company's operating agreement or any other matter being  
 1028 decided by the members, regardless of whether the amendment or  
 1029 matter affects the interests of the protected series or the  
 1030 associated member.

1031 (6) The right of a member to maintain a derivative action  
 1032 to enforce a right of a limited liability company pursuant to s.  
 1033 605.0802 applies to each of the following:

1034 (a) An associated member of a protected series, in  
 1035 accordance with s. 605.2108.

1036 (b) A member of a series limited liability company, in  
 1037 accordance with s. 605.2108.

1038 (7) An associated member of a member-managed protected  
 1039 series is an agent for the protected series with power to bind  
 1040 the protected series to the same extent that a member of a  
 1041 member-managed limited liability company is an agent for the  
 1042 company with power to bind the company under s. 605.04074(1)(a).  
 1043 A protected-series manager of a manager-managed protected series  
 1044 is an agent for the protected series with power to bind the

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protected series to the same extent that a manager of a manager-managed limited liability company is an agent for the company with power to bind the company under s. 605.04074(2)(b).

Section 23. Section 605.2305, Florida Statutes, is created to read:

605.2305 Right of a person that is not an associated member of a protected series to information of a protected series.—

(1) A member of a series limited liability company which is not an associated member of a protected series of the company has a right to information concerning the protected series to the same extent, in the same manner, and under the same conditions that a member that is not a manager of a manager-managed limited liability company has a right to information of the company under s. 605.0410(1) and (3)(b).

(2) A person that was formerly an associated member of a protected series has a right to information concerning the protected series to the same extent, in the same manner, and under the same conditions that a person dissociated as a member of a manager-managed limited liability company has a right to information concerning the limited liability company under s. 605.0410(4) or other applicable law.

(3) If an associated member of a protected series dies, the legal representative of the deceased associated member has a right to information concerning the protected series to the same extent, in the same manner, and under the same conditions that the legal representative of a deceased member of a limited liability company has a right to information concerning the company under ss. 605.0410(9) and 605.0504.

(4) A protected-series manager of a protected series has a

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right to information concerning the protected series to the same extent, in the same manner, and under the same conditions that a manager of a manager-managed limited liability company has a right to information concerning the company under s. 605.0410(3)(a).

(5) The court-ordered inspection provisions of s. 605.0411 apply to the information rights regarding series limited liability companies and protected series of such companies.

Section 24. Section 605.2401, Florida Statutes, is created to read:

605.2401 Limitations on liability.—

(1) A person is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, an obligation, or another liability of either of the following:

(a) A protected series of a series limited liability company solely by reason of being or acting as:

1. An associated member, protected-series manager, or protected-series transferee of the protected series; or

2. A member, manager, or transferee of the company; or

(b) A series limited liability company solely by reason of being or acting as an associated member, protected-series manager, or protected-series transferee of a protected series of the company.

(2) Subject to s. 605.2404, the following apply:

(a) A debt, an obligation, or another liability of a series limited liability company is solely the debt, obligation, or liability of the company.

(b) A debt, an obligation, or another liability of a protected series is solely the debt, obligation, or liability of

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the protected series.

(c) A series limited liability company is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, an obligation, or another liability of a protected series of the company solely by reason of the protected series being a protected series of the company, or the series limited liability company:

1. Being or acting as a protected-series manager of the protected series;

2. Having the protected series manage the series limited liability company; or

3. Owning a protected-series transferable interest of the protected series.

(d) A protected series of a series limited liability company is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, an obligation, or another liability of the company or another protected series of the company solely by reason of:

1. Being a protected series of the series limited liability company;

2. Being or acting as a manager of the series limited liability company or a protected-series manager of another protected series of the company; or

3. Having the series limited liability company or another protected series of the company be or act as a protected-series manager of the protected series.

Section 25. Section 605.2402, Florida Statutes, is created to read:

605.2402 Claim seeking to disregard limitation of

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liability.-

(1) Except as otherwise provided in subsection (2), a claim seeking to disregard a limitation in s. 605.2401 is governed by the principles of law and equity, including a principle providing a right to a creditor or holding a person liable for a debt, an obligation, or another liability of another person, which would apply if each protected series of a series limited liability company were a limited liability company formed separately from the series limited liability company and distinct from the series limited liability company and any other protected series of the series limited liability company.

(2) The failure of a limited liability company or a protected series to observe formalities relating to the exercise of its powers or management of its activities and affairs is not a ground to disregard a limitation in s. 605.2401(1) but may be a ground to disregard a limitation in s. 605.2401(2).

(3) This section applies to a claim seeking to disregard a limitation of liability applicable to a foreign series limited liability company or foreign protected series and comparable to a limitation stated in s. 605.2401, if either of the following applies:

(a) The claimant is a resident of this state, transacting business in this state, or authorized to transact business in this state; or

(b) The claim is to establish or enforce a liability arising under law of this state other than this chapter or from an act or omission in this state.

Section 26. Section 605.2403, Florida Statutes, is created to read:

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1161 605.2403 Remedies of judgment creditor of associated member  
 1162 or protected-series transferee.—The provisions of s. 605.0503  
 1163 providing or restricting remedies available to a judgment  
 1164 creditor of a member or transferee of a limited liability  
 1165 company apply to a judgment creditor of either or both of the  
 1166 following:

1167 (1) An associated member or a protected-series transferee  
 1168 of a protected series.

1169 (2) A series limited liability company, to the extent the  
 1170 company owns a protected-series transferable interest of a  
 1171 protected series.

1172 Section 27. Section 605.2404, Florida Statutes, is created  
 1173 to read:

1174 605.2404 Enforcement of claim against non-associated  
 1175 asset.—

1176 (1) For the purposes of this section, the term:

1177 (a) "Enforcement date" means 12:01 a.m. on the date on  
 1178 which a claimant first serves process on a series limited  
 1179 liability company or protected series in an action seeking to  
 1180 enforce a claim against an asset of the company or protected  
 1181 series by attachment, levy, or similar means under this section.

1182 (b) "Incurrence date," subject to s. 605.2608(2), means the  
 1183 date on which a series limited liability company or protected  
 1184 series of the company incurred the liability giving rise to a  
 1185 claim that a claimant seeks to enforce under this section.

1186 (2) If a claim against a series limited liability company  
 1187 or a protected series of the company has been reduced to  
 1188 judgment, in addition to any other remedy provided by law or  
 1189 equity, the judgment may be enforced in accordance with the

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1190 following:

1191 (a) A judgment against the series limited liability company  
 1192 may be enforced against an asset of a protected series of the  
 1193 company if the asset:

1194 1. Was a non-associated asset of the protected series on  
 1195 the incurrence date; or

1196 2. Is a non-associated asset of the protected series on the  
 1197 enforcement date.

1198 (b) A judgment against a protected series may be enforced  
 1199 against an asset of the series limited liability company if the  
 1200 asset:

1201 1. Was a non-associated asset of the series limited  
 1202 liability company on the incurrence date; or

1203 2. Is a non-associated asset of the series limited  
 1204 liability company on the enforcement date.

1205 (c) A judgment against a protected series may be enforced  
 1206 against an asset of another protected series of the series  
 1207 limited liability company if the asset:

1208 1. Was a non-associated asset of the other protected series  
 1209 on the incurrence date; or

1210 2. Is a non-associated asset of the other protected series  
 1211 on the enforcement date.

1212 (3) In addition to any other remedy provided by law or  
 1213 equity, if a claim against a series limited liability company or  
 1214 a protected series has not been reduced to a judgment, and law  
 1215 other than this chapter permits a prejudgment remedy by  
 1216 attachment, levy, or similar means, the court may apply  
 1217 subsection (2) as a prejudgment remedy.

1218 (4) In a proceeding under this section, the party asserting



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1219 that an asset is or was an associated asset of a series limited  
 1220 liability company or a protected series of the series limited  
 1221 liability company has the burden of proof on the issue.  
 1222 (5) This section applies to an asset of a foreign series  
 1223 limited liability company or foreign protected series if all of  
 1224 the following apply:  
 1225 (a) The asset is real or tangible property located in this  
 1226 state.  
 1227 (b) The claimant is a resident of this state or transacting  
 1228 business or authorized to transact business in this state, or  
 1229 the claim under this section is to enforce a judgment, or to  
 1230 seek a prejudgment remedy, pertaining to a liability arising  
 1231 from the law of this state other than this chapter or an act or  
 1232 omission in this state.  
 1233 (c) The asset is not identified in the records of the  
 1234 foreign series limited liability company or foreign protected  
 1235 series in a manner comparable to the manner required by s.  
 1236 605.2301.  
 1237 Section 28. Section 605.2501, Florida Statutes, is created  
 1238 to read:  
 1239 605.2501 Events causing dissolution of protected series.—A  
 1240 protected series of a series limited liability company is  
 1241 dissolved, and its activities and affairs must be wound up, upon  
 1242 the occurrence of any of the following:  
 1243 (1) Dissolution of the series limited liability company.  
 1244 (2) Occurrence of an event or a circumstance that the  
 1245 operating agreement states causes dissolution of the protected  
 1246 series.  
 1247 (3) Affirmative vote or consent of all associated members

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1248 of the protected series.  
 1249 (4) Entry by the court of an order dissolving the protected  
 1250 series on application by an associated member or a protected-  
 1251 series manager of the protected series:  
 1252 (a) In accordance with s. 605.2108; and  
 1253 (b) To the same extent, in the same manner, and on the same  
 1254 grounds the court would enter an order dissolving a limited  
 1255 liability company on application by a member or manager of the  
 1256 limited liability company pursuant to s. 605.0702.  
 1257 (5) Entry by the court of an order dissolving the protected  
 1258 series on application by the series limited liability company or  
 1259 a member or manager of the series limited liability company:  
 1260 (a) In accordance with s. 605.2108; and  
 1261 (b) To the same extent, in the same manner, and on the same  
 1262 grounds the court would enter an order dissolving a limited  
 1263 liability company on application by a member or manager of the  
 1264 limited liability company pursuant to s. 605.0702.  
 1265 (6) Automatic or involuntary dissolution of the series  
 1266 limited liability company that established the protected series.  
 1267 (7) The filing of a statement of administrative dissolution  
 1268 of the limited liability company or a protected series of the  
 1269 company by the department pursuant to s. 605.0714.  
 1270 Section 29. Section 605.2502, Florida Statutes, is created  
 1271 to read:  
 1272 605.2502 Winding up dissolved protected series.—  
 1273 (1) Subject to subsections (2) and (3) and in accordance  
 1274 with s. 605.2108, the following apply:  
 1275 (a) A dissolved protected series shall wind up its  
 1276 activities and affairs in the same manner that a dissolved

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1277 limited liability company winds up its activities and affairs  
 1278 under s. 605.0709, subject to the same requirements and  
 1279 conditions, and with the same effects.

1280 (b) Judicial supervision or another judicial remedy is  
 1281 available in the winding up of the protected series to the same  
 1282 extent, in the same manner, under the same conditions, and with  
 1283 the same effects that apply under s. 605.0709(5).

1284 (2) When a protected series of a series limited liability  
 1285 company dissolves, the company may deliver to the department for  
 1286 filing its articles of protected series dissolution stating the  
 1287 name of the series limited liability company and the protected  
 1288 series and that the protected series is dissolved. The filing of  
 1289 the articles of dissolution by the department has the same  
 1290 effect with regard to the protected series as the filing by a  
 1291 limited liability company of articles of dissolution with the  
 1292 department under s. 605.0707.

1293 (3) When a protected series of a series limited liability  
 1294 company has completed winding up in accordance with s. 605.0709,  
 1295 the company that established the protected series may deliver to  
 1296 the department for filing a statement of designation  
 1297 cancellation, stating all of the following:

1298 (a) The name of the company and the protected series.

1299 (b) That the protected series is terminated with the  
 1300 effective date of the termination if that date is not the date  
 1301 of filing of the statement of designation cancellation.

1302 (c) Any other information required by the department.

1303 (4) The filing of the statement of designation cancellation  
 1304 by the department has the same effect as the filing by the  
 1305 department of a statement of termination under s. 605.0709(7).

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1306 (5) A series limited liability company has not completed  
 1307 its winding up until each of the protected series of the company  
 1308 has completed its winding up.

1309 Section 30. Section 605.2503, Florida Statutes, is created  
 1310 to read:

1311 605.2503 Effects of reinstatement of series limited  
 1312 liability company; revocation of voluntary dissolution.—If a  
 1313 series limited liability company that has been administratively  
 1314 dissolved is reinstated, or if a series limited liability  
 1315 company that voluntarily dissolved revokes its articles of  
 1316 dissolution before filing a statement of termination, both of  
 1317 the following apply:

1318 (1) Each protected series of the series limited liability  
 1319 company ceases winding up.

1320 (2) Section 605.0708 applies to the series limited  
 1321 liability company and to each protected series of the company,  
 1322 in accordance with s. 605.2108.

1323 Section 31. Section 605.2601, Florida Statutes, is created  
 1324 to read:

1325 605.2601 Entity transactions involving a series limited  
 1326 liability company or a protected series of the company  
 1327 restricted; definitions.—As used in ss. 605.2601-605.2608, the  
 1328 term:

1329 (1) "After a merger" or "after the merger" means when a  
 1330 merger under s. 605.2604 becomes effective and any time  
 1331 thereafter.

1332 (2) "Before a merger" or "before the merger" means before a  
 1333 merger under s. 605.2604 becomes effective.

1334 (3) "Continuing protected series" means a protected series

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1335 of a surviving series limited liability company which continues  
1336 in uninterrupted existence after a merger under s. 605.2604.

1337 (4) "Merging company" means a limited liability company  
1338 that is party to a merger under s. 605.2604.

1339 (5) "Non-surviving company" means a merging company that  
1340 does not continue in existence after a merger under s. 605.2604.

1341 (6) "Relocated protected series" means a protected series  
1342 of a non-surviving company which, after a merger under s.  
1343 605.2604, continues in uninterrupted existence as a protected  
1344 series of the surviving company.

1345 (7) "Surviving company" means a merging company that  
1346 continues in existence after a merger under s. 605.2604.

1347 Section 32. Section 605.2602, Florida Statutes, is created  
1348 to read:

1349 605.2602 Restrictions on entity transactions involving  
1350 protected series.—Except as provided in ss. 605.2605(2),  
1351 605.2606(2), and 605.2607(1), a protected series may not be a  
1352 party to; be formed, organized, established, or created in; or  
1353 result from either of the following:

1354 (1) A conversion, domestication, interest exchange, or  
1355 merger under this chapter or the law of a foreign jurisdiction,  
1356 however the transaction is denominated under such law; or

1357 (2) A transaction with the same substantive effect as a  
1358 conversion, domestication, interest exchange, or merger.

1359 Section 33. Section 605.2603, Florida Statutes, is created  
1360 to read:

1361 605.2603 Restrictions on entity transactions involving  
1362 series limited liability company.—A series limited liability  
1363 company may not be:

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1364 (1) A party to, formed, organized, created in, or result  
1365 from either of the following:

1366 (a) A conversion, domestication, or interest exchange,  
1367 under this chapter or the law of a foreign jurisdiction, however  
1368 the transaction is denominated under such law; or

1369 (b) A transaction with the same substantive effect as a  
1370 conversion, domestication, or interest exchange.

1371 (2) Except as otherwise provided in s. 605.2604, a party to  
1372 or the surviving company of either of the following:

1373 (a) A merger under this chapter or the law of a foreign  
1374 jurisdiction, however a merger is denominated under such law; or

1375 (b) A transaction with the same substantive effect as a  
1376 merger.

1377 Section 34. Section 605.2604, Florida Statutes, is created  
1378 to read:

1379 605.2604 Restrictions on merger.—A series limited liability  
1380 company may be a party to a merger in accordance with ss.  
1381 605.1021-605.1026, this section, and ss. 605.2605-605.2608 only  
1382 if both of the following apply:

1383 (1) Each other party to the merger is a limited liability  
1384 company.

1385 (2) The surviving company is not created in the merger.

1386 Section 35. Section 605.2605, Florida Statutes, is created  
1387 to read:

1388 605.2605 Plan of merger.—In a merger under s. 605.2604, the  
1389 plan of merger must do all of the following:

1390 (1) Comply with s. 605.1022 relating to the contents of a  
1391 plan of merger of a limited liability company.

1392 (2) State in a record:

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1393 (a) For any protected series of a non-surviving company,  
 1394 whether, after the merger, the protected series will be a  
 1395 relocated protected series or be dissolved, wound up, and  
 1396 terminated.

1397 (b) For any protected series of the surviving company which  
 1398 exists before the merger, whether, after the merger, the  
 1399 protected series will be a continuing protected series or be  
 1400 dissolved, wound up, and terminated.

1401 (c) For each relocated protected series or continuing  
 1402 protected series:

1403 1. The name of any person that becomes an associated member  
 1404 or a protected-series transferee of the protected series after  
 1405 the merger, any consideration to be paid by, on behalf of, or in  
 1406 respect of the person, the name of the payor, and the name of  
 1407 the payee;

1408 2. The name of any person whose rights or obligations in  
 1409 the person's capacity as an associated member or a protected-  
 1410 series transferee will change after the merger;

1411 3. Any consideration to be paid to a person that before  
 1412 the merger was an associated member or a protected-series  
 1413 transferee of the protected series and the name of the payor;  
 1414 and

1415 4. If, after the merger, the protected series will be a  
 1416 relocated protected series, its new name.

1417 (d) For any protected series to be established by the  
 1418 surviving company as a result of the merger:

1419 1. The name of the protected series and the address of its  
 1420 principal office;

1421 2. Any protected-series transferable interest to be owned

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1422 by the surviving company when the protected series is  
 1423 established; and

1424 3. The name of and any protected-series transferable  
 1425 interest owned by any person that will be an associated member  
 1426 of the protected series when the protected series is  
 1427 established.

1428 (e) For any person that is an associated member of a  
 1429 relocated protected series and will remain a member after the  
 1430 merger, any amendment to the operating agreement of the  
 1431 surviving limited liability company which:

1432 1. Is or is proposed to be in a record; and

1433 2. Is necessary or appropriate to state the rights and  
 1434 obligations of the person as a member of the surviving limited  
 1435 liability company.

1436 Section 36. Section 605.2606, Florida Statutes, is created  
 1437 to read:

1438 605.2606 Articles of merger.—In a merger under s. 605.2604,  
 1439 the articles of merger must do all of the following:

1440 (1) Comply with s. 605.1025 relating to the articles of  
 1441 merger.

1442 (2) Include as an attachment all of the following records,  
 1443 each to become effective when the merger becomes effective:

1444 (a) For a protected series of a merging company being  
 1445 terminated as a result of the merger, a statement of designation  
 1446 cancellation and termination signed by the non-surviving merging  
 1447 company.

1448 (b) For a protected series of a non-surviving company which  
 1449 after the merger will be a relocated protected series:

1450 1. A statement of relocation signed by the non-surviving

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1451 company which contains the name of the series limited liability  
 1452 company and the name of the protected series before and after  
 1453 the merger; and

1454 2. A statement of protected series designation signed by  
 1455 the surviving company.

1456 (c) For a protected series being established by the  
 1457 surviving company as a result of the merger, a protected series  
 1458 designation signed by the surviving company.

1459 Section 37. Section 605.2607, Florida Statutes, is created  
 1460 to read:

1461 605.2607 Effect of merger.—When a merger of a protected  
 1462 series under s. 605.2604 becomes effective, in addition to the  
 1463 effects stated in s. 605.1026, all of the following apply:

1464 (1) As provided in the plan of merger, each protected  
 1465 series of each merging series limited liability company which  
 1466 was established before the merger is either a relocated  
 1467 protected series or continuing protected series, or is  
 1468 dissolved, wound up, and terminated.

1469 (2) Any protected series to be established as a result of  
 1470 the merger is established.

1471 (3) Any relocated protected series or continuing protected  
 1472 series is the same person without interruption as it was before  
 1473 the merger.

1474 (4) All property of a relocated protected series or  
 1475 continuing protected series continues to be vested in the  
 1476 protected series without transfer, reversion, or impairment.

1477 (5) All debts, obligations, and other liabilities of a  
 1478 relocated protected series or continuing protected series  
 1479 continue as debts, obligations, and other liabilities of the

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1480 relocated protected series or continuing protected series.

1481 (6) Except as otherwise provided by law or the plan of  
 1482 merger, all the rights, privileges, immunities, powers, and  
 1483 purposes of a relocated protected series or continuing protected  
 1484 series remain in the protected series.

1485 (7) The new name of a relocated protected series may be  
 1486 substituted for the former name of the relocated protected  
 1487 series in any pending action or proceeding.

1488 (8) To the extent provided in the plan of merger, the  
 1489 following apply:

1490 (a) A person becomes an associated member or a protected-  
 1491 series transferee of a relocated protected series or continuing  
 1492 protected series.

