



LEGISLATIVE ACTION

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

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 118 - 225

4 and insert:

5 Professional Conduct or equivalent professional conduct rules
6 applicable in the attorney's licensing jurisdiction.

7 (c) An entity with a preexisting contractual obligation to
8 indemnify or defend a party to a civil action, an administrative
9 proceeding, a claim, or other legal proceeding.

10 (d) A health insurer that has paid, or is obligated to pay,
11 any sums for health care for an injured person under the terms



12 of a health insurance plan or agreement.

13 (e) The repayment of a financial institution as defined in
14 s. 655.005 for loans made directly to a party to a civil action,
15 an administrative proceeding, a claim, or other legal
16 proceeding, or to such party's attorney, when repayment of the
17 loan is not contingent upon the outcome of such action, claim,
18 or proceeding or on the outcome of any matter within a portfolio
19 that includes such action, claim, or proceeding and involves the
20 same counsel or affiliated counsel.

21 (f) Funding provided to a nonprofit organization exempt
22 from federal income tax under s. 501(c)(3) of the United States
23 Internal Revenue Code, provided that the nonprofit organization
24 uses the funding only to provide pro bono legal representation
25 on behalf of a client or to engage in litigation on behalf of
26 itself, its members, or a client and does not seek punitive
27 damages, regardless of whether the nonprofit organization seeks
28 an award of costs or attorney fees.

29 (g) Funding provided by a nonprofit organization exempt
30 from federal income tax under s. 501(c)(3) of the United States
31 Internal Revenue Code, by grant or otherwise, to cover the costs
32 and expenses of pro bono legal representation or litigation that
33 does not seek punitive damages, regardless of whether the
34 recipient of the funding seeks an award of costs or attorney
35 fees. The nonprofit organization may, contingent upon the
36 outcome of the litigation, receive repayment not to exceed the
37 amount of funding provided.

38 (h) Funding provided in a foreign class action where the
39 party domiciled in the United States is a member of the class.

40 (7) "National security interests" means those interests



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41 relating to the national defense, foreign intelligence and
42 counterintelligence, international and domestic security, or
43 foreign relations.

44 (8) "Proprietary information" means information developed,
45 created, or discovered by a person, or which became known by or
46 was conveyed to a person, which has commercial value in the
47 person's business. The term includes, but is not limited to,
48 domain names; trade secrets; copyrights; ideas; techniques;
49 inventions, regardless of whether patentable, and other
50 information of any type relating to designs; configurations;
51 documentation; recorded data; schematics; circuits; mask works;
52 layouts; source code; object code; master works; master
53 databases; algorithms; flow charts; formulae; works of
54 authorship; mechanisms; research; manufacture; improvements;
55 assembly; installation; intellectual property, including patents
56 and patent applications; and information concerning the person's
57 actual or anticipated business, research, or development or
58 received in confidence by or for the person from any other
59 source.

60 (9) "Sovereign wealth fund" means an investment fund owned
61 or controlled by a foreign principal or an agent thereof.

62 69.103 Litigation financing agreement; representation of
63 client interests; adequate representation.—A court may take the
64 existence of a litigation financing agreement into account:

65 (1) In a class action lawsuit brought in the courts of this
66 state, when determining whether a class representative or class
67 counsel would adequately and fairly represent the interests of
68 the class.

69 (2) In actions involving a common question of law or fact



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70 pending before the court which may be or has been consolidated,
71 when determining whether the lead counsel or any co-lead counsel
72 would adequately and fairly represent the interests of the
73 parties to such actions.

74 69.105 Prohibited conduct.—A litigation financier may not:

75 (1) Direct, or make any decisions with respect to, the
76 course of any civil action, administrative proceeding, claim, or
77 other legal proceeding for which the litigation financier has
78 provided financing, or any settlement or other disposition
79 thereof. This prohibition includes, but is not limited to,
80 decisions in appointing or changing counsel, choice or use of
81 expert witnesses, and litigation strategy. All rights to make
82 decisions with respect to the course and settlement or other
83 disposition of the subject civil action, administrative
84 proceeding, claim, or other legal proceeding remain solely with
85 the parties to such action, claim, or proceeding and their
86 counsel of record.

87 (2) Contract for or receive, whether directly or
88 indirectly, a larger share of the proceeds of any civil action,
89 administrative proceeding, claim, or other legal proceeding
90 financed by a litigation financing agreement than the share of
91 the proceeds collectively recovered by the plaintiffs to any
92 such action, claim, or proceeding after the payment of any
93 attorney fees and costs owed in connection to such action,
94 claim, or proceeding.

95 (3) Pay or offer to pay a commission, referral fee, or
96 other consideration to any person, including an attorney, a law
97 firm, or a health care practitioner, for referring a person to
98 the litigation financier.



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99 (4) Assign or securitize a litigation financing agreement,
100 in whole or in part.

101 (5) Be assigned rights to or in any civil action,
102 administrative proceeding, claim, or other legal proceeding for
103 which the litigation financier provided financing, other than
104 the right to receive a share of the proceeds of such action,
105 claim, or proceeding pursuant to the litigation financing
106 agreement.

107 69.107 Transparency for foreign litigation financiers.—

108 (1) If a party to any civil action, administrative
109 proceeding, claim, or other legal proceeding filed in the United
110 States, or that party's counsel of record, has entered into a
111 litigation financing agreement with a foreign person, foreign
112 principal, or sovereign wealth fund, the party, or the party's
113 counsel of record, must, within 14 days after execution of the
114 agreement or within 7 days after filing such action, whichever
115 occurs first, file and serve a notice with the court, agency, or
116 tribunal, and all other parties to the proceeding, which
117 identifies:

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

119 And the title is amended as follows:

120 Delete line 17

121 and insert:

122 requiring certain parties to a legal proceeding, or
123 their counsels of record, which