1493 (b) A person becomes an associated member of a protected  
 1494 series established by the surviving company as a result of the  
 1495 merger.

1496 (c) Any change in the rights or obligations of a person in  
 1497 the person's capacity as an associated member or a protected-  
 1498 series transferee of a relocated protected series or continuing  
 1499 protected series takes effect.

1500 (d) Any consideration to be paid to a person that before  
 1501 the merger was an associated member or a protected-series  
 1502 transferee of a relocated protected series or continuing  
 1503 protected series is due.

1504 (9) Any person that is an associated member of a relocated  
 1505 protected series becomes a member of the surviving company, if  
 1506 not already a member.

1507 Section 38. Section 605.2608, Florida Statutes, is created  
 1508 to read:

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1509 605.2608 Application of s. 605.2404 after merger.—  
 1510 (1) A creditor's right that existed under s. 605.2404  
 1511 immediately before a merger under that section may be enforced  
 1512 after the merger in accordance with the following provisions:  
 1513 (a) A creditor's right that existed immediately before the  
 1514 merger against the surviving company, a continuing protected  
 1515 series, or a relocated protected series continues without change  
 1516 after the merger.  
 1517 (b) A creditor's right that existed immediately before the  
 1518 merger against a non-surviving company:  
 1519 1. May be asserted against an asset of the non-surviving  
 1520 company which vested in the surviving company as a result of the  
 1521 merger; and  
 1522 2. Does not otherwise change.  
 1523 (c) Subject to subsection (2), the following provisions  
 1524 apply:  
 1525 1. In addition to the remedy stated in paragraph (b), a  
 1526 creditor with a right conferred under s. 605.2404 which existed  
 1527 immediately before the merger against a non-surviving company or  
 1528 a relocated protected series may assert the right against:  
 1529 a. An asset of the surviving company, other than an asset  
 1530 of the non-surviving company which vested in the surviving  
 1531 company as a result of the merger;  
 1532 b. An asset of a continuing protected series;  
 1533 c. An asset of a protected series established by the  
 1534 surviving company as a result of the merger;  
 1535 d. If the creditor's right was against an asset of the non-  
 1536 surviving company, an asset of a relocated protected series; or  
 1537 e. If the creditor's right was against an asset of a

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1538 relocated protected series, an asset of another relocated  
 1539 protected series.  
 1540 2. In addition to the remedy stated in paragraph (b), a  
 1541 creditor with a right that existed immediately before the merger  
 1542 against the surviving company or a continuing protected series  
 1543 may assert the right against:  
 1544 a. An asset of a relocated protected series; or  
 1545 b. An asset of a non-surviving company which vested in the  
 1546 surviving company as a result of the merger.  
 1547 (2) For the purposes of paragraph (1)(c) and s.  
 1548 605.2404(2)(a)1., (b)1., and (c)1., the incurrence date is  
 1549 deemed to be the date on which the merger becomes effective.  
 1550 (3) A merger under s. 605.2604 does not affect the manner  
 1551 in which s. 605.2404 applies to a liability incurred after the  
 1552 merger becomes effective.  
 1553 Section 39. Section 605.2701, Florida Statutes, is created  
 1554 to read:  
 1555 605.2701 Governing law; foreign series limited liability  
 1556 companies and foreign protected series.—The law of the  
 1557 jurisdiction of formation of a foreign series limited liability  
 1558 company governs all of the following:  
 1559 (1) The internal affairs of a foreign protected series of  
 1560 the foreign series limited liability company, including the  
 1561 following:  
 1562 (a) Relations among any associated members of the foreign  
 1563 protected series.  
 1564 (b) Relations between the foreign protected series and:  
 1565 1. Any associated member;  
 1566 2. Any protected-series manager; or

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1567 3. Any protected-series transferee.  
 1568 (c) Relations between any associated member and:  
 1569 1. Any protected-series manager; or  
 1570 2. Any protected-series transferee.  
 1571 (d) The rights and duties of a protected-series manager.  
 1572 (e) Governance decisions affecting the activities and  
 1573 affairs of the foreign protected series and the conduct of those  
 1574 activities and affairs.  
 1575 (f) Procedures and conditions for becoming an associated  
 1576 member or a protected-series transferee.  
 1577 (2) Relations between the foreign protected series and the  
 1578 following:  
 1579 (a) The foreign series limited liability company.  
 1580 (b) Another foreign protected series of the foreign series  
 1581 limited liability company.  
 1582 (c) A member of the foreign series limited liability  
 1583 company which is not an associated member of the foreign  
 1584 protected series.  
 1585 (d) A foreign protected-series manager that is not a  
 1586 protected-series manager of the foreign protected series.  
 1587 (e) A foreign protected-series transferee that is not a  
 1588 foreign protected-series transferee of the foreign protected  
 1589 series.  
 1590 (f) A transferee of a transferable interest of the foreign  
 1591 series limited liability company.  
 1592 (3) Except as otherwise provided in ss. 605.2402 and  
 1593 605.2404, the liability of a person for a debt, an obligation,  
 1594 or another liability of a foreign protected series of a foreign  
 1595 series limited liability company if the debt, obligation, or

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

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1596 liability is asserted solely by reason of the person being or  
 1597 acting as any of the following:  
 1598 (a) An associated member, a protected-series transferee, or  
 1599 a protected-series manager of the foreign protected series.  
 1600 (b) A member of the foreign series limited liability  
 1601 company which is not an associated member of the foreign  
 1602 protected series.  
 1603 (c) A protected-series manager of another foreign protected  
 1604 series of the foreign series limited liability company.  
 1605 (d) A protected-series transferee of another foreign  
 1606 protected series of the foreign series limited liability  
 1607 company.  
 1608 (e) A manager of the foreign series limited liability  
 1609 company.  
 1610 (f) A transferee of a transferable interest of the foreign  
 1611 series limited liability company.  
 1612 (4) Except as otherwise provided in ss. 605.2402 and  
 1613 605.2404, the following apply:  
 1614 (a) The liability of the foreign series limited liability  
 1615 company for a debt, an obligation, or another liability of a  
 1616 foreign protected series of the foreign series limited liability  
 1617 company if the debt, obligation, or liability is asserted solely  
 1618 by reason of the foreign protected series being a foreign  
 1619 protected series of the foreign series limited liability  
 1620 company, or the foreign protected series limited liability  
 1621 company:  
 1622 1. Being or acting as a foreign protected-series manager of  
 1623 the foreign protected series;  
 1624 2. Having the foreign protected series manage the foreign

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series limited liability company; or

3. Owning a protected-series transferable interest of the foreign protected series.

(b) The liability of a foreign protected series for a debt, an obligation, or another liability of the foreign series limited liability company or another foreign protected series of the foreign series limited liability company, if the debt, obligation, or liability is asserted solely by reason of the foreign protected series:

1. Being a foreign protected series of the foreign series limited liability company or having the foreign series limited liability company or another foreign protected series of the foreign series limited liability company be or act as a foreign protected-series manager of the foreign protected series; or

2. Managing the foreign series limited liability company or being or acting as a foreign protected-series manager of another foreign protected series of the foreign series limited liability company.

Section 40. Section 605.2702, Florida Statutes, is created to read:

605.2702 No attribution of activities constituting transacting business or for establishing jurisdiction.—In determining whether a foreign series limited liability company or foreign protected series of the foreign series limited liability company is transacting business in this state or is subject to the personal jurisdiction of the courts in this state, the following apply:

(1) The activities and affairs of the foreign series limited liability company are not attributable to a foreign

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protected series of the foreign series limited liability company solely by reason of the foreign protected series being a foreign protected series of the foreign series limited liability company.

(2) The activities and affairs of a foreign protected series are not attributable to the foreign series limited liability company or another foreign protected series of the foreign series limited liability company, solely by reason of the foreign protected series being a foreign protected series of the foreign series limited liability company.

Section 41. Section 605.2703, Florida Statutes, is created to read:

605.2703 Certificate of authority for foreign series limited liability company and foreign protected series; amendment of application.—

(1) Except as otherwise provided in this section and subject to ss. 605.2402 and 605.2404, the laws of this state governing application by a foreign limited liability company to obtain a certificate of authority to transact business in this state as required under s. 605.0902, including the effect of obtaining a certificate of authority under s. 605.0903, and the effect of failure to have a certificate of authority as described in s. 605.0904, apply to a foreign series limited liability company and to a foreign protected series of a foreign series limited liability company, as if the foreign protected series was a foreign limited liability company formed separately from the foreign series limited liability company, and distinct from the foreign series limited liability company and any other foreign protected series of the foreign series limited liability



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company.

(2) An application by a foreign protected series of a foreign series limited liability company for a certificate of authority to transact business in this state must include all of the following:

(a) The name and jurisdiction of formation of the foreign series limited liability company and the foreign protected series seeking a certificate of authority, and all of the other information required under s. 605.0902, and any other information required by the department.

(b) If the company has other foreign protected series, the name, title, capacity, and street and mailing address of at least one person that has the authority to manage the foreign limited liability company and who knows the name and street and mailing address of:

1. Each other foreign protected series of the foreign series limited liability company; and

2. The foreign protected-series manager of, and the registered agent for service of process on, each other foreign protected series of the foreign series limited liability company.

(3) The name of a foreign protected series applying for a certificate of authority to transact business in this state must comply with ss. 605.0112 and 605.2202, which may be accomplished by using an alternate name pursuant to ss. 605.0906 and 865.09, if the alternate name complies with ss. 605.0112, 605.0906, and 605.2202.

(4) The requirements in s. 605.0907 relating to required information and amending of a certificate of authority apply to

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the information required by subsection (2).

(5) Sections 605.0903-605.0912 apply to a foreign limited liability company and to a protected series of a foreign series limited liability company applying for, amending, or withdrawing a certificate of authority to transact business in this state.

Section 42. Section 605.2704, Florida Statutes, is created to read:

605.2704 Disclosure required when a foreign series limited liability company or foreign protected series becomes a party to proceeding.—

(1) Not later than 30 days after becoming a party to a proceeding before a civil, administrative, or other adjudicative tribunal of or located in this state, or a tribunal of the United States located in this state:

(a) A foreign series limited liability company shall disclose to each other party the name and street and mailing address of:

1. Each foreign protected series of the foreign series limited liability company; and

2. Each foreign protected-series manager of and a registered agent for service of process for each foreign protected series of the foreign series limited liability company.

(b) A foreign protected series of a foreign series limited liability company shall disclose to each other party the name and street and mailing address of:

1. The foreign series limited liability company and each manager of the foreign series limited liability company and an agent for service of process for the foreign series limited

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liability company; and

2. Any other foreign protected series of the foreign series limited liability company and each foreign protected-series manager of and an agent for service of process for the other foreign protected series.

(2) If a foreign series limited liability company or foreign protected series challenges the personal jurisdiction of the tribunal, the requirement that the foreign series limited liability company or foreign protected series make disclosure under subsection (1) is tolled until the tribunal determines whether it has personal jurisdiction.

(3) If a foreign series limited liability company or foreign protected series does not comply with subsection (1), a party to the proceeding may do one or both of the following:

(a) Request the tribunal to treat the noncompliance as a failure to comply with the tribunal's discovery rules.

(b) Bring a separate proceeding in the court to enforce subsection (1).

Section 43. Section 605.2801, Florida Statutes, is created to read:

605.2801 Relation to Electronic Signatures in Global and National Commerce Act.—Section 605.1102 applies to ss. 605.2101-605.2802.

Section 44. Section 605.2802, Florida Statutes, is created to read:

605.2802 Effective date.—

(1) Beginning January 1, 2025, this chapter governs all domestic and foreign protected series limited liability companies and all domestic protected series and all foreign

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series that transact business in this state.

(2) A domestic limited liability company formed before January 1, 2025, may not create or designate any protected series before the effective date of this act.

Section 45. This act shall take effect January 1, 2025.



The Florida Senate

## Committee Agenda Request

**To:** Senator Jay Trumbull, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** January 11, 2024

I respectfully request that **Senate Bill #1346**, relating to Limited Liability Companies, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

\_\_\_\_\_  
Senator Lori Berman  
Florida Senate, District 26

File signed original with committee office

S-020 (03/2004)

The Florida Senate

## APPEARANCE RECORD

Meeting Date 1/30/24 Bill Number or Topic 1346  
Commerce + Tourism  
Committee  
Deliver both copies of this form to  
Senate professional staff conducting the meeting  
Amendment Barcode (if applicable)  
Name Doug Bell Phone 850 205 9000  
Address 119 S. Monroe St Email doug.bell@mhdfirm.com  
City TLH State 32312 Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

Business Law Section of the Florida Bar

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

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

S-001 (08/10/2021)

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

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

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

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BILL: SB 1596

INTRODUCER: Senator Burgess

SUBJECT: Employment of Minors

DATE: January 29, 2024

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

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

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**I. Summary:**

SB 1596 changes the law regulating work hours for minors. The bill specifies that minors 15 years of age or younger may not work for more than 15 hours in any one week when school is in session.

The bill changes the time restrictions placed on minors 16 and 17 years of age by providing that 16 and 17 year olds are not allowed to:

- Work before 5:30 a.m. or work after 12:00 a.m., when school is scheduled the next day.
- Work for more than 8 hours in any one day when school is scheduled the following day, except when the day of work is on holiday or Sunday.

The bill also alters requirements for consecutive working days and breaks for minors 17 years and younger, lowering the age limit to 15 years and younger

The bill provides exemptions for minors 16 and 17 years of age who are in a home education program or are enrolled in an approved virtual instruction program in which the minor is separated from the teacher by time only. The Department of Business and Professional Regulation (DBPR) is allowed to grant a waiver of the restrictions.

Finally, the bill provides that an employer that violates the restrictions commits a violation of the law, punishable as a criminal misdemeanor and subject to a fine.

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

## II. Present Situation:

### Overview

Subject to some exceptions, federal and state child labor laws prevent work hours and timeframes from interfering with the child's health, safety, and education. At the federal level, the Fair Labor Standards Act (FLSA) determines the minimum age for work during school hours, performing certain jobs after school, and places restraints on work considered hazardous. Florida's Child Labor Law also restricts the employment of minors, sometimes more than federal law. Florida's Child Labor Law contains protections specifically directed to 16 and 17-year-olds, including restrictions on what times during a day they may work, how many hours in a week they may work, and what jobs or occupations they may perform.

Florida authorizes cities and counties to enact their own curfew ordinances for minors under the age of 16. The law provides that any minor under the age of 16 cannot be present at a public establishment during the following hours, not including legal holidays:

- Sunday to Thursday from 11:00 p.m. to 5:00 a.m.
- Saturday or Sunday from 12:01 a.m. to 6:00 a.m.
- 9:00 a.m. to 2:00 p.m. if suspended from school.

The statutory curfew does not apply unless the curfew is adopted by a governing body of the county or municipality. A governing body of a county or municipality is allowed to adopt restrictions that are more or less stringent than the statutory curfew.

### Federal Fair Labor Standards Act

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.<sup>1</sup> Congress adopted the FLSA to prevent substandard labor conditions from being used as an "unfair method of competition."<sup>2</sup> The FLSA covers employees and enterprises engaged in interstate commerce. An enterprise is covered if it has annual sales or business done of at least \$500,000.<sup>3</sup> Regardless of the dollar volume of business, the FLSA applies to hospitals; institutions primarily engaged in the care of the sick, aged, mentally ill, or disabled who reside on the premises; schools for children who are mentally or physically disabled or gifted; federal, state, and local governments; and preschools, elementary and secondary schools, and institutions of higher education.<sup>4</sup>

The FLSA was adopted as a minimum set of standards, which allowed states to provide more protections for employees. Under the FLSA, if states enact minimum wage, overtime, or child labor laws that are more protective than what is provided by the FLSA, the state law applies.<sup>5</sup> Because states may enact laws that are more protective than what is provided by the FLSA, minimum wage, overtime, and child labor standards vary state by state.

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<sup>1</sup> 29 U.S.C. § 201-219 and 29 C.F.R. ch. V.

<sup>2</sup> *Brooklyn Savings Bank V. O'Neil*. 324 U.S. 697 (1945).

<sup>3</sup> 29 C.F.R. §§779.258-779.259.

<sup>4</sup> 29 U.S.C. §203(s)(1).

<sup>5</sup> 29 U.S.C § 218.

### ***Child Labor***

The FLSA prohibits the employment of “oppressive child labor” in the United States and the shipment of goods made in proximity to oppressive child labor.<sup>6</sup> The FLSA establishes a general minimum age of 16 years for employment in nonhazardous occupations, and a minimum age of 18 years for employment in any occupation determined by the Secretary of Labor to be hazardous to the health or well-being of minors. However, children younger than 16 may work if certain conditions are met, and rules for agricultural and nonagricultural employment vary significantly.<sup>7</sup>

According to the US Department of Labor (DOL), two things are certain:<sup>8</sup>

- Once an employee is 18 years-of-age, there are no Federal child labor rules.
- Federal child labor rules do not require work permits. However, many states issue age certificates if you are asked to provide them by your employer.

### ***Nonagricultural Employment – Minimum Standards***

For nonexempt children, the minimum age for employment in nonagricultural occupations is:<sup>9</sup>

- 18 years-of-age for occupations determined by the Secretary of Labor to be hazardous to the health and well-being of children (i.e., “hazardous occupations”);
- 16 years-of-age for employment in nonhazardous occupations; or
- 14 years-of-age for a limited set of occupations, with restrictions on hours and work conditions, as determined by the Secretary of Labor.

A child under the age of 14 may not be employed unless his or her employment is explicitly excluded from the definition of oppressive child labor (e.g., a parent is the child’s sole employer in a nonhazardous occupation) or exempt from the FLSA child labor provisions (e.g., newspaper delivery).<sup>10</sup>

The hours and times of day that 14- and 15-year-olds are allowed to work and specific occupations that are permitted or prohibited for such minors in nonagricultural occupations are set by federal and state law.

The FLSA allows the employment of minors 14 and 15 years-of-age during the following hours and times-of-day:<sup>11</sup>

- Outside of school hours;<sup>12</sup>
- Not more than 40 hours in any 1 week when school is not in session;
- Not more than 18 hours in any 1 week when school is in session;

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<sup>6</sup> 29 U.S.C. §212.

<sup>7</sup> Congressional Research Service, The Fair Labor Standards Act (FLSA): An Overview, (Mar.8, 2023), <https://crsreports.congress.gov/product/pdf/R/R42713>. (last visited January 29, 2024).

<sup>8</sup> US Department of Labor, Fair Labor Standards Act (FLSA) Child Labor Rules Advisor, <https://webapps.dol.gov/elaws/whd/flsa/cl/default.htm> (last visited January 29, 2024).

<sup>9</sup> 29 CFR § 570.2.

<sup>10</sup> 29 CFR § 570.119.

<sup>11</sup> 75 C.F.R. § 28448 (2010).

<sup>12</sup> 29 C.F.R. § 570.35(b) defines “school hours” as the hours that the local public school district where the minor resides while employed is in session during the regularly scheduled school year.

- Not more than 8 hours in any 1 day when school is not in session;
- Not more than 3 hours in any 1 day when school is in session, including Fridays; and
- Between 7 a.m. and 7 p.m. in any 1 day, except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m.

### ***Oppressive Child Labor***

The following occupations constitute oppressive child labor within the meaning of the FLSA when performed by minors who are 14 and 15 years-of-age:<sup>13</sup>

- Manufacturing, mining, or processing occupations.
- Occupations that the Secretary of Labor may, pursuant to section 3(l) of the FLSA, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing hoisting apparatus.
- Work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing any power-driven machinery, including but not limited to lawn mowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Youth 14 and 15 years of age may, however, operate office equipment pursuant to § 570.34(a) and vacuum cleaners and floor waxers pursuant to § 570.34(h).
- The operation of motor vehicles.
- Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes.
- All baking and cooking activities except that cooking which is permitted by § 570.34(c).
- Work in freezers and meat coolers and all work in the preparation of meats for sale except as permitted by § 570.34(j). This section, however, does not prohibit the employment of 14- and 15-year-olds whose duties require them to occasionally enter freezers only momentarily to retrieve items as permitted by § 570.34(i).
- Youth peddling, which entails the selling of goods or services to customers at locations other than the youth-employer's establishment, such as the customers' residences or places of business, or public places such as street corners and public transportation stations.
- Loading and unloading of goods or property onto or from motor vehicles, railroad cars, or conveyors, except the loading and unloading of personal non-power-driven hand tools, personal protective equipment, and personal items to and from motor vehicles as permitted by § 570.34(k).
- Catching and cooping of poultry in preparation for transport or for market.
- Public messenger service.
- Occupations in connection with transportation of persons or property, warehousing and storage, communications and public utilities, and construction (including demolition and repair).

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<sup>13</sup> 29 C.F.R. § 570.33.

*Authorized Occupations*

The FLSA allows the following occupations to be performed by minors 14 and 15 years-of-age when performed within the required timeframes:<sup>14</sup>

- Office and clerical work, including the operation of office machines.
- Work of an intellectual or artistically creative nature.
- Cooking with electric or gas grills which does not involve cooking over an open flame.
- Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
- Price marking and tagging by hand or machine, assembling orders, packing, and shelving.
- Bagging and carrying out customers' orders.
- Errand and delivery work by foot, bicycle, and public transportation.
- Clean up work, including the use of vacuum cleaners and floor waxers, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
- Kitchen work and other work involved in preparing and serving food and beverages.
- Cleaning vegetables and fruits, and the wrapping, sealing, labeling, weighing, pricing, and stocking of items.
- The loading onto motor vehicles and the unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as a back pack, a lunch box, or a coat that the minor is permitted to take to the work site.
- The employment of 15-year-olds (but not 14-year-olds) to perform permitted lifeguard duties at traditional swimming pools and water amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas that may include waterfalls and sprinkler areas, and baby pools; but not including the elevated areas of power-driven water slides) when such youth have been trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety.
- Employment inside and outside of places of business where machinery is used to process wood products.
- Work in connection with cars and trucks if confined to dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing by hand; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
- Work in connection with riding inside passenger compartments of motor vehicles.

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<sup>14</sup> 29 CFR § 570.34.



### ***Agricultural Employment – Minimum Standards***

With some exceptions, the minimum age for employment in agricultural occupations is:

- 16 years-of-age for employment in any agricultural job, including those determined to be hazardous by the Secretary of Labor, with no restrictions on hours of work;<sup>15</sup>
- 14 years-of-age for employment in nonhazardous agricultural jobs, outside of school hours;<sup>16</sup>
- 12 years-of-age (up to 13 years) for employment in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent; written consent is not required if the work takes place on a farm that also employs the child's parent;<sup>17</sup>
- 10 years-of-age (and up to 11 years) for employment to hand-harvest select crops for up to eight weeks in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent, providing the employer has obtained a waiver permitting this employment from the Secretary of Labor;<sup>18</sup> or
- Any age (up to 12 years), for employment in nonhazardous agricultural jobs, outside of school hours on certain small farms, with a parent's written consent.<sup>19</sup>

A child of any age who is employed by a parent on a farm owned or operated by the parent may work without restriction.<sup>20</sup> DOL regulations also provide limited exemptions to child labor rules concerning hazardous agricultural occupations for student learners and graduates of vocational training programs that meet regulatory criteria.<sup>21</sup>

### ***FLSA Child Labor Exemptions***

The FLSA excludes the following occupations and work arrangements from coverage of its child labor provisions:

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<sup>15</sup> 29 CFR § 570.2.

<sup>16</sup> 29 U.S.C. §213(c)(1)(C). DOL regulations identify the set of jobs and activities that—subject to hours-of-work restrictions—do not constitute oppressive child labor for children ages 14 and 15 years old; these are at 29 C.F.R. §570.33.

<sup>17</sup> 29 U.S.C. §213(c)(1)(B).

<sup>18</sup> The conditions under which the Secretary of Labor will grant a waiver permitting the employment of 10 and 11 year old children to harvest certain crops are in 29 U.S.C. 213(c)(4) and 29 C.F.R. § part 575. However, as DOL notes “the Department was enjoined from issuing such waivers in 1980 because of issues involving exposure, or potential exposure, to pesticides (see National Ass’n of Farmworkers Organizations v. Marshall, 628 F.2d 604 (DC Cir. 1980)). Therefore, no waivers have been granted under FLSA section 13(c)(4) for thirty years.” DOL-WHD, “Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations-Civil Money Penalties - A Proposed Rule,” 75 Federal Register 54842, September 2, 2011.

<sup>19</sup> 29 U.S.C. §213(c)(1)(A). Applies to the employment of children on farms that are exempt from FLSA minimum wage provisions because they employed fewer than 500 “man-days of agricultural labor” during any calendar quarter in the previous calendar year. FLSA defines a man-day of agricultural labor as “any day during which an employee performs any agricultural labor for not less than one hour”; 29 U.S.C. §203(u).

<sup>20</sup> 29 U.S.C. §213(c)(2).

<sup>21</sup> 29 C.F.R. §570.72.

- Children with a Parental Employer: Children who work for a parent or a person standing in place of a parent<sup>22</sup> in an occupation other than manufacturing, mining, or hazardous work may be employed at any age and for any number of hours.<sup>23</sup>
- Child Performers: Children of any age may be employed as actors or performers in motion pictures or in theatrical, radio, or television productions.<sup>24</sup>
- Newspaper Delivery Persons: Children of any age may be employed to deliver newspapers to consumers.<sup>25</sup>
- Evergreen Wreath Producers (Homebased): Children of any age may be employed as homeworkers to make evergreen wreaths and to harvest forest products used in making such wreaths.<sup>26</sup>

### ***Hazardous Occupations***

Seventeen groups of nonagricultural occupations have been determined to be hazardous or detrimental to the health or well-being of children between the ages of 16 and 18 years.<sup>27</sup> Employment in these jobs is prohibited, with limited exemptions for registered apprentices and student learners.<sup>28</sup> In some instances, children's employment is banned in entire industries (e.g., coal mining) with some exceptions for office, sales, or maintenance work; others prohibit children's exposure to materials (e.g., radioactive substances) or equipment (e.g., power-driven hoisting apparatus).

Eleven types of agricultural occupations have been determined to be hazardous, in which—with few exceptions—a child below the age of 16 may not be employed.<sup>29</sup> These include, for example, handling or applying certain agricultural chemicals, and working on a farm in a pen occupied by a stud horse maintained for breeding purposes. The prohibition on employment in agricultural hazardous occupations does not apply to children employed by a parent on a farm owned or operated by the parent.<sup>30</sup> When certain requirements are met, student learners and graduates of tractor or machine operation programs that meet regulatory criteria may be employed in select hazardous occupations.

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<sup>22</sup> Parent or person standing in place of a parent is defined in 29 C.F.R. §570.126 as including “natural parents, or any other person, where the relationship between that person and a child is such that the person may be said to stand in place of a parent. For example, one who takes a child into his home and treats it as a member of his own family, educating and supporting the child as if it were his own, is generally said to stand to the child in place of a parent.”

<sup>23</sup> This exemption stems from the FLSA definition of oppressive child labor at 29 U.S.C. §203(1), which excludes children employed by a parent in most nonhazardous occupations. For children employed in nonagricultural work, the parent must be the sole employer for the exemption to hold. The parent need not be the sole employer for children working in agriculture on a farm owned or operated by the parent.

<sup>24</sup> 29 U.S.C. §213(c)(3).

<sup>25</sup> 29 U.S.C. §213(d).

<sup>26</sup> 29 U.S.C. §213(d).

<sup>27</sup> 29 C.F.R. §§570.50-570.68.

<sup>28</sup> The prohibition on minors' employment in the nonagricultural hazardous occupations applies even if the child is employed by a parent. The conditions under which a registered apprentice or student learner may participate in hazardous occupation tasks are described in 29 C.F.R. §570.50 (b) and (c).

<sup>29</sup> Hazardous agricultural occupations are described in 29 C.F.R. §570.71; exemptions to the ban on children's employment in hazardous agricultural occupations are in 29 C.F.R. §570.72.

<sup>30</sup> 29 U.S.C. §213(c)(2).

### ***FLSA Violations***

Two remedies are available for violations of the FLSA child labor provisions. The Secretary of Labor may assess civil penalties or seek other relief, including injunctive relief. Employers who violate the FLSA child labor provisions may be assessed the following civil penalties:

- Up to \$15,138 for each employee who was the subject of a child labor violation; or
- Up to \$68,801 for each violation that causes the death or serious injury of a minor employee, a penalty may be doubled if the violation is a repeated or willful violation.<sup>31</sup>

U.S. district courts have jurisdiction to enjoin violations of the FLSA's child labor provisions.<sup>32</sup> For example, a federal court may order an employer to halt employment of a minor in a hazardous occupation or may enjoin a producer from shipping goods out of state from an establishment in or about which a child labor violation has occurred. Criminal penalties are also prescribed for willful violations of the FLSA's child labor provisions.<sup>33</sup>

### **Florida Child Labor Law**

The Florida Department of Business and Professional Regulation, Division of Regulation, administers and enforces the state's Child Labor Law<sup>34</sup> through its Child Labor Program.<sup>35</sup> The "mission of the Child Labor Program is to provide a program of education, enforcement, and administrative initiatives designed to achieve full compliance in the enforcement of Child Labor laws and ensure the health, education and welfare of Florida's working minors."<sup>36</sup>

Florida's Child Labor Law restricts the employment of minors, sometimes more than federal law. Once a worker reaches the age of 18, child labor laws do not restrict their employment.

Florida's Child Labor Law defines "child" or "minor" as any person 17 years of age or younger, unless:<sup>37</sup>

- The person is or has been married;
- The person's disability of nonage has been removed by a court of competent jurisdiction;
- The person is serving or has served in the Armed Forces of the United States;
- It has been found by a court having jurisdiction over the person that it is in the best interest of such minor to work and the court specifically approves any employment of such person, including the terms and conditions of such employment; or
- The person has graduated from an accredited high school or holds a high school equivalency diploma.

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<sup>31</sup> These civil money penalties took effect on January 16, 2023, and are as adjusted for inflation as provided by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (P.L. 114-74).

<sup>32</sup> 29 U.S.C. §217.

<sup>33</sup> Congressional Research Service, The Fair Labor Standards Act (FLSA): An Overview, Mar.8, 2023, at 17 <https://crsreports.congress.gov/product/pdf/R/R42713>. (last visited January 29, 2024).

<sup>34</sup> See ss. 450.001-450.165, F.S.

<sup>35</sup> Section 450.155, provides that Child Labor Law program appropriations made by the Legislature shall be used to carry out the proper responsibilities of administering the Child Labor Law, to protect the working youth of the state, and to provide education about the Child Labor Law to employers, public school employees, the general public, and working youth.

<sup>36</sup> Florida Department of Business and Professional Regulation, Child Labor, <http://www.myfloridalicense.com/DBPR/child-labor/> (last visited January 29, 2024).

<sup>37</sup> Section 450.012(3), F.S.

### ***Minimum Age***

Under Florida's Child Labor law, minors of any age may be employed as follows:<sup>38</sup>

- As pages in the Florida Legislature.
- By the entertainment industry as prescribed in ss. 450.012, F.S., and 450.132, F.S.
- In domestic or farm work in connection with their own homes or the farm or ranch on which they live, or directly for their own parents or guardian, or in the herding, tending, and management of livestock, during the hours they are not required by law to be in school.

The law provides the following prohibitions:

- Persons 10 years-of-age or younger: Prohibited from engaging in the sale and distribution of newspapers.
- Except as provided above, persons 13 years-of-age or younger: Prohibited from being employed, permitted, or suffered to work in any gainful occupation at any time.
- Persons 17 years old or younger: Whether or not such person's disabilities of nonage have been removed by marriage or otherwise, are prohibited from being employed, permitted, or suffered to work in any place where alcoholic beverages are sold at retail, except as provided in s. 562.13, F.S.<sup>39</sup> For example, a 16- or 17-year-old may work at a grocery store that sells alcohol under certain conditions and a restaurant that sells beer and wine under certain conditions.

The law provides the following prohibition to prevent minors being exploited and becoming victims of human trafficking:<sup>40</sup>

- A person under the age of 18, whether or not such person's disabilities of nonage have been removed by marriage or otherwise, may not be employed, permitted, or suffered to work in an adult theater, as defined in s. 847.001(2)(b), F.S.

### ***Hazardous Occupations***

Florida law prohibits minors 15 years-of-age or younger, whether or not such person's disabilities of nonage have been removed by marriage or otherwise, from being employed or permitted or suffered to work in any of the following occupations:<sup>41</sup>

- In connection with power-driven machinery, except power mowers with cutting blades 40 inches or less.
- In any manufacturing that makes or processes a product with the use of industrial machines.
- The manufacture, transportation, or use of explosive or highly flammable substances.
- Sawmills or logging operations.
- On any scaffolding.
- In heavy work in the building trades.

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<sup>38</sup> Section 450.021, F.S.

<sup>39</sup> Section 562.13, F.S., prohibits any vendor licensed under the Beverage Law from employing any person under 18 years of age. However, this section provides specific exceptions, including, but not limited to, professional entertainers under 17 years of-age, certain minors employed in the entertainment industry, persons under the age of 18 employed in drugstores, grocery stores, department stores, florists, specialty gift shops, or automobile service stations for consumption off the premises.

<sup>40</sup> Section 450.021(5), F.S.

<sup>41</sup> Section 450.061(1), F.S.

- In the operation of a motor vehicle, except a motorscooter which he or she is licensed to operate, except that 14-year-old and 15-year-old workers may drive farm tractors in the course of their farmwork under the close supervision of their parents on a family-operated farm, and except that qualified 14-year-old and 15-year-old workers may drive tractors in the course of their farmwork under the close supervision of the farm operator. “Qualified,” as used herein, means having completed a training course in tractor operation sponsored by a recognized agricultural or vocational agency, as evidenced by duly executed certificate, such certificate to be filed with the farm operator for the duration of the employment.
- In oiling, cleaning, or wiping machinery or shafting or applying belts to pulleys.
- In repairing of elevators or other hoisting apparatus.
- Work in freezers or meat coolers and all work in preparation of meats for sale, except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in another area. This shall not prohibit work done in the normal operations of a food service facility licensed by chapter 509, F.S.
- In the operation of power-driven laundry or drycleaning machinery or any similar power-driven machinery.
- At spray painting.
- Alligator wrestling, work in connection with snake pits, or similar hazardous activities.
- Door-to-door selling of magazine subscriptions, candy, cookies, flowers, or other merchandise or commodities, except merchandise of nonprofit organizations, such as the Girl Scouts of America or the Boy Scouts of America.
- In working with meat and vegetable slicing machines.

Florida law prohibits minors under 18 years-of-age, whether such person’s disabilities of nonage have been removed, from being employed or permitted or suffered to work in any of the following places of employment or in any of the following occupations:<sup>42</sup>

- In or around explosive or radioactive materials.
- On any scaffolding, roof, superstructure, residential or nonresidential building construction, or ladder above 6 feet.
  - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- In or around toxic substances or corrosives, including pesticides or herbicides, unless proper field entry time allowances have been followed.
- Any mining occupation.
- In the operation of power-driven woodworking machines.
  - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- In the operation of power-driven hoisting apparatus.
- In the operation of power-driven metal forming, punching, or shearing machines.
  - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Slaughtering, meat packing, processing, or rendering, except as provided in 29 C.F.R. s. 570.61(c), F.S.

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<sup>42</sup> Section 450.061(2), F.S.

- Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- In the operation of power-driven bakery machinery.
- In the operation of power-driven paper products and printing machines.
  - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Manufacturing brick, tile, and like products.
- Wrecking or demolition.
- Excavation operations.
  - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Logging or sawmilling.
- Working on electric apparatus or wiring.
  - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Firefighting.
  - Does not apply to the employment of student learners under the conditions prescribed in s. 450.161, F.S.
- Operating or assisting to operate, including starting, stopping, connecting or disconnecting, feeding, or any other activity involving physical contact associated with operating, a tractor over 20 PTO horsepower, any trencher or earthmoving equipment, fork lift, or any harvesting, planting, or plowing machinery, or any moving machinery.

Florida law prohibits the employment of minors under 18 years-of-age, whether such person's disabilities of nonage have been removed by marriage or otherwise, from being employed or permitted or suffered to work in any place of employment or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such places of employment or occupations may be determined and declared by the department to be hazardous and injurious.

These prohibitions do not apply to minors employed in the entertainment industry.<sup>43</sup>

### ***Hours of Work***

Generally, Florida law allows minors who are 16 and 17 years-of-age to work in a broad range of jobs, unless the jobs are hazardous. Minors who are 14 and 15 years-of-age are allowed to work in a broad range of jobs but are limited in the number of hours per day and per week they may work, especially when school is in session.<sup>44</sup> Minors 13 years old or younger are prohibited from working in Florida, except in some limited situations.

### ***Minors Under the Age of 16***

For minors younger than 16 years-of-age, Florida Child Labor Law provides the following restrictions on hours of work:

- Before 7 a.m. or after 7 p.m. when school is scheduled the following day or for more than 15 hours in any one week.

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<sup>43</sup> Section 450.061(4), F.S.

<sup>44</sup> See Section 450.081, F.S.

- More than 3 hours on any school day, if not enrolled in a career education program, unless there is no session of school the following day.
- During holidays and summer vacations:
  - Before 7 a.m. or after 9 p.m.;
  - For more than 8 hours in any one day; or
  - For more than 40 hours in any one week.

### ***Sixteen and Seventeen-Year-Olds***

For minors 16 and 17 years-of-age, Florida's Child Labor Law provides the following restrictions on hours of work:

- Before 6:30 a.m. or after 11:00 p.m.
- More than 8 hours in any one day when school is scheduled the following day.
- When school is in session, more than 30 hours in any one week.
- During school hours on any school day, if not enrolled in a career education program.
- More than 6 consecutive days in any one week.
- More than 4 hours continuously without an interval of at least 30 minutes for a meal period.
  - No period of less than 30 minutes is deemed to interrupt a continuous period of work.

### ***Exemptions***

The hours of work restrictions do not apply to the following:<sup>45</sup>

- Minors 16 and 17 years-of-age who have graduated from high school or received a high school equivalency diploma.
- Minors who are within the compulsory school attendance age limit who hold a valid certificate of exemption issued by the school superintendent or his or her designee pursuant to the provisions of s. 1003.21(3), F.S.
- Minors enrolled in a public educational institution who qualify on a hardship basis such as economic necessity or family emergency.
  - Such determination must be made by the school superintendent or his or her designee, and a waiver of hours must be issued to the minor and the employer.
- Children in domestic service in private homes, children employed by their parents, or pages in the Florida Legislature.

Florida law provides that the presence of any minor in any place of employment during working hours is prima facie evidence of his or her employment.<sup>46</sup>

### ***Partial Waivers***

In extenuating circumstances when it clearly appears to be in the best interest of the child, DBPR is authorized to grant a waiver of the restrictions imposed by the Child Labor Law on the employment of a child. Such waivers are granted upon a case-by-case basis and based upon such factors as the department, by rule, establishes as determinative of whether such waiver is in the best interest of a child.<sup>47</sup>

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<sup>45</sup> Section 450.081(5), F.S.

<sup>46</sup> Section 450.081(6), F.S.

<sup>47</sup> Section 450.095, F.S.

DBPR, or the school district designee if the minor is enrolled in the public school system, is authorized to grant a waiver of any restriction imposed by the Child Labor Law, or by rule. In determining whether to grant a Partial Waiver, the Department shall consider all relevant information which may establish what is in the best interest of the minor, including:<sup>48</sup>

- *School Status*: DBPR, or the school district designee, is required to grant a partial waiver based on school status when:
  - The minor will receive instruction by a tutor at the place of employment;
  - The minor has been authorized by the District School Superintendent to complete his or her education through alternative methods such as home school;
  - The minor has been permanently expelled from the public school system;
  - The minor is enrolled in school in a foreign country and is visiting Florida during his or her home country's non-school period; or
  - The employment would provide an educational, vocational, or public service experience that would be beneficial to the minor.
    - Documentation shall consist of confirmation from the minor's school principal or the Superintendent of the School District and of copies of school records clearly defining the minor's school status.
- *Financial Hardship*: DBPR, or the school district designee, is required to grant a partial waiver based on financial hardship when compliance with the Child Labor Law or rule will result in undue financial hardship for the minor or the minor's immediate family. Documentation must include:
  - A notarized letter, explaining the particular circumstances creating a hardship, from a parent, guardian, or other adult, who knows and can attest to the minor's financial hardship; written confirmation from a school recently attended;
  - Documentation from a social service agency; or
  - Verification of participation in AFDC, Food Stamp, Project Independence, or other similar programs.
  - DBPR is authorized to require other documentation which proves financial hardship.
- *Medical Hardship*: DBPR, or the school district designee, must grant a partial waiver based on medical hardship when compliance with the Child Labor Law or rule will result in physical or mental hardship for the minor. Documentation may consist of written confirmation from the minor's physician stating the specific medical reasons that require the minor to be excused from mandatory school attendance and affirming that the minor to be excused from mandatory school attendance may be allowed to work the requested hours, or that the minor should be considered an adult for the purpose of work hours.
- *Other Hardship*: DBPR, or school district designee, must grant a partial waiver based on other hardship when compliance with the Child Labor Law or rule will result in unreasonable hardship to the minor in specific situations.
- *Court Order*: DBPR, or the school district designee, must grant a partial waiver based on a court order when compliance with the Child Labor Law or rule will result in the minor violating an order issued by a court mandating that the minor work specified hours or in a specified occupation.

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<sup>48</sup> R. 61L-2.007, F.A.C.



***Enforcement***

DBPR and local law enforcement are required to:<sup>49</sup>

- Enforce the provisions of the Child Labor Law;
- Make complaints against persons violating its provisions; and
- Prosecute violations.

DBPR is authorized to enter and inspect at any time any place or establishment covered by this law and to have access to age certificates kept on file by the employer and other records. Designated school representatives are required to report to DBPR all violations of the Child Labor Law.<sup>50</sup>

The Child Labor Law also provides that:

- Trial courts in the state have the duty to issue warrants and try cases within their jurisdiction in connection with violations of the Child Labor Law.
- Grand juries have inquisitorial powers to investigate violations, and trial court judges shall specially charge the grand jury to investigate violations of the Child Labor Law.

The Child Labor Law provides the following penalties for violations:<sup>51</sup>

- Second degree misdemeanor, punishable by up to 60 days in prison<sup>52</sup> and a \$500 fine.<sup>53</sup>
  - Each day during which any violation of this law continues, and the employment of any minor in violation of the law, constitutes a separate and distinct offense.
- Second degree felony, punishable by up to 15 years in prison,<sup>54</sup> a \$10,000 fine,<sup>55</sup> or up to 30 years in prison for habitual offenders<sup>56</sup> any person who:<sup>57</sup>
  - Takes, receives, hires, employs, uses, exhibits, or, in any manner or under any pretense, causes or permits any child less than 18 years of age to suffer;
  - Inflicts upon any such child unjustifiable physical pain or mental suffering;
  - Willfully causes or permits the life of any such child to be endangered or his or her health to be injured or such child to be placed in such situation that his or her life may be endangered or health injured; or
  - Has in custody any such child for any of these purposes.

The Child Labor Law authorizes DBPR to provide administrative fines not to exceed \$2,500 per offense.<sup>58</sup> Upon discovery by DBPR that an employer is in violation, it is required to give written notice to the employer specifying the violation, the facts alleged to constitute the violation, and the requirements and time limitations for remedial action. If the employer refuses or fails to comply, DBPR is authorized to seek assessment of the following schedule of fines:<sup>59</sup>

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<sup>49</sup> Section 450.121(1), F.S.

<sup>50</sup> Section 450.121(2), F.S.

<sup>51</sup> Section 450.141(1), F.S.

<sup>52</sup> Section 775.082, F.S.

<sup>53</sup> Section 775.083, F.S.

<sup>54</sup> Section 775.082, F.S.

<sup>55</sup> Section 775.083, F.S.

<sup>56</sup> Section 775.084, F.S.

<sup>57</sup> Section 450.151, F.S.

<sup>58</sup> Section 450.141(2), F.S.

<sup>59</sup> R. 61L-2.009, F.A.C.

<b>Violation</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3<sup>rd</sup> and Subsequent Offenses</b>
Child Labor Poster	Up to \$500	Up to \$1,000	Up to \$1,500
Employment of Minor	Up to \$1,000	Up to \$1,500	Up to \$2,500
Proof of Age or Copy of Partial Waiver	Up to \$700	Up to \$1,200	Up to \$2,000
Employment of Minor in Violation of Beverage law.	Up to \$1,000	Up to \$1,500	Up to \$2,500
Work Hours or Consecutive Days	Up to \$1,000	Up to \$1,500	Up to \$2500
Hazardous Occupation	Up to \$1,500	Up to \$2,000	Up to \$2,500
Employment of minor in violation of any provision of Child Labor.	Up to \$2,500	Up to \$2,500	Up to \$2,500
Law or this rule chapter which results in injury or death to minor.			
Violation of proof of age and identity requirements for Adult Theaters.	Up to \$1,000	Up to \$2,000	Up to \$2,500
Any other violation of the Child Labor Law or this rule chapter.	Up to \$1,000	Up to \$1,500	Up to \$2,500
Failure to provide records or documentation upon request.	Up to \$500	Up to \$1,200	Up to \$2,000

### ***Career Education Exemptions***

Florida's Child Labor Law specifies that it does not:

- Prevent minors of any age from receiving career education furnished by the U.S., this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted authority, nor any apprentice indentured under a plan approved by the Department of Economic Opportunity; or
- Prevent the employment of any minor 14 years of age or older when such employment is authorized as an integral part of, or supplement to, such a course in career education and is authorized by regulations of the district school board of the district in which such minor is employed, provided the employment is in compliance with the provisions of ss. 450.021(4), F.S. and 450.061, F.S.

Exemptions for the employment of student learners 16 to 18 years-of-age provided in s. 450.061, F.S., apply when:<sup>60</sup>

- The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.
- Such student learner is employed under a written agreement that provides:
  - That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.
  - That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.
  - That safety instructions shall be given by the school and correlated by the employer with on-the-job training.
  - That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

### ***Proof of Identity***

In order to hire a child to work, the law requires an employer to obtain and keep on record during the entire period of employment proof of the child's age.<sup>61</sup> Employers who hire minors are also required to post posters notifying minors of the Child Labor Law.<sup>62</sup>

### **Local Juvenile Curfew Ordinances**

Florida authorizes cities and counties to enact their own curfew ordinances for minors under the age of 16.<sup>63</sup> The law provides the following statutory restrictions that do not apply unless they are adopted by a governing body of the county or municipality:<sup>64</sup>

- A minor may not be or remain in a public place or establishment between the hours of 11:00 p.m. and 5:00 a.m. of the following day, Sunday through Thursday, except in the case of a legal holiday.
- A minor may not be or remain in a public place or establishment between the hours of 12:01 a.m. and 6:00 a.m. on Saturdays, Sundays, and legal holidays.
- A minor who has been suspended or expelled from school may not be or remain in a public place, in an establishment, or within 1,000 feet of a school during the hours of 9:00 a.m. to 2:00 p.m. during any school day.

Local curfew ordinances for minors under the age of 16 are allowed to be more or less stringent than the statutory curfew.<sup>65</sup>

These restrictions do not apply to a minor who is:<sup>66</sup>

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<sup>60</sup> Section 450.161, F.S.

<sup>61</sup> Section 450.045(1), F.S. Such proof must include photocopies of the child's birth certificate and driver license, an age certificate issued by the district school board of the district in which the child is employed, certifying the child's date of birth, or a photocopy of a passport or visa which lists the child's date of birth.

<sup>62</sup> Section 450.045(2), F.S.

<sup>63</sup> See Section 877.20-877.25, F.S.

<sup>64</sup> Section 877.22, F.S.

<sup>65</sup> Section 877.25, F.S.

<sup>66</sup> Section 877.24, F.S.

- Accompanied by his or her parent or by another adult authorized by the minor's parent to have custody of the minor.
- Involved in an emergency or engaged, with his or her parent's permission, in an emergency errand.
- Attending or traveling directly to or from an activity that involves the exercise of rights protected under the First Amendment of the United States Constitution.
- Going directly to or returning directly from lawful employment, or who is in a public place or establishment in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged.
- Returning directly home from a school-sponsored function, a religious function, or a function sponsored by a civic organization.
- On the property of, or on the sidewalk of, the place where the minor resides, or who is on the property or sidewalk of an adult next-door neighbor with that neighbor's permission.
- Engaged in interstate travel or bona fide intrastate travel with the consent of the minor's parent.
- Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013(9), F.S.

A minor in violation must receive a written warning for a first violation. A minor who violates this section after having received a prior written warning is guilty of a civil infraction and must pay a fine of \$50 for each violation.<sup>67</sup>

A minor who violates a curfew and is taken into custody must be transported immediately to a police station or facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency.<sup>68</sup>

After recording pertinent information about the minor, law enforcement is required to attempt to contact the parent of the minor, and:<sup>69</sup>

- If successful, request that the parent take custody of the minor and must release the minor to the parent.
- If not able to contact the minor's parent within 2 hours after the minor is taken into custody, or if the parent refuses to take custody of the minor, the law enforcement agency is authorized to transport the minor to her or his residence or take the child into custody as provided under part IV of chapter 39, F.S.

The parent of a minor who knowingly permits the minor to violate the curfew law is required to receive a written warning for a first violation. A parent who knowingly permits the minor to violate the curfew law after receiving a prior written warning is guilty of a civil infraction and subject to a fine of \$50 for each violation.<sup>70</sup>

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<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Section 877.23, F.S.

### III. Effect of Proposed Changes:

SB 1596 changes the law regulating work hours for minors.

The bill amends the law to prohibit minors 15 years or younger from working more than 15 hours in any one week *when school is in session*.

The bill changes the time restrictions placed on minors 16 and 17 years of age.

Currently, 16 and 17 year-olds may not work before 6:30 a.m. or after 11:00 p.m. The bill provides that 16 and 17 year-olds may not work before 5:30 a.m. or after 12:00 a.m. *when school is scheduled the following day*.

Currently, 16 and 17 year-olds may not work for more than 8 hours in any one day when school is scheduled the following day. The bill provides that 16 and 17 year-olds may not work for more than 8 hours in any one day when school is scheduled the following day, *except when the day of work is on holiday or Sunday*.

The bill also alters requirements for consecutive working days and breaks for minors 17 years old and younger, lowering the age limit to 15 years and younger. Currently, minors 17 years old or younger may not work for more than 6 consecutive days in any one week. The bill provides that minors *15 years old* or younger may not work for more than 6 consecutive days in any one week.

Currently, minors 17 years old or younger may not work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period. The bill provides that minors *15 years old* or younger may not work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period.

The bill provides exemptions from the above restrictions for minors 16 and 17 years of age who are in a home education program or are enrolled in an approved virtual instruction program in which the minor is separated from the teacher by time only. DBPR is allowed to grant a waiver of the restrictions.

Finally, the bill provides that an employer that violates the restrictions commits a violation of the law, punishable as a criminal misdemeanor and subject to a fine, pursuant to s. 450.141, F.S..

The bill provides 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 bill may increase the labor available to certain employers.

The bill may increase labor force participation among 16 and 17-year-old individuals.

The bill may allow employers to forgo certain scheduling requirements regarding the employment of minors.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 450.081 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

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By Senator Burgess

23-00392B-24

20241596\_\_

A bill to be entitled

An act relating to the employment of minors; amending s. 450.081, F.S.; removing certain employment restrictions for minors 16 and 17 years of age; revising the age at which certain employment restrictions apply; authorizing the Department of Business and Professional Regulation to grant waivers of certain employment restrictions; specifying applicable penalties for noncompliant employers; making technical changes; providing an effective date.

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

Section 1. Section 450.081, Florida Statutes, is amended to read:

450.081 Hours of work in certain occupations.—

(1) (a) Minors 15 years of age or younger may ~~shall~~ not be employed, permitted, or suffered to work:

1. Before 7 a.m. or after 7 p.m. when school is scheduled the following day. ~~Or~~

2. For more than 15 hours in any one week when school is in session.

(b) On any school day, minors 15 years of age or younger who are not enrolled in a career education program may ~~shall~~ not be gainfully employed for more than 3 hours, unless there is no session of school the following day.

(c) (b) During holidays and summer vacations, minors 15 years of age or younger may ~~shall~~ not be employed, permitted, or suffered to work before 7 a.m. or after 9 p.m., for more than 8

23-00392B-24

20241596\_\_

hours in any one day, or for more than 40 hours in any one week.

(2) (a) Minors 16 and 17 years of age may ~~shall~~ not be employed, permitted, or suffered to work:

1. Before 5:30 a.m. ~~6:30 a.m.~~ or after 12 a.m. ~~11:00 p.m.~~ when school is scheduled the following day. ~~or~~

2. For more than 8 hours in any one day when school is scheduled the following day, except when the day of work is on a holiday or Sunday.

3. For more than 30 hours in any one week when school is in session, ~~minors 16 and 17 years of age shall not work more than 30 hours in any one week.~~

(b) On any school day, minors 16 and 17 years of age who are not enrolled in a career education program may ~~shall~~ not be gainfully employed during school hours.

(3) Minors 15 ~~17~~ years of age or younger may ~~shall~~ not be employed, permitted, or suffered to work in any gainful occupation for more than 6 consecutive days in any one week.

(4) Minors 15 ~~17~~ years of age or younger may ~~shall~~ not be employed, permitted, or suffered to work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period; and for the purposes of this law, a ~~no~~ period of less than 30 minutes is not ~~shall~~ be deemed to interrupt a continuous period of work.

(5) ~~The provisions of Subsections (1)-(4)~~ do ~~shall~~ not apply to:

(a) Minors 16 and 17 years of age who have graduated from high school or received a high school equivalency diploma.

(b) Minors who are within the compulsory school attendance age limit and who hold a valid certificate of exemption issued



23-00392B-24

20241596\_\_

59 by the school superintendent or his or her designee pursuant to  
60 ~~the provisions of s. 1003.21(3).~~

61 (c) Minors enrolled in an ~~a public~~ educational institution  
62 who qualify on a hardship basis, such as economic necessity or  
63 family emergency. ~~Such determination shall be made by~~ The school  
64 superintendent or his or her designee shall make such  
65 ~~determination and issue, and a waiver of hours shall be issued~~  
66 to the minor and the employer. The form and contents thereof  
67 shall be prescribed by the department.

68 (d) Minors 16 and 17 years of age who are in a home  
69 education program or are enrolled in an approved virtual  
70 instruction program in which the minor is separated from the  
71 teacher by time only.

72 (e) Minors ~~Children~~ in domestic service in private homes,  
73 minors ~~children~~ employed by their parents, or pages in the  
74 Florida Legislature.

75 (6) The department may grant a waiver of the restrictions  
76 imposed by this section pursuant to s. 450.095.

77 ~~(7)(6)~~ The presence of a any minor in any place of  
78 employment during working hours is ~~shall be~~ prima facie evidence  
79 of his or her employment therein.

80 (8) An employer who requires, schedules, or otherwise  
81 causes a minor to be employed, permitted, or suffered to work in  
82 violation of this section commits a violation of the law,  
83 punishable as provided in s. 450.141.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Jay Trumbull, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** January 10, 2024

I respectfully request that **Senate Bill #1596**, relating to Employment of Minors, be placed on the:

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

Senator Danny Burgess  
Florida Senate, District 23

File signed original with committee office

S-020 (03/2004)

The Florida Senate

## APPEARANCE RECORD

Meeting Date Jan 30 '24 Bill Number or Topic SB 1596  
Committee Commerce and Tourism  
Name Charles S Fox Phone 239-940-5095  
Address 10627 Kestrel Circle Email charlesfox@aol.com  
City Ft Myers State FL Zip 33914

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

## The Florida Senate

## APPEARANCE RECORD

1/30/24

Meeting Date

SB 1596

Bill Number or Topic

Deliver both copies of this form to  
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Commerce &amp; Tourism

Committee

Amendment Barcode (if applicable)

Name

KEVIN DALY

Phone

239 822 3362

Address

15360 Sunset Dr #206

Email

Kbdaly@gmail.com

Street

Fort Myers

City

FL

State

33908

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

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## APPEARANCE RECORD

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Meeting Date

SB 1596

Bill Number or Topic

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Commerce &amp; Tourism

Committee

Amendment Barcode (if applicable)

Name

David Metellus

Phone

Address

1800 Biscayne Blvd

Email

Street

Miami

City

FL

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

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S-001 (08/10/2021)

1-30-2024 Meeting Date  
Commerce & Tourism Committee  
Name Bryan Porter Phone 386-682-8243  
Address 24961 N.E. 135<sup>th</sup> St. Email BP175@yahoo.com  
Salt Springs City FL State 32134 Zip

The Florida Senate  
**APPEARANCE RECORD**

SB 1596  
Bill Number or Topic

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Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

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

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S-001 (08/10/2021)

1/30/2024 Meeting Date  
Commerce and Tourism Committee  
Name Dylan R. Owens Phone 561 386 7393  
Address 6783 Duckweed Rd Email \_\_\_\_\_  
Lake Worth City FL State 33449 Zip

The Florida Senate  
**APPEARANCE RECORD**

SB 1596  
Bill Number or Topic

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Amendment Barcode (if applicable)

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

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## APPEARANCE RECORD

1-30-24

Meeting Date

SB 1596

Bill Number or Topic

Commerce and Tourism  
CommitteeDeliver both copies of this form to  
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Amendment Barcode (if applicable)

Name Guillermo Lopez

Phone 972 834-6705

Address 228 NE Main St.  
Street

Email G Lopez 5281 @ Gmail.com

P.S.C.  
CityFL  
State34983  
ZipSpeaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

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1/30/24

Meeting Date

SB 1596

Bill Number or Topic

Commerce and Tourism  
CommitteeDeliver both copies of this form to  
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Amendment Barcode (if applicable)

Name Mercedes P. De la Cruz

Phone 561-396-3648

Address 2284 49th St.  
Street

Email Romero Patricia31@yahoo.com

W.P.B.  
CityFL  
State33417  
ZipSpeaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

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## The Florida Senate

## APPEARANCE RECORD

Bill Number or Topic

Meeting Date

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

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

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S-001 (08/10/2021)

## The Florida Senate

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Senate professional staff conducting the meeting

Bill Number or Topic

Meeting Date

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

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S-001 (08/10/2021)

1/30/2024

The Florida Senate  
**APPEARANCE RECORD**

SB 1596

Meeting Date

Commerce

Deliver both copies of this form to  
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Bill Number or Topic

Committee

STEPHAN RAMDOHR

Amendment Barcode (if applicable)

Name

Phone

Address

253 INTEGRA SHORES DR

Email

Street

DAYTOWA BEACH FL 32117

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
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1/30/24

The Florida Senate  
**APPEARANCE RECORD**

SB 1596

Meeting Date

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Bill Number or Topic

Committee

Jonathan Fielder

Amendment Barcode (if applicable)

Name

Phone

920-815-7226

Address

1723 Palm Warbler Ln

Email

jfielder@ibew.org

Street

Ruskin FL 33570

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

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1/30/24

Meeting Date

SB 1596

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Ashleigh Rondon

Phone

Address

7631 Gate Pkwy Apt 1304

Email

Street

Jacksonville FL 32256

City

State

Zip

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

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1-30-2024

Meeting Date

SB 1596

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Kenn Shupe

Phone

Address

3411 Cutting Ct

Email

Street

Middleburg

City

FL

State

32068

Zip

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

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

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

1/30/24  
Meeting Date  
Commerce  
Committee

1596  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Richard Chiribilla Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

Street  
Homeslead FL 33033  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Farmworker Association of Florida

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

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S-001 (08/10/2021)

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1/30/24  
Meeting Date  
Commerce  
Committee

1596

Bill Number or Topic

Amendment Barcode (if applicable)

Name Claudia Gonzalez Phone 786 255 8080

Address 329 N Flagler Ave Email Claudia@FloridaFarmworkers.org  
Street  
Homeslead FL 33030  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Farmworker Assoc

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S-001 (08/10/2021)

1/30/24  
Meeting Date  
Commerce  
Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1596  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Teresa Choc Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_  
Street  
Homestead FL 33030  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Farmworker Association

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S-001 (08/10/2021)

1/30/24  
Meeting Date  
Commerce  
Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1596  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Ana Maravilla Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_  
Street  
Homestead FL 33030  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Farmworker Association

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The Florida Senate  
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1596

Bill Number or Topic

Amendment Barcode (if applicable)

1/30/24  
Meeting Date  
Commerce  
Committee

Name Sandra Diaz Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_  
Street  
Homestead FL 33032  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Farmworker Association

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1596

Bill Number or Topic

Amendment Barcode (if applicable)

1/30/24  
Meeting Date  
Commerce  
Committee

Name Ana Burgos Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_  
Street  
Homestead FL 33030  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Farmworker Association

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S-001 (08/10/2021)

The Florida Senate  
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1/30/24

Meeting Date

Commerce

Committee

1596

Bill Number or Topic

Amendment Barcode (if applicable)

Name Carmen Ambrosetto Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

Street

Homestead FL 33030

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Farmworker Association  
of Florida

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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1/30/24

Meeting Date

Commerce and Tourism

Committee

1596

Bill Number or Topic

Amendment Barcode (if applicable)

Name Barry Tillis Phone 407 432 4624

Address 1134 Orvell Ave Email BarryTillis@gmail.com

Street

Orlando

FL

32809

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Meeting Date: 01/30/24 Bill Number or Topic: SB 1596  
Committee: Commerce + Transm  
Name: Serena James Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City: Orlando State: FL Zip: 32808

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Meeting Date: 1-30-2024 Bill Number or Topic: SB 1596  
Committee: \_\_\_\_\_  
Name: Shannon Carson Phone: 407-719-7003  
Address: 12219 Coral Reef Drive Email: \_\_\_\_\_  
City: Orlando State: FL Zip: 32826

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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Senate professional staff conducting the meeting

1/30/24  
Meeting Date

1596  
Bill Number or Topic

Commerce and Tourism  
Committee

Name Frank Peterman III Phone (727) 637-7080

Address 713 South Adams Street Email frank.peterman@floridaca.gov

Tallahassee FL 32304  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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1-30-24  
Meeting Date

1596  
Bill Number or Topic

Commerce & Tourism  
Committee

Name Jennifer Kenny Phone 321-277-9385

Address 1917 Quail Ridge Ct #1901 Email Ken606@yahoo.com

Cocoa FL 32926  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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The Florida Senate  
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1-30-24  
Meeting Date  
Commerce and Tourism  
Committee

1596  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Todd Provost Phone 407-767-9409

Address 12625 Bay Breeze Ct Email tprovost@ibew606.org  
Street  
Clermont FL 34711  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
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1/30/24  
Meeting Date  
Commerce and Tourism  
Committee

SB1596  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Della Denny-Abbott Phone 8504496061

Address 2111 St Andrews Dr Email \_\_\_\_\_  
Street  
Cantonment FL 32533  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
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S-001 (08/10/2021)



## The Florida Senate

## APPEARANCE RECORD

1/30/24

Meeting Date

Commerce &amp; Tourism

Committee

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

SB1596

Bill Number or Topic

Amendment Barcode (if applicable)

Name

STEVE WISNIEWSKI

Phone

407-532-8461

Address

3897 Shadowood Way

Street

Email

Gotha

City

FL

State

34734

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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

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S-001 (08/10/2021)

## The Florida Senate

## APPEARANCE RECORD

1/30/2024

Meeting Date

Commerce and Tourism

Committee

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

SB1596

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Monima Johnson

Phone

(407) 492-4400

Address

6863 Galle Ct

Street

Email

Memog863@yahoo.com

Orlando

City

FL

State

32818

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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

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S-001 (08/10/2021)



## The Florida Senate

## APPEARANCE RECORD

1/30/2024

Meeting Date

Commerce &amp; Tourism

Committee

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

5B 1596

Bill Number or Topic

Amendment Barcode (if applicable)

Name Malcolm J. SmithPhone 386 795 5579Address 244 Integra Shores Dr.

Email

Street

Daytona Beach FL

City

State

32117

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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

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S-001 (08/10/2021)

## The Florida Senate

## APPEARANCE RECORD

1/30/24

Meeting Date

Commerce &amp; Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting1596 - Employment of  
Minors

Bill Number or Topic

Amendment Barcode (if applicable)

Name Samantha PadgettPhone 850-224-2250Address 230 S. Adams St.Email spadgett@fla.org

Street

Tallahassee FL

City

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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

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## APPEARANCE RECORD

SB 1596

Meeting Date

Bill Number or Topic

Commerce &amp; Tourism

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

Committee

Amendment Barcode (if applicable)

Name

David Stidham

Phone

(386) 566-5482

Address

529 Land O Lakes Ct, Deland

Email

Stidham1@gmail.com

Street

FL 32724

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.☐ I am a registered lobbyist,  
representing:☐ I am not a lobbyist, but received  
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## The Florida Senate

## APPEARANCE RECORD

SB 1596

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Mindy R Boldon

Phone

352-678-8665

Address

6114 35th Ave W

Email

mboldon@mr.com

Street

Bradenton

FL

34208

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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

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Senate professional staff conducting the meeting

1/30/24

Meeting Date

SB 1596

Bill Number or Topic

Commerce + Tourism

Committee

Amendment Barcode (if applicable)

Name

Wayne Perez

Phone

388 214 4583

Address

36 Kunkake Trl

Email

Tortamano@yahoo

Street

Palm Coast

State

FL

32164

City

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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Deliver both copies of this form to  
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1/30/24

Meeting Date

SB 1596

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Laron Lindsey

Phone

251-583-8359

Address

1125 Broad St

Email

lvroster@yahoo.com

Street

Mobile

AL

36602

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Kammeron Brown Phone \_\_\_\_\_

Address 1008 Redbud Ave Email \_\_\_\_\_

Street

Tallahassee FL 32303

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

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The Florida Senate  
**APPEARANCE RECORD**

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Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Justin Peacock Phone (850) 516-6181

Address 20569 County Rd N68 Email \_\_\_\_\_

Street

Robertsdale AL 36567

City

State

Zip

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

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Meeting Date

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Committee

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Phone

Address

Street

Email

City

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Zip

Speaking: ☐ For ☐ Against ☐ Information

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Phone

Address

Street

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City

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Speaking: ☐ For ☐ Against ☐ Information

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Waive Speaking: ☐ In Support ☒ Against

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S-001 (08/10/2021)



## The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
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1-30-24  
Meeting Date  
Commerce & Tourism  
Committee

SBI 596  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Andrew Nixon Phone 239-628-9047

Address 606 SE 9th St Email anixon35@govt.com  
Street  
City Cape Coral State FL Zip 33990

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

## PLEASE CHECK ONE OF THE FOLLOWING:

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## The Florida Senate

## APPEARANCE RECORD

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1/30/24  
Meeting Date  
Commerce  
Committee

1596  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Karen Woodall Phone 850-321-9386

Address 579 E. Call St. Email fcfe@yahoo.com  
Street  
City Tallahassee State FL Zip 32301

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

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Fla. Center for  
Fiscal & Economic Policy

☐ I am not a lobbyist, but received  
something of value for my appearance  
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1/30/24  
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Commerce & Tourism  
Committee

The Florida Senate  
**APPEARANCE RECORD**

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SB 1596

Bill Number or Topic

Amendment Barcode (if applicable)

Name Yenisbel Vilorio

Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

Street

City

State

Zip

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

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☒ I am a registered lobbyist,  
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Six Action

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1-30-24  
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Commerce & Tourism  
Committee

The Florida Senate  
**APPEARANCE RECORD**

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SB 1596

Bill Number or Topic

Amendment Barcode (if applicable)

Name Vincent Morelli

Phone 786 585 8051

Address 1422 NW 3 Terr

Email CaptainVino@Bnail

Street

Cape Coral FL

State

33993

Zip

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

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1/30/24  
Meeting Date  
Commerce AND TOURISM  
Committee

SB1596  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Glenda Abbott (Pronounced Abbott) Phone 786-376-1181

Address 4305 SW 98 AV Email Glenda.ABBOTT@gmail.com  
Street  
MIAMI FL 33165  
City State Zip

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

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1-30-24  
Meeting Date  
  
Committee

SB1596  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Eric Gosnell Phone 321-749-5845

Address 4682 TALBOT BLVD. Email ericg6@Bellsouth.net  
Street  
Cocoa FL 32926  
City State Zip

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

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1/30/2024  
Meeting Date

1596  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Michael Grenon Phone 321-412-8108

Address 112 Sea Breeze Cir Email reds87@bellsouth.net  
Street  
Merritt Island, FL 32953  
City State Zip

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

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1/30/2024  
Meeting Date

SB 1596  
Bill Number or Topic

Commerce + Tourism  
Committee

Amendment Barcode (if applicable)

Name Gretchen Robinson Phone 520-576-6746

Address 520 Ramona Lane Email pellas77gr@gmail.com  
Street  
Orlando FL 32805  
City State Zip

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Meeting Date

1.30.24

Bill Number or Topic

1596

Deliver both copies of this form to  
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Committee

Commerce

Amendment Barcode (if applicable)

Name

Holly Bullard for Florida Policy Institute

Phone

407-440-1421 x 701

Address

1601 N Orange Ave

Email

bullard@floridapolicy.org

Street

Orlando

FL

34233 32801

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

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The Florida Senate  
**APPEARANCE RECORD**

Meeting Date

1/30/24

Bill Number or Topic

SB 1596

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Senate professional staff conducting the meeting

Committee

Commerce

Amendment Barcode (if applicable)

Name

Dr. Rich Templin

Phone

850-224-6526

Address

133 S Monroe

Email

Street

Tallahassee

FL

32304

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

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sponsored by:

Florida AFL-CIO

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01/30/24  
Meeting Date  
Commerce + Tourism  
Committee

SB 1596  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jackson Oberlin/L Phone 772-532-1371

Address Street Email

City State Zip

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

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representing:

Florida  
Rising

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Commerce + Tourism  
Committee

SB1596  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Laura Munoz Phone

Address Street Email

City State Zip

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

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S-001 (08/10/2021)

## APPEARANCE RECORD

SB 1596

1-30-24

Meeting Date

Bill Number or Topic

Commer

Committee

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

Amendment Barcode (if applicable)

Name Elvin Marte Phone \_\_\_\_\_Address 910 Chester Dr. Email \_\_\_\_\_

Street

Clearwater FL

City

State

33756

Zip

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

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S-001 (08/10/2021)

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

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

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

---

BILL: SB 1688

INTRODUCER: Senator Osgood

SUBJECT: Career-themed Courses

DATE: January 29, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	<b>Favorable</b>
2.	Baird	McKay	CM	<b>Favorable</b>
3.			RC	

---

## I. Summary:

SB 1688 adds requirements to improve student awareness of career and technical education opportunities. The bill adds requirements for:

- Strategic planning among local education, workforce, and economic development agencies.
- The collection of data in industry-certified career education programs and career-themed courses.
- Student and parent notifications about available career and professional academies and career-themed courses.

The bill takes effect July 1, 2024.

## II. Present Situation:

### The Career and Professional Education Act

The Florida Career and Professional Education (CAPE) Act provides a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.<sup>1</sup>

Each district school board must develop, in collaboration with local workforce development boards, economic development agencies, and postsecondary institutions, a strategic three-year plan to address and meet local and regional workforce demands.<sup>2</sup> The strategic plan must be constructed and based on elements specified in law that are consistent with the goal of enhancing career and professional education.<sup>3</sup> The strategic plan must describe in detail provisions for the efficient transportation of students, the maximum use of shared resources, access to courses

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<sup>1</sup> Section 1003.491, F.S.

<sup>2</sup> Section 1003.491(2), F.S.

<sup>3</sup> Section 1003.491(3), F.S.

aligned to state curriculum standards through virtual education providers legislatively authorized to provide part-time instruction to middle school students, and an objective review of proposed career and professional academy courses and other career-themed courses to determine if the courses will lead to the attainment of industry certifications included on the CAPE Industry Certification Funding List. Each strategic plan must be reviewed, updated, and jointly approved every three years by the local school district, local workforce development boards, economic development agencies, and state-approved postsecondary institutions.<sup>4</sup>

The Commissioner of Education (commissioner) is required to conduct an annual review of K-12 and postsecondary career and technical education offerings that, at a minimum, must examine:<sup>5</sup>

- Alignment of offerings with the framework of quality that govern inclusion on the Master Credentials List.<sup>6</sup>
- Alignment of offerings at the K-12 and postsecondary levels with credentials or degree programs identified on the Master Credentials List.
- Program utilization and unwarranted duplication across institutions serving the same students in a geographical or service area.
- Institutional performance measured by student outcomes such as academic achievement, college readiness, postsecondary enrollment, credential and certification attainment, job placement, and wages.

The DOE is responsible for collecting student achievement and performance data in industry-certified career education programs and career-themed courses that includes, but is not limited to, graduation rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, return on investment, and employer satisfaction.<sup>7</sup>

### **CAPE Industry Certification Funding List**

The SBE is required to adopt, at least annually, based on recommendations by the commissioner, the CAPE Industry Certification Funding List that assigns additional full-time equivalent membership to certifications identified in the Master Credentials List that meet a statewide, regional, or local demand.<sup>8</sup>

Certifications included on the CAPE Industry Certification Funding List:<sup>9</sup>

- Require at least 150 hours of instruction; and
- Can be earned in middle and high school.
- Usually require passage of a subject area examination and some combination of work experience, educational attainment, or on-the-job training.

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<sup>4</sup> Section 1003.491(2), F.S.

<sup>5</sup> Section 1003.491(5)(a), F.S.

<sup>6</sup> The Master Credentials List is maintained by the Credentials Review Committee, which is appointed by the State Workforce Development Board, to serve as a public and transparent inventory of state-approved credentials of value. Section 445.004(4)(h)1., F.S.

<sup>7</sup> Section 1003.492(3), F.S.

<sup>8</sup> Section 1008.44(1), F.S.

<sup>9</sup> Rule 6A-6.0576(5)-(6), F.S.

### **Career and Professional Academies and Career-themed Courses**

A “career and professional academy” is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Commerce (DOC).<sup>10</sup> School districts are required to offer a career and professional academy.<sup>11</sup>

A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List.<sup>12</sup> Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the DOC. School districts must offer at least two career-themed courses, and each secondary school is encouraged to offer at least one career-themed course. Students completing a career-themed course must be provided opportunities to earn postsecondary credit if the credit for the career-themed course can be articulated to a postsecondary institution approved to operate in the state.<sup>13</sup>

Each career and professional academy and secondary school providing a career-themed course is required to:<sup>14</sup>

- Provide a rigorous standards-based academic curriculum integrated with a career curriculum;
- Consider multiple styles of student learning;
- Promote learning by doing through application and adaptation;
- Maximize relevance of the subject matter;
- Enhance each student’s capacity to excel;
- Include an emphasis on work habits and work;
- Include one or more partnerships with postsecondary institutions through specified articulation agreements, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community.

Each district school board, in collaboration with local workforce development boards, economic development agencies, and state-approved postsecondary institutions, is required to include plans to implement a career and professional academy or a career-themed course in at least one middle school in the district as part of the strategic 3-year plan.<sup>15</sup>

In the 2021-2022 academic year, there were 10,942 registered career-themed courses and 1,842 registered career and professional academies, which served 197,266 students.<sup>16</sup>

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<sup>10</sup> Section 1003.493(1)(a), F.S. In 2023, the Department of Economic Opportunity was renamed the Department of Commerce. Chapter 2023-173, s. 10, Laws of Fla.

<sup>11</sup> Section 1003.493(1)(a), F.S.

<sup>12</sup> Section 1003.493(1)(b), F.S.

<sup>13</sup> Section 1003.493(1)(b), F.S.

<sup>14</sup> Section 1003.493(4)(a), F.S.

<sup>15</sup> Section 1003.493(1), F.S.

<sup>16</sup> Florida Department of Education, *State Secondary Career, Technical, and Adult Education: 2021-2022 Summary*, available at <https://www.fldoe.org/core/fileparse.php/9904/urlt/2122secondarycte.pdf>, at 3, (last visited January 29, 2024).



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

SB 1688 adds requirements to improve student awareness of career and technical education (CTE) opportunities. The bill adds requirements for:

- Strategic planning among local education, workforce, and economic development agencies.
- The collection of data in industry-certified career education programs and career-themed courses.
- Student and parent notifications about available career and professional academies and career-themed courses.

The bill modifies s. 1003.491, F.S., to add to the information required to inform the strategic 3-year plan developed jointly by the local school district, local workforce development boards, economic development agencies, and state-approved postsecondary institutions. The bill adds that the plan must be constructed and based, in part, on strategies to inform and promote the CTE opportunities available in the district to students, parents, the community, and stakeholders.

The bill modifies s. 1003.492, F.S., to align the collection by the DOE of student achievement and performance data in industry-certified career education programs and career-themed courses with the annual review conducted by the Commissioner of Education regarding K-12 and postsecondary CTE offerings.

The bill modifies s. 1003.4935, F.S., to require each district school board inform students and parents during course selection for middle school of the career and professional academy or career-themed courses available within the district.

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.



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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1003.491, 1003.492, and 1003.4935.

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

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

None.

**B. Amendments:**

None.

By Senator Osgood

32-00981-24

20241688\_\_

A bill to be entitled

An act relating to career-themed courses; amending s. 1003.491, F.S.; revising the requirements for a specified school district strategic plan to include certain information; amending s. 1003.492, F.S.; requiring the Department of Education to include specified data in an annual review of K-12 and postsecondary career and technical education offerings; amending s. 1003.4935, F.S.; requiring school districts to provide specified information to students and parents during middle school course selection; providing an effective date.

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

Section 1. Subsection (3) of section 1003.491, Florida Statutes, is amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(3) The strategic 3-year plan developed jointly by the local school district, local workforce development boards, economic development agencies, and state-approved postsecondary institutions must be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 3 years, using labor

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

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projections as identified by the Labor Market Statistics Center within the Department of Economic Opportunity and the Labor Market Estimating Conference as factors in the criteria for the plan;

(b) Strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Statistics Center within the Department of Economic Opportunity and the Labor Market Estimating Conference;

(c) Strategies to provide shared, maximum use of private sector facilities and personnel;

(d) Strategies to ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards;

(e) Strategies to provide personalized student advisement, including a parent-participation component, and coordination with middle grades to promote and support career-themed courses and education planning;

(f) Alignment of requirements for middle school career planning, middle and high school career and professional academies or career-themed courses leading to industry certification or postsecondary credit, and high school graduation requirements;

(g) Provisions to ensure that career-themed courses and courses offered through career and professional academies are academically rigorous, meet or exceed appropriate state-adopted subject area standards, result in attainment of industry certification, and, when appropriate, result in postsecondary credit;

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

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(h) Plans to sustain and improve career-themed courses and career and professional academies;

(i) Strategies to improve the passage rate for industry certification examinations if the rate falls below 50 percent;

(j) Strategies to recruit students into career-themed courses and career and professional academies which include opportunities for students who have been unsuccessful in traditional classrooms but who are interested in enrolling in career-themed courses or a career and professional academy. School boards shall provide opportunities for students who may be deemed as potential dropouts or whose cumulative grade point average drops below a 2.0 to enroll in career-themed courses or participate in career and professional academies. Such students must be provided in-person academic advising that includes information on career education programs by a certified school counselor or the school principal or his or her designee during any semester the students are at risk of dropping out or have a cumulative grade point average below a 2.0;

(k) Strategies to provide sufficient space within academies to meet workforce needs and to provide access to all interested and qualified students;

(l) Strategies to implement career-themed courses or career and professional academy training that lead to industry certification in juvenile justice education programs;

(m) Opportunities for high school students to earn weighted or dual enrollment credit for higher-level career and technical courses;

(n) Promotion of the benefits of the Gold Seal Bright Futures Scholarship;

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(o) Strategies to ensure the review of district pupil-progression plans and to amend such plans to include career-themed courses and career and professional academy courses and to include courses that may qualify as substitute courses for core graduation requirements and those that may be counted as elective courses;

(p) Strategies to provide professional development for secondary certified school counselors on the benefits of career and professional academies and career-themed courses that lead to industry certification; ~~and~~

(q) Strategies to redirect appropriated career funding in secondary and postsecondary institutions to support career academies and career-themed courses that lead to industry certification; and

(r) Strategies to inform and promote the career and technical education opportunities available in the district to students, parents, the community, and stakeholders.

Section 2. Subsection (3) of section 1003.492, Florida Statutes, is amended to read:

1003.492 Industry-certified career education programs.—

(3) The Department of Education shall collect student achievement and performance data in industry-certified career education programs and career-themed courses as part of the annual review required under s. 1003.491(5) that includes, but need not be limited to, graduation rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, return on investment, and employer satisfaction.

Section 3. Subsection (1) of section 1003.4935, Florida

32-00981-24

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Statutes, is amended to read:

1003.4935 Middle grades career and professional academy courses and career-themed courses.—

(1) ~~Beginning with the 2011-2012 school year,~~ Each district school board, in collaboration with local workforce development boards, economic development agencies, and state-approved postsecondary institutions, shall include plans to implement a career and professional academy or a career-themed course, as defined in s. 1003.493(1)(b), in at least one middle school in the district as part of the strategic 3-year plan pursuant to s. 1003.491(2). The strategic plan must provide students the opportunity to transfer from a middle school career and professional academy or a career-themed course to a high school career and professional academy or a career-themed course currently operating within the school district. Students who complete a middle school career and professional academy or a career-themed course must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities. The district shall inform students and parents during course selection for middle school of the career and professional academy or career-themed course available within the district.

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



The Florida Senate  
**Committee Agenda Request**

**To:** Senator Jay Trumbull, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** January 23, 2024

I respectfully request that **1688**, relating to Career-themed Courses, be placed on the:

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

Senator Rosalind Osgood  
Florida Senate, District 32

File signed original with committee office

S-020 (03/2004)

The Florida Senate  
**APPEARANCE RECORD**

Meeting Date 1/30/24  
Committee Commerce and Tourism  
Bill Number or Topic 1688  
Deliver both copies of this form to  
Senate professional staff conducting the meeting  
Amendment Barcode (if applicable)  
Name Frank Petermann III Phone (727) 637-2080  
Address 213 South Adams Street Email frank.petermann@floridaseg.gov  
City Tallahassee State FL Zip 32301

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

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

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

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

S-001 (08/10/2021)

## The Florida Senate

## APPEARANCE RECORD

1-30-24

Meeting Date

Commerce Tourism

Committee

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

1688

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Career Themed Courses  
? Career Themed Courses

Phone

813 924 8218

Address

235 W Brandon Blvd #640

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.☒ I am a registered lobbyist,  
representing:Florida Refrigeration &  
CWR Conditionally Contractors 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

1/30/24

Meeting Date

Commerce

Committee

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

1688

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Logan Bragdon

Phone

850-508-1513

Address

1701 San Pablo Rd S Apt 408

Email

logan@afloridapromise.org

Street

Jacksonville

FL

32224

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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

Foundation for Florida's Future

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

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

1-30-24

Meeting Date

1688

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

Natalee King

Phone

813 924 8218

Address

235 W Brandon Blvd 640

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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

S-001 (08/10/2021)

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

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

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

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BILL: SB 1786

INTRODUCER: Senator DiCeglie

SUBJECT: Professional Licensure and Certification

DATE: January 29, 2024

REVISED: 1/30/24

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

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**I. Summary:**

SB 1786 revises the educational and experience requirements to be eligible to take the examination for a surveyor and mapper license issued by the Board of Professional Surveyors and Mappers (board) within the Department of Agriculture and Consumer Services (DACS). The bill:

- Allows exiled foreign-trained professionals who have lawfully practiced the profession for three years to substitute their experience for the professional or occupational college degree that is required under current law;
- Specifies that the applicant's degree must be from a college or university accredited by an accrediting body recognized by the United States Department of Education; and
- Removes the requirement that any of the additional 25 semester hours of study completed not as a part of the bachelor's degree be approved at the discretion of the board for applicants who have a bachelor's degree in a course study other than surveying and mapping.

The bill provides additional pathways to qualify to take the licensure examination as follows:

- Allows applicants with a high school diploma or an associate's degree, who complete 25 semester hours of coursework in surveying and mapping or a related field from an accredited college/university, and has six years of experience (five in responsible charge) as a subordinate to a professional surveyor and mapper, to be able to take the licensure examination.
- Allows applicants who have a valid surveyor and mapper license in another jurisdiction and have two years of experience in the active practice of surveying and mapping in responsible charge to be able to take the licensure examination.
- Allows applicants who have a registered apprenticeship certificate in surveying and mapping from a registered apprenticeship program approved by the United States Department of Education and has two years of experience in responsible charge as a subordinate to a professional surveyor and mapper, to be able to take the licensure examination.



The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **Land Surveying and Mapping**

Chapter 472, F.S., governs the practice of land surveying and mapping in Florida. The Secretary of the Department of Agriculture and Consumer Services (DACS)<sup>1</sup> appoints the nine members of the Board of Professional Surveyors and Mappers (board), subject to confirmation by the Florida Senate.<sup>2</sup> The DACS approves registrations, certificates, and licenses to those persons and businesses that meet all statutory and administrative requirements for licensure.<sup>3</sup> The board is authorized to adopt administrative rules to implement the act, subject to the prior approval of DACS.<sup>4</sup>

Licensed professional surveyors and mappers determine and display the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.<sup>5</sup> Currently, there are 2,457 licensed surveyors and mappers in Florida.<sup>6</sup>

### **Licensing Examinations**

All applicants for licensure must be approved by the board to be eligible to take the licensure examination.<sup>7</sup> An applicant must be of good moral character<sup>8</sup> and satisfy the following educational and experience requirements to be eligible to take the licensure examination:

- A bachelor's degree in surveying and mapping or in a similarly titled program, with four or more years of work experience under a professional surveyor, with the applicant having been in responsible charge of the accuracy and correctness of the surveying work performed; or
- A bachelor's degree in a course of study other than surveying and mapping, with six or more years of work experience under a professional surveyor, and for five of those years, the applicant must have been in responsible charge of the accuracy and correctness of the surveying work performed.<sup>9</sup>

Applicants whose course of study was other than surveying and mapping, must meet an additional educational requirement of a minimum of 25 semester hours from a college or university approved by the board in surveying and mapping subjects, or in any combination of

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<sup>1</sup> The regulation of professional surveyors and mappers was transferred in 2009 from the Department of Business and Professional Regulation to DACS. *See* Ch. 2009-66, ss. 1-30, Laws of Fla. (effective October 1, 2009).

<sup>2</sup> Section 472.007, F.S.

<sup>3</sup> Sections 472.006(10) and 472.015, F.S.

<sup>4</sup> Section 472.008, and Fla. Admin. Code R. 5J-17.001 to 17.210

<sup>5</sup> Section 472.005(3), F.S.

<sup>6</sup> Email from DACS (Jan. 29, 2024). On file with the Senate Commerce and Tourism Committee.

<sup>7</sup> Section 472.013, F.S.

<sup>8</sup> The term "good moral character means "a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation." *See* s. 472.013(5)(a), F.S.

<sup>9</sup> Section 472.013(2), F.S.

courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences.<sup>10</sup>

The board, by rule, is authorized to establish fees for examination.<sup>11</sup> The initial application and examination fee must not exceed \$125 plus the actual per applicant cost to DACS to purchase the examination from the National Council of Engineering Examiners or a similar national organization.<sup>12</sup> The examination fee must be sufficient to cover the cost of obtaining and administering the examination and is refundable if the applicant is found ineligible to sit for the examination; the application fee is nonrefundable.<sup>13</sup>

An exiled foreign-trained professional seeking to become a licensed surveyor and mapper is eligible to take the required examination if the exiled professional:

- Immigrated to the United States after leaving their home country because of political reasons, when the home country is located in the Western Hemisphere and does not have diplomatic relations with the United States;
- Applies to DACS and submits a fee;
- Was a resident of Florida immediately preceding the application;
- Demonstrates through submission of documentation to DACS that is verified by the applicant's respective professional association in exile, that the applicant graduated with an appropriate professional or occupational degree from a college or university, but DACS may not require documentation from the Republic of Cuba;
- Lawfully practiced land surveying and mapping for at least three years;
- Prior to 1980, successfully completed an approved course of study pursuant to chs. 74-105 and 75-177, Laws of Florida, relating to continuing education; and
- Presents a certificate demonstrating the successful completion of a board-approved continuing education program, which offers a course of study that will prepare the applicant for the examination.<sup>14</sup>

Upon request of a person who meets the requirements for foreign-trained professionals and submits an examination fee, DACS must conduct a written practical examination, on behalf of the board, that tests the person's current ability to competently practice the profession in accordance with the actual practice of the profession.<sup>15</sup> The fees charged for the examinations must be established by DACS by rule for the board,<sup>16</sup> and must be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.<sup>17</sup>

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<sup>10</sup> Section 472.013(2)(b), F.S.

<sup>11</sup> See s. 472.011, F.S. and Fla. Admin. Code R. 5J-17.070.

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

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

<sup>14</sup> Section 472.0101(1), F.S.

<sup>15</sup> Section 472.0101(2), F.S. DACS must treat documentary evidence submitted by an exiled professional who is eligible to take the examination as evidence of the applicant's preparation in the academic and preprofessional fundamentals, and DACS may not examine the applicant on such fundamentals. *Id.*

<sup>16</sup> See Fla. Admin. Code R. 5J-17.210.

<sup>17</sup> Section 472.0101(3), F.S.

### **Licensure by Endorsement**

The board is required to certify an applicant as qualified for a license by endorsement if the applicant currently holds a valid license to practice surveying and mapping issued by another state or territory of the United States before July 1, 1999, and the applicant:

- Has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 472.013, F.S.; and has a specific experience record of at least eight years as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping, six years of which must be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed; or
- Holds a valid license to practice surveying and mapping issued by another state or territory of the United States, if the criteria for issuance were substantially the same as the licensure criteria that existed in Florida at the time the license was issued.<sup>18</sup>

All applicants for licensure by endorsement must pass the Florida law and rules portion of the examination prior to licensure.<sup>19</sup>

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

**Section 1** amends s. 472.0101, F.S., to authorize exiled foreign-trained professionals who have lawfully practiced the profession for three years to substitute their experience for the professional or occupational college degree that is required under current law.

**Section 2** amends s. 472.013, F.S., to revise the educational and experience requirements for an applicant to be eligible to take the surveyor and mapper licensure examination. The bill specifies that the applicant's degree must be from a college or university accredited by an accrediting body recognized by the United States Department of Education. The bill also removes the requirement that any of the additional 25 semester hours of study completed not as a part of the bachelor's degree be approved at the discretion of the board for applicants who have a bachelor's degree in a course study other than surveying and mapping.

The bill creates additional pathways for becoming eligible to take the surveying and mapping licensure exam for applicants who have received:

- An associate degree, completed 25 semester hours of coursework by in surveying and mapping or in any combination of courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences from an accredited college or university, and has 6 years of experience (5 in responsible charge) as a subordinate to a professional surveyor and mapper;
- A high school diploma or its equivalent, completed 25 semester hours in surveying and mapping subjects or in any combination of courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences from an accredited college or university, and has 6 years of experience (5 in responsible charge) as a subordinate to a professional surveyor and mapper;

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<sup>18</sup> Section 472.015(5)(a), F.S.

<sup>19</sup> Section 472.015(5)(b), F.S.

- A valid license to practice surveying and mapping in another state, jurisdiction, or territory, and has at least 2 years of experience in the active practice of surveying and mapping in responsible charge; and
- A registered apprenticeship certificate in surveying and mapping from a registered apprenticeship program approved by the Department of Education and has 2 years of experience in responsible charge as a subordinate to a professional surveyor and mapper.

**Section 3** provides 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:

None.

C. Government Sector Impact:

Indeterminate. The DACS could see a positive fiscal impact due to the new applicant fees.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 472.0101 and 472.013 of the Florida Statutes.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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

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By Senator DiCeglie

18-01580A-24

20241786\_\_

A bill to be entitled

An act relating to professional licensure and certification; amending s. 472.0101, F.S.; authorizing the practice of a profession as a substitute for certain professional or occupational degrees for certain foreign-trained professionals; amending s. 472.013, F.S.; revising education and work experience requirements for taking the surveyor and mapper licensure examination; providing an effective date.

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

Section 1. Subsection (1) of section 472.0101, Florida Statutes, is amended to read:

472.0101 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, the department shall by rule provide procedures under which exiled professionals may be examined under this chapter. A person is eligible for the examination if the exiled professional:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided the country is located in the Western Hemisphere and does not have diplomatic relations with the United States;

(b) Applies to the department and submits a fee;

(c) Was a resident of this state immediately preceding the person's application;

(d) Demonstrates to the department, through submission of documentation verified by the applicant's respective

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professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university. However, the department may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years. Such practice of the profession may be substituted for the professional or occupational degree requirement under paragraph (d);

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department shall develop rules for the approval of such programs for the board.

Section 2. Subsection (2) of section 472.013, Florida Statutes, is amended to read:

472.013 Examinations, prerequisites.—

(2) An applicant shall be entitled to take the licensure examination to practice in this state as a surveyor and mapper if the applicant is of good moral character and has satisfied one of the following requirements:

(a) The applicant has received a bachelor's degree, its equivalent, or higher in surveying and mapping or a similarly titled program, including, but not limited to, geomatics, geomatics engineering, and land surveying, from a college or university accredited by an accrediting body recognized by the

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United States Department of Education ~~board~~ and has a specific experience record of 4 or more years as a subordinate to a professional surveyor and mapper in the active practice of surveying and mapping, which experience is of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed. Work experience acquired as a part of the education requirement may not be construed as experience in responsible charge.

(b) The applicant has received a bachelor's degree, its equivalent, or higher in a course of study, other than in surveying and mapping, at a an accredited college or university accredited by an accrediting body recognized by the United States Department of Education and has a specific experience record of 6 or more years as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping, 5 years of which shall be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed. The applicant must have completed a minimum of 25 semester hours from a college or university accredited by an accrediting body recognized by the United States Department of Education ~~approved by the board~~ in surveying and mapping subjects or in any combination of courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences. ~~Any of the required 25 semester hours of study completed not as a part of the bachelor's degree, its equivalent, or higher may be approved at the discretion of the board.~~ Work experience acquired as a part of the education

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requirement may not be construed as experience in responsible charge.

(c) The applicant has received an associate degree and has a specific experience record of at least 6 years as a subordinate to a professional surveyor and mapper in the active practice of surveying and mapping, at least 5 years of which shall be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed. The applicant must have completed at least 25 semester hours from a college or university accredited by an accrediting body recognized by the United States Department of Education in surveying and mapping subjects or in any combination of courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences. Work experience acquired as a part of the education requirement may not be construed as experience in responsible charge.

(d) The applicant has received a high school diploma or its equivalent and has a specific experience record of at least 6 years as a subordinate to a professional surveyor and mapper in the active practice of surveying and mapping, at least 5 years of which shall be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed. The applicant must have completed at least 25 semester hours from a college or university accredited by an accrediting body recognized by the United States Department of Education in surveying and mapping subjects or in any combination of courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or

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land law and the physical sciences. Work experience acquired as  
a part of the education requirement may not be construed as  
experience in responsible charge.

(e) The applicant holds a valid license to practice  
surveying and mapping in another state, jurisdiction, or  
territory, and has at least 2 years of experience in the active  
practice of surveying and mapping, which experience is of a  
nature indicating that the applicant was in responsible charge  
of the accuracy and correctness of the surveying and mapping  
work performed.

(f) The applicant has received a registered apprenticeship  
certificate in surveying and mapping after completing a  
registered apprenticeship program approved by the Department of  
Education and has a specified experience record of at least 2  
years as a subordinate to a professional surveyor and mapper in  
the active practice of surveying and mapping, which experience  
is of a nature indicating that the applicant was in responsible  
charge of the accuracy and correctness of the surveying and  
mapping work performed. Work experience acquired as a part of  
the education requirement may not be construed as experience in  
responsible charge.

Section 3. This act shall take effect July 1, 2024.





THE FLORIDA SENATE  
SENATOR NICK DICEGLIE  
District 18

Kathleen Passidomo  
President of the Senate

Dennis Baxley  
President Pro Tempore

January 11, 2024

Dear Chair Trumbull,

I respectfully request that **SB 1786: Professional Licensure and Certification** be placed on the agenda of the Commerce and Tourism Committee at your earliest convenience. If my office can be of any assistance to the committee please do not hesitate to contact me at [DiCeglie.Nick@flsenate.gov](mailto:DiCeglie.Nick@flsenate.gov) or (850) 487-5018. Thank you for your consideration.

Sincerely,

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

January 30, 2024

Meeting Date  
Commerce and Tourism

Committee

Name **Matthew G. Jennings**

Address **1723 Alps Ct**

**Fleming Island** **Florida** **32003**  
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Lobby 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 1786

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

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **904-502-3234**

Email **mjenning srls@gmail.com**

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/30/24  
Meeting Date

SB 1786  
Bill Number (if applicable)

Topic Professional Licensure + Certification

Amendment Barcode (if applicable)

Name Tyler Cox

Job Title \_\_\_\_\_

Address 1276 Winfield Forest Dr.  
Tallahassee FL 32317  
City State Zip

Phone \_\_\_\_\_

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

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)

**Renner, Jennifer**

**From:** Garbarino, Isabelle <Isabelle.Garbarino@fdacs.gov>  
**Sent:** Monday, January 29, 2024 10:29 AM  
**To:** Renner, Jennifer  
**Subject:** RE: surveyors and mappers

Hi Jen,

Yes! Thank you for your patience, there are 2,457 licensed surveyors.

If you need anything else, don't hesitate to call!  
Izzy

**From:** Renner, Jennifer <renner.jennifer@flsenate.gov>  
**Sent:** Monday, January 29, 2024 8:08 AM  
**To:** Garbarino, Isabelle <Isabelle.Garbarino@fdacs.gov>  
**Subject:** surveyors and mappers

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Morning Izzy,

Any luck getting a total number of surveyors and mappers in Florida?

Jen

Jennifer Renner  
Deputy Staff Director  
The Florida Senate  
Committee on Commerce & Tourism  
310 Knott Building  
404 S. Monroe St.  
Tallahassee, FL 32399  
850.487.3815  
Renner.jennifer@flsenate.gov

Written communication to or from state officials regarding state business, including e-mail communications, are public records and may be subject to public disclosure.

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

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

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

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BILL: SB 1448

INTRODUCER: Senator Gruters

SUBJECT: Transparency in Social Media

DATE: January 29, 2024

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

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

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## I. Summary:

SB 1448 creates the “Transparency in Social Media Act,” to require each foreign-adversary-owned entity<sup>1</sup> operating a social media platform in Florida to publicly disclose the core functional elements of the social media platform’s content curation and algorithms. The disclosures must identify the following:

- Factors that influence content ranking and visibility;
- Measures taken to address misinformation and harmful content; and
- The process of personalization and targeting of content.

The bill also requires each foreign-adversary-owned entity to make publicly available the source code of its algorithm through an open-source license, as well as implement a user verification system for each user and organization that purchased advertisements concerning social or political issues.

The Department of Legal Affairs is required to enforce the provisions of the bill.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Internet and Social Media Platforms

There are many ways in which individuals access computer systems and interact with systems and other individuals on the Internet. Examples include:

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<sup>1</sup> The United States Department of Commerce has identified China (including Hong Kong), Cuba, Iran, North Korea, Russia, and the Nicolás Maduro regime in Venezuela as foreign adversaries. *See* 15 CFR § 7.4.

- Social media sites, which are websites and applications that allow users to communicate informally with others, find people, and share similar interests;<sup>2</sup>
- Internet platforms, which are servers used by an Internet provider to support Internet access by their customers;<sup>3</sup>
- Internet search engines, which are computer software used to search data (such as text or a database) for specified information;<sup>4</sup> and
- Access software providers, which are providers of software (including client or server software) or enabling tools for content processing.<sup>5</sup>

Such platforms earn revenue through various modes and models. Examples include:

- Data monetization.<sup>6</sup> This uses data that is gathered and stored on the millions of users that spend time on free content sites, including specific user location, browsing habits, buying behavior, and unique interests. This data can be used to help e-commerce companies tailor their marketing campaigns to a specific set of online consumers. Platforms that use this model are typically free for users to use.<sup>7</sup>
- Subscription or membership fees. This model requires users pay for a particular or unlimited use of the platform infrastructure.<sup>8</sup>
- Transaction fees. This model allows platforms to benefit from every transaction that is enabled between two or more actors. An example is AirBnB, where users transacting on the site are charged a fee.<sup>9</sup>

## Trade Secrets

Generally, trade secrets are intellectual property rights on confidential information that are used by a business and provide an economic advantage to that business.<sup>10</sup>

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<sup>2</sup> DelValle Institute Learning Center, *Social Media Platforms*, available at <https://delvalle.bphc.org/mod/wiki/view.php?pageid=65> (last visited Jan. 29, 2024).

<sup>3</sup> IGI Global, *Internet Platform*, available at <https://www.igi-global.com/dictionary/internet-platform/15441> (last visited Jan. 29, 2024).

<sup>4</sup> Merriam Webster, *Search Engine*, available at <https://www.merriam-webster.com/dictionary/search%20engine> (last visited Jan. 29, 2024).

<sup>5</sup> 47 U.S.C. § 230(f)(4) defining “access software provider to mean a provider of software (including client or server software), or enabling tools that do any one or more of the following: (i) filter, screen, allow, or disallow content; (ii) pick, choose, analyze, or digest content; or (iii) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.

<sup>6</sup> The Alexander von Humboldt Institute for Internet and Society, *How do digital platforms make their money?*, July 29, 2019, available at <https://www.hiig.de/en/how-do-digital-platforms-make-their-money/> (last visited Jan. 29, 2024).

<sup>7</sup> Investopedia, *How Do Internet Companies Profit with Free Services?*, available at <https://www.investopedia.com/ask/answers/040215/how-do-internet-companies-profit-if-they-give-away-their-services-free.asp#:~:text=Profit%20Through%20Advertising,content%20is%20through%20advertising%20revenue.&text=Each%20of%20these%20users%20represents,and%20services%20via%20the%20Internet> (last visited Jan. 29, 2024).

<sup>8</sup> HIIS, *supra* note 6.

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

<sup>10</sup> See The Florida Bar, *Trade Secret* (Dec. 14, 2022) <https://www.floridabar.org/practice-areas/trade-secrets/> (last visited Jan. 29, 2024).

Section 812.081, F.S., defines a “trade secret” as information<sup>11</sup> used in the operation of a business, which provides the business an advantage or an opportunity to obtain an advantage, over those who do not know or use it. The test provided for in statute, and adopted by Florida courts,<sup>12</sup> requires that a trade secret be actively protected from loss or public availability to any person not selected by the secret’s owner to have access thereto, and be:

- Secret;
- Of value;
- For use or in use by the business; and
- Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it.<sup>13</sup>

### ***Penalties***

Florida law criminalizes the disclosure or theft of trade secrets. For example:

- Section 815.04, F.S., makes it a third degree felony<sup>14</sup> for a person to willfully, knowingly, and without authorization disclose or take data, programs, or supporting documentation that are trade secrets that reside or exist internal or external to a computer, computer system, computer network, or electronic device.<sup>15</sup>
- Section 812.081, F.S., makes it a third degree felony for a person to steal, embezzle, or copy without authorization an article that represents a trade secret, when done with an intent to:
  - Deprive or withhold from the trade secret’s owner the control of a trade secret, or
  - Appropriate a trade secret to his or her own use or to the use of another.

### **Florida Data Privacy Regulations**

In 2023, the Florida Legislature passed SB 262, which created a unified scheme to allow Florida’s consumers to control the digital flow of their personal information. SB 262 was signed by the Governor on June 6, 2023.<sup>16</sup> Among other things, SB 262 created ch. 501, part V, F.S., which takes effect on July 1, 2024, and gives Florida consumers the right to:

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

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<sup>11</sup> A trade secret may manifest as any scientific, technical, or commercial information, including any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof. Section 812.081, F.S.

<sup>12</sup> See, e.g., *Sepro Corp. v. Dep’t. of Env’t. Prot.*, 839 So. 2d 781 (Fla. 1<sup>st</sup> DCA 2003).

<sup>13</sup> Section 812.081(1)(c), F.S.

<sup>14</sup> A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. See ss. 775.082 and 775.083, F.S.

<sup>15</sup> The offense is a second degree felony if committed for the purpose of creating or executing any scheme or artifice to defraud or to obtain property.

<sup>16</sup> See ch. 2023-201, Laws of Fla.

- Opt out of the collection of personal data collected through the operation of a voice recognition or facial recognition feature.

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

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

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

A violation of ch. 501, part V, F.S. is an unfair and deceptive trade practice actionable under ch. 501, part II, F.S., to be enforced by the Department of Legal Affairs (DLA). The DLA may provide a right to cure a violation of ch. 501, part V, F.S., by providing written notice of the violation and then allowing a 45-day period to cure the alleged violation. The DLA is required to make a report publicly available by February 1 each year on the DLA’s website that describes any actions it has undertaken to enforce ch. 501, part V, F.S.

SB 262 also created s. 112.23, F.S., which prohibits employees of a governmental entity from using their position or any state resources to communicate with a social media platform to request that it remove content or accounts. Additionally, a governmental entity cannot initiate or maintain any agreements with a social media platform for the purpose of content moderation. These prohibitions do not apply to routine account maintenance, attempts to remove accounts or content pertaining to the commission of a crime, or efforts to prevent imminent bodily harm, loss of life, or property damage.

## **Florida Deceptive and Unfair Trade Practices Act**

### ***History and Purpose***

The Florida Deceptive and Unfair Trade Practices Act (FDUTPA) became law in 1973.<sup>17</sup> The FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in trade or

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<sup>17</sup> Ch. 73-124, Laws of Fla.; codified at part II of ch. 501, F.S.

commerce.<sup>18</sup> The FDUTPA is based on federal law, and s. 501.204(2), F.S., provides that it is the intent of the Legislature that due consideration and great weight must be given to the interpretations of the Federal Trade Commission and the federal courts relating to section 5 of the Federal Trade Commission Act.<sup>19</sup>

The State Attorney or the Department of Legal Affairs may bring actions when it is in the public interest on behalf of consumers or governmental entities.<sup>20</sup> The Office of the State Attorney may enforce violations of the FDUTPA if the violations take place in its jurisdiction.<sup>21</sup> The Department of Legal Affairs has enforcement authority if the violation is multi-jurisdictional, the state attorney defers in writing, or the state attorney fails to act within 90 days after a written complaint is filed.<sup>22</sup> Consumers may also file suit through private actions.<sup>23</sup>

### ***Remedies under the FDUTPA***

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

- Declaratory judgments.
- Injunctive relief.
- Actual damages on behalf of consumers and businesses.
- Cease and desist orders.
- Civil penalties of up to \$10,000 per willful violation.<sup>24</sup>

Remedies for private parties are limited to the following:

- A declaratory judgment and an injunction where a person is aggrieved by a FDUTPA violation.
- Actual damages, attorney fees, and court costs, where a person has suffered a loss due to a FDUTPA violation.<sup>25</sup>

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<sup>18</sup> See s. 501.202, F.S. Trade or commerce means the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated. "Trade or commerce" shall include the conduct of any trade or commerce, however denominated, including any nonprofit or not-for-profit person or activity. See s. 501.203(8), F.S.

<sup>19</sup> See s 501.204(2), F.S.

<sup>20</sup> See ss. 501.203(2), 501.206, and 501.207, F.S.

<sup>21</sup> Section 501.203(2), F.S.

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

<sup>23</sup> Section 501.211, F.S.

<sup>24</sup> Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Section 501.2075, F.S. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

<sup>25</sup> Section 501.211(1) and (2), F.S.

## Freedom of Speech and Internet Platforms

### Section 230

The federal Communications Decency Act (CDA) was passed in 1996 “to protect children from sexually explicit Internet content.”<sup>26</sup> 47 U.S. Code § 230 (Section 230) was added as an amendment to the CDA to maintain the robust nature of Internet communication and, accordingly, to keep government interference in the medium to a minimum.”<sup>27</sup>

Congress stated in Section 230 that “[i]t is the policy of the United States—(1) to promote the continued development of the Internet and other interactive computer services and other interactive media; [and] (2) to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation.”<sup>28</sup>

Specifically, Section 230 states that no provider or user of an interactive computer service may be held liable on account of:<sup>29</sup>

- Any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or
- Any action taken to enable or make available to information content providers or others the technical means to restrict access to material from any person or entity that is responsible for the creation or development of information provided through any interactive computer service.

Section 230 eased Congressional concern regarding the outcome of two inconsistent judicial decisions,<sup>30</sup> both of which applied traditional defamation law to internet providers.<sup>31</sup> The first decision held that an interactive computer service provider could not be liable for a third party's defamatory statement, however the second decision imposed liability where a service provider filtered content in an effort to block obscene material.<sup>32</sup> To provide clarity, Section 230 provides that “[n]o provider ... of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”<sup>33</sup> In light of the

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<sup>26</sup> See *1 Force v. Facebook, Inc.*, 934 F.3d 53, 63 (2d Cir. 2019) (citing *FTC v. LeadClick Media, LLC*, 838 F.3d 158, 173 (2d Cir. 2016) (citing 141 Cong. Rec. S1953 (daily ed. Feb. 1, 1995) (statement of Sen. Exon))).

<sup>27</sup> *Force*, 934 F.3d at 63 (quoting *Ricci v. Teamsters Union Local 456*, 781 F.3d 25, 28 (2d Cir. 2015) (quoting *Zeran v. Am. Online, Inc.*, 129 F.3d 327, 330 (4th Cir. 1997))).

<sup>28</sup> 47 U.S.C. § 230(b)(1)–(2).

<sup>29</sup> 47 U.S.C. § 230(c).

<sup>30</sup> *Cubby, Inc. v. CompuServe, Inc.*, 776 F. Supp. 135 (S.D.N.Y. 1991) and *Stratton Oakmont, Inc. v. Prodigy Servs. Co.*, No. 31063/94, 1995 WL 323710 (N.Y. Sup. Ct. May 24, 1995).

<sup>31</sup> *Force*, 934 F.3d at 63 (quoting *LeadClick*, 838 F.3d at 173).

<sup>32</sup> *Force*, 934 F.3d at 63 (quoting *LeadClick*, 838 F.3d at 173 (citing 141 Cong. Rec. H8469-70 (daily ed. Aug. 4, 1995) (statement of Rep. Cox))).

<sup>33</sup> 47 U.S.C. § 230(c)(1).



objectives of Congress, the Circuits are in general agreement that the text of Section 230(c)(1) should be construed broadly in favor of immunity.<sup>34</sup>

Section 230 specifically addresses how the federal law affects other laws. Section 230 prohibits all inconsistent causes of action and prohibits liability imposed under any state or local law.<sup>35</sup> Section 230 does not affect federal criminal law, intellectual property law, the Electronic Communications Privacy Act of 1986, or sex trafficking law.

There have been criticisms of the broad immunity provisions or liability shields which force individuals unhappy with third-party content to sue the user who posted it. While this immunity has fostered the free flow of ideas on the Internet, critics have argued that Section 230 shields publishers from liability for allowing harmful content.<sup>36</sup> Congressional and executive proposals to limit immunity for claims relating to platforms purposefully hosting content from those engaging in child exploitation, terrorism, and cyber-stalking have been introduced.<sup>37</sup> Bills have been filed that would require internet platforms to have clear content moderation policies, submit detailed transparency reports, and remove immunity for platforms that engage in certain behavioral advertising practices.<sup>38</sup> Proposals have also been offered to limit the liability shield for internet providers who restrict speech based on political viewpoints.<sup>39</sup>

Recently, the United States Supreme Court heard *Twitter, Inc. v. Taamneh* and *Gonzalez v. Google*; these cases alleged that Twitter and Google aided and abetted terrorists who posted content to their platforms, and a key issue in both cases was whether social media companies can be held liable for their targeted recommendation algorithms.<sup>40</sup> However, the court decided both cases on alternative grounds, which leaves the question unanswered.

### ***Freedom of Speech***

The First Amendment of the United States Constitution protects the right to freedom of expression from government interference. The First Amendment is applicable to the states through the Due Process Clause of the Fourteenth Amendment.<sup>41</sup> “The First Amendment assures the broadest tolerable exercise of free speech, free press, and free assembly, not merely for religious purposes, but for political, economic, scientific, news, or informational ends as well.”<sup>42</sup> “Online speech is equally protected under the First Amendment as there is ‘no basis for qualifying the level of First Amendment scrutiny that should be applied’ to online speech.”<sup>43</sup>

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<sup>34</sup> *Force*, 934 F.3d at 63 (quoting *LeadClick*, 838 F.3d at 173).

<sup>35</sup> 47 U.S.C. § 230(e).

<sup>36</sup> Zoe Bedell and John Major, What’s Next for Section 230? A Roundup of Proposals Lawfare, (July 29, 2020) <https://www.lawfareblog.com/whats-next-section-230-roundup-proposals> (last visited Jan. 29, 2024).

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

<sup>38</sup> Bedell, *supra* note 20; PACT Act, S.4066, 116th Cong. (2020); BAD ADS Act, S.4337, 116th Cong. (2020).

<sup>39</sup> Bedell, *supra* note 20; Limiting Section 230 Immunity to Good Samaritans Act, S.3983, 116th Cong. (2020).

<sup>40</sup> See *Twitter, Inc. v. Taamneh*, 143 S. Ct. 1206 (2023) and *Gonzalez v. Google LLC*, 143 S. Ct. 1191 (2023).

<sup>41</sup> See *De Jonge v. Oregon*, 299 U.S. 353, 364–65(1937)(incorporating right of assembly);(incorporating right of freedom of speech).

<sup>42</sup> *Douglas v. City of Jeannette (Pennsylvania)*, 319 U.S. 157, 179, (1943) (Jackson, J., concurring in result).

<sup>43</sup> *Reno v. Am. Civil Liberties Union*, 521 U.S. 844, 870 (1997).

It is well established that a government regulation based on the content of speech is presumptively invalid and will be upheld only if it is necessary to advance a compelling governmental interest, precisely tailored to serve that interest, and is the least restrictive means available for establishing that interest.<sup>44</sup> The government bears the burden of demonstrating the constitutionality of any such content-based regulation.<sup>45</sup>

The United States Supreme Court has recognized that First Amendment protection extends to corporations.<sup>46</sup> “This protection has been extended by explicit holdings to the context of political speech.”<sup>47</sup> Under these precedents, it is well settled that political speech does not lose First Amendment protection “simply because its source is a corporation.”<sup>48</sup> Generally, the government may not require a corporation to host another’s speech absent a showing of a compelling state interest.<sup>49</sup>

### ***Supremacy Clause, Commerce Clause, and Bills of Attainder***

The U.S. Constitution’s Supremacy Clause establishes that federal statutes, treaties, and the U.S. Constitution are the “supreme Law of the Land.”<sup>50</sup>

Federal law may preempt state action that thwarts federal law in three ways:

- By an express statement of its intent to occupy a field. Express preemption need not be total, however—it can preempt all state laws or only certain state laws.
- With “a framework of regulation so pervasive that Congress left no room for the States to supplement it or where the federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject.”<sup>51</sup>
- Where state law conflicts, leaving an actor to choose whether to adhere to state or federal law.<sup>52</sup> The state law may also be subject to conflict preemption where it “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.”<sup>53</sup>

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<sup>44</sup> *Ashcroft v. Am. Civil Liberties Union*, 542 U.S. 656, 665-66 (2004).

<sup>45</sup> *Id.* at 660.

<sup>46</sup> *Citizens United v. Federal Election Commission*, 558 U.S. 310, 342 (2010).

<sup>47</sup> *Id.* (citing *NAACP v. Button*, 371 U.S. 415, 428-429 (1963); *Grosjean v. American Press Co.*, 297 U.S. 233, 244 (1936)).

<sup>48</sup> *Id.* (citing *First Nat. Bank of Boston v. Bellotti*, 435 U.S. at 784 (1978); *Pacific Gas & Elec. Co. v. Public Util. Comm’n of Cal.*, 475 U.S. 1, 8, 106 S.Ct. 903, 89 L.Ed.2d 1 (1986) (plurality opinion) (“The identity of the speaker is not decisive in determining whether speech is protected. Corporations and other associations, like individuals, contribute to the ‘discussion, debate, and the dissemination of information and ideas’ that the First Amendment seeks to foster” (quoting *Bellotti*, 435 U.S., at 783))).

<sup>49</sup> *Consolidated Edison Co. v. Public Service Commission*, 447 U.S. 530 (1980); *First National Bank of Boston v. Bellotti*, 438 U.S. (1978); *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974); *Pacific Gas & Electric Co. v. Public Utilities Commission of California*, 475 U.S. 1 (1986).

<sup>50</sup> U.S. CONST., Art. VI, cl. 2.

<sup>51</sup> *Arizona v. U.S.*, 567 U.S. 387, 399 (2012).

<sup>52</sup> *Crosby v. Nat’l. Foreign Trade Council*, 530 U.S. at 372 (2000).

<sup>53</sup> *Nat’l Foreign Trade Council, Inc. v. Giannoulis*, 523 F. Supp. 2d 731 (N.D. Ill. Feb. 23, 2007), quoting *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941).

The federal government’s authority to act in the realm of foreign affairs is vested by the U.S. Constitution.<sup>54</sup> State laws that intrude into this field of foreign affairs, even where not preempted by prior federal action, improperly impact foreign affairs and are therefore invalid.<sup>55</sup> Courts have generally held, however, that the state’s intrusion must have more than an “incidental effect” on foreign affairs in order to be considered an encroachment onto the federal government’s powers.<sup>56</sup>

Article I, section 8, clause 3 of the U.S. Constitution grants Congress the power to “regulate commerce with foreign nations ...” Conversely, this provision serves as a limitation on states’ authority to encroach onto the realm of foreign commerce where such action creates a risk of conflicts with foreign governments or impedes the federal government’s ability to speak with one voice in regulating industry affairs with foreign states.<sup>57</sup> The “dormant foreign commerce power”<sup>58</sup> voids state acts upon foreign commerce because of the Constitution’s overriding concern for national uniformity in foreign commerce—even in instances when Congress has not affirmatively acted.<sup>59</sup> Courts also generally subject state action to a heightened scrutiny that assumes the supremacy of federal action in the realm of foreign relations.<sup>60</sup>

Additionally, Congress has the power to regulate commerce among the states.<sup>61</sup> Though phrased as a grant of regulatory power to Congress, the Commerce Clause has long been understood to have a negative or dormant aspect that denies the states the power to unjustifiably discriminate against or burden the interstate flow of articles of commerce.<sup>62</sup>

Article I, section 9, of the U.S. Constitution provides that Congress shall pass “No Bill of Attainder or ex post facto Law.” Similarly, Article I, section 10, of the U.S. Constitution prohibits the states from enacting bills of attainder. The Supreme Court has described a bill of attainder as “a law that legislatively determines guilt and inflicts punishment upon an identifiable individual without provision of the protections of judicial trial.”<sup>63</sup>

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<sup>54</sup> See, e.g., U.S. CONST., Art. I, s. 8 (power to declare war, maintain a military, and regulate foreign commerce); U.S. CONST., Art. II, s. 2 (power to enter into treaties); U.S. CONST., Art. III, s. 2 (power to hear case involving foreign states and citizens).

<sup>55</sup> *Zschernig v. Miller*, 389 U.S. 429 (1968); *American Ins. Ass’n v. Garamendi*, 539 U.S. 396 (2003) (finding that the President’s powers in foreign policy were so great as to outweigh any need for a direct expression of preemption.)

<sup>56</sup> *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941).

<sup>57</sup> *Japan Line v. County of Los Angeles*, 441 U.S. 434, 446 (1979).

<sup>58</sup> See generally, Stephen Mulligan, Congressional Research Service, *Constitutional Limits on States’ Power over Foreign Affairs*, 3-4 (Aug. 15, 2022), available at <https://crsreports.congress.gov/product/pdf/LSB/LSB10808> (last visited Jan. 29, 2024).

<sup>59</sup> *United States v. Davila-Mendoza*, 972 F.3d 1264 (11th Cir. 2020).

<sup>60</sup> “The premise [...] is that the Commerce Clause analysis is identical, regardless of whether interstate or foreign commerce is involved. This premise [...] must be rejected. When construing Congress’ power to ‘regulate Commerce with foreign Nations,’ a more extensive constitutional inquiry is required.” *Japan Line* at 446.

<sup>61</sup> U.S. CONST., Art. I, s. 8

<sup>62</sup> *Or. Waste Sys., Inc. v. Dep’t of Env’tl. Quality of Or.*, 511 U.S. 93, 98 (1994).

<sup>63</sup> See *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977).

## The International Emergency Economic Powers Act (IEEPA)

The IEEPA gives the President of the United States regulatory authority over a variety of economic transactions in the event of a national emergency that constitutes an unusual and extraordinary threat.<sup>64</sup> As of September 1, 2023, Presidents had declared 69 national emergencies invoking IEEPA, 39 of which are ongoing.<sup>65</sup> Executive Orders 13,873<sup>66</sup> and 14,034 invoked IEEPA authority in response to concerns about foreign adversaries' access to American digital data.<sup>67</sup> Executive Order 13,873, references risks posed by foreign adversaries, which the order defines as any foreign government or foreign person “engaged in a long-term pattern or serious instances of conduct significantly adverse” to U.S. security or the safety of U.S. persons.<sup>68</sup> Subsequently, the Department of Commerce identified China (including Hong Kong), Cuba, Iran, North Korea, Russia, and the Nicolás Maduro regime in Venezuela as foreign adversaries.<sup>69</sup>

## Florida SB 7072 (2021)

In 2021, the Florida Legislature passed SB 7072, which addressed concerns related to social media platforms. SB 7072 was signed by the Governor on May 24, 2021. Section 501.2041, F.S., was created, which provides that a social media platform must:

- Publish standards used for determining how to censor, deplatform, and shadow ban users, and apply such standards in a consistent manner;

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<sup>64</sup> See Congressional Research Service, *Montana's TikTok Ban, an Injunction, and Pending Legal Actions* (December 8, 2023), available at <https://crsreports.congress.gov/product/pdf/LSB/LSB10972#:~:text=Commerce%20Clause%3A%20The%20court%20found,concept%20Montana%20did%20not%20contest>. (last visited Jan. 29, 2024). See also 50 U.S.C. § 1701.

<sup>65</sup> See Congressional Research Service, *The International Emergency Economic Powers Act: Origins, Evolution, and Use* (September 28, 2023), available at <https://crsreports.congress.gov/product/pdf/R/R45618> (last visited Jan. 29, 2024).

<sup>66</sup> The Supply Chain Rule implements Executive Orders 13873 and 14034, titled *Securing the Information and Communications Technology and Services Supply Chain (ICTS)*. Invoking National Emergencies Act (50 U.S.C. § 1601) and citing the International Emergency Economic Powers Act (50 U.S.C. § 1701), then-President Trump declared a national emergency because of the threat of foreign adversaries exploiting vulnerabilities in ICTS. In response to this threat, Executive Order 13873 prohibits transactions involving foreign-owned ICTS that present (1) an undue risk of sabotage or subversion to ICTS in the United States, (2) an undue risk of catastrophic effects on the security or resiliency of critical infrastructure or the digital economy in the United States, or (3) an unacceptable risk to U.S. national security or the security and safety of U.S. persons. The order delegates implementation to the Department of Commerce. In June 2021, President Biden issued Executive Order 14034, which directed the Secretary of Commerce to evaluate the risks posed by connected software applications, commonly called “apps.” The order identified additional criteria for Commerce to consider when evaluating transactions involving apps under the Supply Chain Rule. Factors include the app’s capacity to enable espionage and the sensitivity of data collected. In June 2023, Commerce published a final rule (88 FR 39353), effective July 17, 2023, that expressly includes apps in the definition of ICTS and adds app-specific risk factors to the Supply Chain Rule. See Congressional Research Service, *The Information and Communications Technology and Services (ICTS) Rule and Review Process* (June 22, 2023), available at <https://crsreports.congress.gov/product/pdf/IF/IF11760> (last visited Jan. 29, 2024).

<sup>67</sup> See Congressional Research Service, *Montana's TikTok Ban, an Injunction, and Pending Legal Actions* (December 8, 2023), available at <https://crsreports.congress.gov/product/pdf/LSB/LSB10972#:~:text=Commerce%20Clause%3A%20The%20court%20found,concept%20Montana%20did%20not%20contest> (last visited Jan. 29, 2024).

<sup>68</sup> *Id.*

<sup>69</sup> 15 CFR § 7.4.

- Inform each user about any changes to its user rules, terms, and agreements before implementing the changes and not make changes more than once every 30 days;
- Notify a user in a specified manner censoring or deplatforming the user;
- Allow a user to request the number of other individuals who were shown the user's content or posts, and provide such information upon such request by the user;
- Provide users with an option to opt out of post-prioritization and shadow banning algorithms to allow sequential or chronological posts and content;
- Provide users with an annual notice on the use of algorithms for post-prioritization and shadow banning and reoffer annual notice on the use of algorithms for post-prioritization and shadow banning;
- Ensure that posts by or about candidates for office in Florida are not shadow banned;
- Allow a user who has been deplatformed to access or retrieve all of the user's information, content, material, and data for at least 60 days after the user receives the required notice; and
- Ensure that journalistic enterprises are not censored, deplatformed, or shadow banned.

In s. 501.2041, F.S., “Social media platform” is defined as any information service, system, Internet search engine, or access software that:

- Provides or enables computer access by multiple users to a computer server, including an Internet platform and/or a social media site;
- Operates as a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity;
- Does business in Florida; and
- Satisfies at least one of the following thresholds:
  - Annual gross revenues in excess of \$100,000,000, as adjusted in January of each odd numbered year to reflect any increase in the Consumer Price Index; or
  - At least 100,000,000 monthly individual platform participants globally.

Section 501.2041, F.S., also provides for enforcement by permitting the Department of Legal Affairs to find a social media platform who fails to comply with the requirements stated above to be in violation of the Florida Deceptive and Unfair Trade Practices Act. Additionally, a user may bring a private cause of action against a social media platform for failing to consistently apply certain standards for censoring or deplatforming without proper notice.

### ***Litigation History***

Immediately after the bill was signed by the Governor, but prior to the bill's effective date of July 1, 2021, the plaintiff filed a complaint in the U.S. District Court for the Northern District of Florida challenging the constitutionality of many of the bill's provisions and exceptions, and immediately moved the Court for a preliminary injunction. The District Court granted the preliminary injunction on June 30, 2021.<sup>70</sup>

The filed complaint alleges the following:

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<sup>70</sup> *NetChoice, LLC v. Moody*, 546 F. Supp. 3d 1082 (N.D. Fla. 2021) (NetChoice, LLC, and the Computer & Communications Industry Association are trade associations whose members include social media providers).

- Count 1 of the complaint alleges the Act “violates the First Amendment's free-speech clause by interfering with the providers’ editorial judgment, compelling speech, and prohibiting speech.”
- Count 2 alleges the Act “is vague in violation of the Fourteenth Amendment.”
- Count 3 alleges the Act “violates the Fourteenth Amendment's equal protection clause by impermissibly discriminating between providers that are or are not under common ownership with a large theme park and by discriminating between providers that do or do not meet the Act's size requirements.”
- Count 4 alleges the Act “violates the Constitution's dormant commerce clause.”
- Count 5 alleges the Act “is preempted by 47 U.S.C. § 230(e)(3), which, together with § 230(c)(2)(A), expressly prohibits imposition of liability on an interactive computer service—this includes a social-media provider—for action taken in good faith to restrict access to material the service finds objectionable.”<sup>71</sup>

The District Court indicated that the law was not clearly settled related to issues about First Amendment treatment of social-media providers: “The plaintiffs say, in effect, that they should be treated like any other speaker. The State says, in contrast, that social-media providers are more like common carriers, transporting information from one person to another much as a train transports people or products from one city to another. The truth is in the middle.”<sup>72</sup>

The District Court determined that strict scrutiny applied as the standard to be used:

“Viewpoint- and content-based restrictions on speech are subject to strict scrutiny. A law restricting speech is content-based if it “applies to particular speech because of the topic discussed or the idea or message expressed.” Laws that are facially content-neutral, but that cannot be justified without reference to the content of the regulated speech, or that were adopted because of disagreement with the speaker's message, also must satisfy strict scrutiny.”<sup>73</sup>

The District Court enjoined the State from enforcing any provision of s. 501.2041, F.S., on preemption and First Amendment grounds.

The State filed an appeal of the District Court’s decision in the U.S. Court of Appeals for the Eleventh Circuit.

On May 23, 2022, the U.S. Court of Appeals for the Eleventh Circuit affirmed the district court’s preliminary injunction in part, and vacated and remanded it in part.<sup>74</sup>

The Eleventh Circuit found the following provisions of SB 7072, to likely violate the First Amendment:

- Section 106.072(2), F.S., which pertains to candidate deplatforming;

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<sup>71</sup> *NetChoice, LLC*, 546 F. Supp. 3d at 1085.

<sup>72</sup> *NetChoice, LLC*, 546 F. Supp. 3d at 1091.

<sup>73</sup> *NetChoice, LLC*, 546 F. Supp. 3d at 1093.

<sup>74</sup> *Moody v. NetChoice, LLC*, 34 F.4th 1196 (11th Cir. 2022).

- Section 501.2041(2)(h), F.S., which pertains to the use of algorithms for the purpose of post-prioritization or shadow banning candidates;
- Section 501.2041(2)(j), F.S., which pertains to journalistic enterprises;
- Section 501.2041(2)(b), F.S., which pertains to the consistent application of censorship, deplatforming, and shadow banning standards;
- Section 501.2041(2)(c), F.S., which limits the number of changes that can be made to once every 30 days;
- Sections 501.2041(2)(f) and 501.2041(2)(g), F.S., which pertain to categorizing algorithms used for post-prioritization and shadow banning, as well as allowing for user opt-outs; and
- Section 501.2041(2)(d), F.S., which pertains to notifying a user when their content is censored or shadow banned.

However, the Eleventh Circuit found the following provisions of SB 7072, to likely not violate the First Amendment:

- Section 501.2041(2)(a), F.S., which pertains to the publication of standards used for determining how to censor, deplatform, and shadow ban;
- Section 501.2041(2)(c), F.S., which pertains to informing users to any changes to its user rules, terms, and agreements before implementing the changes;
- Section 501.2041(2)(e), F.S., which pertains to user view counts;
- Section 501.2041(2)(i), F.S., which pertains to user data access; and
- Section 106.072(4), F.S., which pertains to free advertising for a candidate.<sup>75</sup>

The United States Supreme Court is set to hear oral arguments on February 26, 2024.

### **Effect of Proposed Changes:**

The bill creates s. 501.20411, F.S., to be cited as the “Transparency in Social Media Act.” Additionally, the Legislature finds that:

- Social media platforms play a significant role in shaping public discourse and opinions;
- Algorithms used by social media platforms can influence user behavior and content visibility;
- Transparency in the functioning of such algorithms and in political and social advertising is vital for safeguarding democratic values and user privacy; and
- Ownership of social media platforms by foreign entities can raise concerns regarding foreign influence and data security.

The bill provides the following definitions:

- “Social media platform” means a public online service that allows users to create and share or participate in social networking; and
- “Social or political advertising” means any advertisement on a social media platform that discusses social or political issues or is intended to influence public opinion or electoral outcomes.

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<sup>75</sup> *Moody* 34 F.4th 1196.

The bill requires each foreign-adversary owned entity operating a social media platform in Florida to publicly disclose the core functional elements of the social media platform's content curation and algorithms. The disclosures must identify the following:

- Factors that influence content ranking and visibility;
- Measures taken to address misinformation and harmful content; and
- The process of personalization and targeting of content.

The bill requires each foreign-adversary-owned entity operating a social media platform in Florida to make publicly available the source code of its algorithm through an open-source license.

The bill also requires each foreign-adversary-owned entity operating a social media platform to implement a user verification system for each user and organization that purchased advertisements concerning social or political issues. The system must verify key identifying information, including citizenship, residency, and age of the user or the individuals that own the organization, as applicable. Once verified, the identity of the purchaser of each social or political advertisement must be disclosed with the advertisement.

A foreign-adversary-owned entity operating a social media platform that violates the provisions of this bill is liable up to \$10,000 for each discrete violation. The Department of Legal Affairs is given enforcement authority.

The bill takes effect July 1, 2024.

### **III. 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:**

See the "Present Situation," in Section II of this bill analysis.



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

None.

**B. Private Sector Impact:**

Foreign-adversary-owned entities will be required to implement the provisions in the bill, which includes disclosure requirements and a user verification system.

**C. Government Sector Impact:**

The Department of Legal Affairs will be required to enforce the provisions in the bill.

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

The definition provided in the bill for “social or political advertising,” is potentially unclear and overbroad.

The bill defines “foreign-adversary-owned entity” as a social media company that is owned or substantially controlled by nationals, governments, or corporations domiciled, incorporated, or otherwise holding residence in a country designated as a foreign adversary under 15 C.F.R. s 7.4. It is unclear what amount or level of ownership is intended by use of “owner,” or what “substantially controlled” means as used in the definition.

Lack of clarity in the definitions could lead to problems in compliance and enforcement.

**VII. Statutes Affected:**

This bill creates section 501.20411 of the Florida Statutes.

**VIII. 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 Gruters

22-01114A-24

20241448\_\_

A bill to be entitled

An act relating to transparency in social media;  
creating s. 501.20411, F.S.; providing a short title;  
providing legislative findings; providing definitions;  
requiring foreign-adversary-owned entities operating  
social media platforms in the state to publicly  
disclose specified information in a certain manner;  
requiring foreign-adversary-owned entities operating  
social media platforms to implement a user  
verification system for certain entities; providing  
penalties; requiring enforcement by the Department of  
Legal Affairs; providing an effective date.

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

Section 1. Section 501.20411, Florida Statutes, is created  
to read:

501.20411 Transparency in Social Media Act.—

(1) This section may be cited as the "Transparency in  
Social Media Act."

(2) The Legislature finds that:

(a) Social media platforms play a significant role in  
shaping public discourse and opinion.

(b) Algorithms used by social media platforms can influence  
user behavior and content visibility.

(c) Transparency in the functioning of such algorithms and  
in political and social advertising is vital for safeguarding  
democratic values and user privacy.

(d) Ownership of social media platforms by foreign entities

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

22-01114A-24

20241448\_\_

can raise concerns regarding foreign influence and data  
security.

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

(a) "Algorithm" has the same meaning as in s. 501.2041(1).

(b) "Foreign-adversary-owned entity" means a social media  
company that is owned or substantially controlled by nationals,  
governments, or corporations domiciled, incorporated, or  
otherwise holding residence in a country designated as a foreign  
adversary under 15 C.F.R. s. 7.4.

(c) "Social media platform" means a public online service  
that allows users to create and share or participate in social  
networking.

(d) "Social or political advertising" means any  
advertisement on a social media platform that discusses social  
or political issues or is intended to influence public opinion  
or electoral outcomes.

(4) (a) Each foreign-adversary-owned entity operating a  
social media platform in the state must publicly disclose the  
core functional elements of the social media platform's content  
curation and algorithms.

(b) The disclosure must identify:

1. The factors that influence content ranking and  
visibility.

2. Measures taken to address misinformation and harmful  
content.

3. The process of personalization and targeting of content.

(5) Each foreign-adversary-owned entity operating a social  
media platform must make publicly available the source code of  
its algorithms through an open-source license.

Page 2 of 3

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

22-01114A-24

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59       (6) (a) Each foreign-adversary-owned entity operating a  
60 social media platform must implement a user verification system  
61 for each user and organization that purchases advertisements  
62 concerning social or political issues. The system must verify  
63 key identifying information, including citizenship, residency,  
64 and age of the user or the individuals that own the  
65 organization, as applicable.

66       (b) Once verified, the identity of the purchaser of each  
67 social or political advertisement must be disclosed with the  
68 advertisement.

69       (7) (a) A foreign-adversary-owned entity operating a social  
70 media platform that violates this section is liable up to  
71 \$10,000 for each discrete violation.

72       (b) The Department of Legal Affairs shall enforce this  
73 section.

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

The Florida Senate  
**APPEARANCE RECORD**

1448

Meeting Date

CT

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Dared Willis

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

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something of value for my appearance  
(travel, meals, lodging, etc.),  
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Common Sense Leadership Fund

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

Type:  
Judge:

Started: 1/30/2024 9:01:22 AM  
Ends: 1/30/2024 10:12:12 AM Length: 01:10:51

9:01:21 AM Chair Trumbull calls the meeting the order  
9:01:25 AM Roll call  
9:01:42 AM Quorum present  
9:01:50 AM Chair Trumbull with comments  
9:01:57 AM Tab 1, SB 832, Employment of Individuals with Disabilities introduced  
9:02:21 AM Senator Calatayud with explanation  
9:03:07 AM Chair Trumbull  
9:03:13 AM Speaker Laura Lee Minutello  
9:05:08 AM Chair Trumbull  
9:05:18 AM Closure waived  
9:05:21 AM Roll call  
9:05:26 AM SB 832 reported favorably  
9:05:38 AM Tab 2, CS/SB 902, Motor Vehicle Retail Financial Agreements introduced  
9:06:00 AM Explanation by Senator Boyd  
9:06:08 AM Late-filed Amendment Barcode 945370 introduced  
9:06:57 AM Explanation of Amendment by Senator Boyd  
9:07:04 AM Chair Trumbull  
9:07:12 AM Closure waived  
9:07:15 AM Amendment adopted  
9:07:18 AM Chair Trumbull  
9:07:22 AM Ashley Kalifeh waives  
9:07:28 AM Chair Trumbull  
9:07:32 AM Closure waived  
9:07:35 AM Roll call  
9:07:38 AM CS/CS/SB 902 reported favorably  
9:07:47 AM Tab 7, SB 1786, Professional Licensure and Certification introduced  
9:08:10 AM Explanation by Senator DiCeglie  
9:09:14 AM Chair Trumbull  
9:09:21 AM Speaker Matthew Jennings  
9:10:13 AM Tyler Cox waives  
9:11:18 AM Chair Trumbull  
9:11:25 AM Closure by Senator DiCeglie  
9:11:27 AM Roll call  
9:11:33 AM SB 1786 reported favorably  
9:11:41 AM Tab 4, SB 1346, Limited Liability Companies introduced  
9:12:00 AM Explanation by Senator Berman  
9:12:41 AM Chair Trumbull  
9:12:45 AM Doug Bell waives  
9:12:51 AM Chair Trumbull  
9:12:55 AM Closure waived  
9:12:58 AM Roll call  
9:13:04 AM SB 1346 reported favorably  
9:13:17 AM Tab 6, SB 1688, Career-themed Courses introduced  
9:13:27 AM Explanation by Senator Osgood  
9:15:11 AM Chair Trumbull  
9:15:39 AM Frank Peterman waives  
9:16:00 AM Career Themed Course waives  
9:16:04 AM Logan Braydon waives  
9:16:08 AM Natalie King waives  
9:16:16 AM Chair Trumbull  
9:16:21 AM Closure waived  
9:16:23 AM Roll call

9:16:26 AM SB 1688 reported favorably  
9:16:49 AM Chair Trumbull  
9:16:53 AM Tab 3, SB 1072, Tourist Development introduced  
9:16:58 AM Explanation by Senator Avila  
9:18:34 AM Chair Trumbull  
9:19:40 AM Speaker Maria Lasday  
9:21:11 AM Speaker Robert Yaffe  
9:21:36 AM Milton Segarra waives  
9:21:46 AM Samantha Padgett waives  
9:21:54 AM Mat Forrest waives  
9:22:01 AM Chair Trumbull  
9:22:05 AM Debate  
9:22:10 AM Senator Rodriguez  
9:23:38 AM Chair Trumbull  
9:23:43 AM Senator Avilla in closure  
9:25:31 AM Chair Trumbull  
9:25:56 AM Roll call  
9:26:02 AM SB 1072 reported favorably  
9:26:13 AM Tab 8, SB 1448, Transparency in Social Media introduced  
9:26:31 AM Explanation by Senator Gruters  
9:26:55 AM Chair Trumbull  
9:27:39 AM Jared Willis waives  
9:27:50 AM Closure by Senator Gruters  
9:27:55 AM Chair Trumbull  
9:28:03 AM Roll call  
9:28:08 AM SB 1448 reported favorably  
9:28:19 AM Recording Paused  
9:30:59 AM Recording Resumed  
9:31:02 AM Chair Trumbull  
9:32:06 AM Tab 5, SB 1596, Employment of Minors introduced  
9:32:14 AM Explanation by Senator Burgess  
9:33:36 AM Chair Trumbull  
9:34:39 AM Questions  
9:34:42 AM Senator Stewart  
9:34:47 AM Senator Burgess  
9:35:24 AM Senator Stewart  
9:35:34 AM Senator Burgess  
9:36:09 AM Chair Trumbull  
9:36:22 AM Senator Stewart  
9:36:27 AM Senator Burgess  
9:37:16 AM Senator Stewart  
9:37:24 AM Senator Burgess  
9:38:31 AM Chair Trumbull  
9:38:38 AM Speaker Laura Munoz  
9:41:52 AM Speaker Jackson Oberlink  
9:44:47 AM Elvin Marte waives  
9:44:53 AM Speaker Dr. Rich Templin  
9:48:15 AM Speaker Holly Bullard  
9:50:44 AM Speaker Gretchen Robinson  
9:52:51 AM Michael Grenon waives  
9:53:51 AM Eric Gosnell waives  
9:53:55 AM Glenda Abicht waives  
9:53:57 AM Vincent Morelli waives  
9:54:11 AM Speaker Yenibel Vilorio  
9:57:02 AM Speaker Karen Woodall  
9:58:13 AM Andrew Nixon waives  
9:58:16 AM Martha Stevens waives  
9:58:19 AM Doris Walent waives  
9:58:25 AM Bryan Porter waives  
9:58:28 AM Dylan Owens waives  
9:58:31 AM Guillermo Lopez waives  
9:58:33 AM Mercedes P. De la Cruz waives

9:58:38 AM Javier Aguilar waives  
9:58:42 AM Antonio Duhart waives  
9:58:48 AM Stephan Ramdohr waives  
9:58:52 AM Jonathan Fielder waives  
9:58:56 AM Ashleigh Pondor waives  
9:58:58 AM Kevin Shupe waives  
9:59:04 AM Richard Chinchilla waives  
9:59:07 AM Claudia Gonzalez waives  
9:59:11 AM Teresa Choc waives  
9:59:16 AM Anna Maravilla waives  
9:59:25 AM Sandra Diaz waives  
9:59:29 AM Anna Buigos waives  
9:59:34 AM Carmen Ambrocio waives  
9:59:41 AM Barry Tillis waives  
9:59:44 AM Serena James waives  
9:59:47 AM Shannon Carsons waives  
9:59:49 AM Frank Peterman waives  
9:59:52 AM Jennifer Kenny waives  
9:59:56 AM Todd Provost waives  
10:00:02 AM Della Denny-Abbott waives  
10:00:07 AM Steve Wisniewski waives  
10:00:16 AM Monina Johnson waives  
10:00:18 AM Malcolm Smith waives  
10:00:23 AM Samatha Padgett waives  
10:00:33 AM David Shalhaun waives  
10:00:36 AM Mindy Boldon waives  
10:00:41 AM Wayne Perez waives  
10:00:44 AM Lavon Lindsey waives  
10:00:47 AM Kammeron Brown waives  
10:00:49 AM Justin Peacock waives  
10:00:52 AM David Mettllus waives  
10:01:02 AM Speaker David Mettllus  
10:02:50 AM Kevin Daly waives  
10:02:55 AM Charles Fox waives  
10:03:02 AM Elvin Marte waives  
10:03:12 AM Chair Trumbull  
10:03:15 AM Debate  
10:03:19 AM Senator Stewart  
10:04:26 AM Senator Wright  
10:05:26 AM Senator Rodriguez  
10:06:10 AM Chair Trumbull  
10:07:34 AM Senator Burgess in closure  
10:10:04 AM Roll call  
10:11:05 AM SB 1596 reported favorably  
10:11:19 AM Chair Trumbull  
10:11:31 AM Senator Rodriguez shown voting in the affirmative on SB 832,CS/CS.SB 902, SB 1346, SB 1786  
10:11:49 AM Chair Trumbull  
10:11:52 AM Senator Rodriguez moves to adjourn  
10:12:02 AM Meeting adjourned