

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/SB 566 — Unlawful Detention by a Transient Occupant

by Judiciary Committee and Senator Young

The bill amends s. 82.045, F.S., relating to the remedy for an unlawful detention by a transient occupant. Under current law, a transient occupant is someone who possesses real property lawfully for a brief length of time, without a lease or title to the property, such as a long-term houseguest. A transient occupant unlawfully detains the property after being directed to leave by the party entitled to possession.

The changes by the bill:

- Revise the factors used to determine whether an individual is considered a transient occupant;
- Establish the circumstances that cause a transient occupancy to terminate;
- Provide for the recovery of the belongings of a former transient occupant once the transient occupancy has terminated; and
- Authorize a former transient occupant to bring a civil action against the party entitled to possession who unreasonably withholds the belongings of the former transient occupant.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 34-0; House 116-0

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CS/CS/SB 568 — Telephone Solicitation

by Rules Committee; Commerce and Tourism Committee; and Senator Young

The bill expands the Florida Do Not Call Act to:

- Prohibit the unsolicited ringless delivery or voicemail messages into consumers' voicemail boxes, in addition to phone calls and text messages;
- Explicitly prohibit telephone solicitors from making certain calls, text messages, or direct voicemail transmissions to business phone lines, in addition to consumer, donor, and potential donor phone lines, if the phone call recipient previously communicated a wish not to receive such communications; and
- Require a telephone sales call solicitor to provide on the call recipient's caller ID a telephone number that is capable of receiving calls and that can connect the call recipient to the telephone solicitor.

The bill also increases permitted penalties for violations of the Do Not Call Act to up to \$10,000 for violations prosecuted administratively, and \$10,000 or more for those prosecuted civilly.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 38-0; House 109-0

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CS/HB 661 — Business Filings

by Oversight, Transparency and Administration Subcommittee; and Rep. Miller, M. and others
(CS/SB 610 by Appropriations Committee and Senator Young)

The bill makes two changes to the statutes regarding limited liability corporations, business corporations, not-for-profit corporations, and limited partnerships.

The bill requires the Department of State (department) to send notice to a business entity or its authorized representative if a record is filed under the entity's name. The department may send notice by either email or US mail. If the filing changes the entity's email address, the department must send notification to both the new email address and the most recent prior email address. If the filing changes the entity's mailing address, the department must send the notification to the new mailing address and to the most recent prior mailing address.

The bill also authorizes an entity to correct a business filing made under its name. The fees for filing a statement of correction to correct a record that contains false, misleading, or fraudulent information will be waived if the statement is delivered to the department within 15 days of the department's notice of the filing.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 29-2; House 114-0

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CS/HB 1267 — Telephone Solicitation

by Energy and Utilities Subcommittee and Rep. Killebrew and others(CS/SB 962 by Commerce and Tourism Committee; and Senators Grimsley, Rouson, and Young)

The bill allows telephone service providers to block certain phone calls from ringing through to a telephone service subscriber's phone, if authorized by the subscriber.

Telephone service providers may block “spoofed” calls made from:

- An inbound-only phone number that a subscriber has requested be blocked;
- An invalid phone number;
- A phone number that has not been allocated to a provider by the North American Numbering Plan Administrator; and
- A phone number that is not used by any telephone subscriber, if the telephone service provider confirms that the number is unused.

Telephone service providers may only block calls in a manner that is consistent with authorization from federal laws and rules.

On November 17, 2017, the Federal Communications Commission adopted a rule that provides similar safe harbor provisions to telephone service providers who preemptively block suspected robocalls. This bill provides state-level authorization for the same call blocking services.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 37-0; House 113-0

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HB 1285 — Florida Business Entities

by Rep. Albritton (SB 1028 by Senator Thurston)

First, the bill allows state banks and trust companies to form as social purpose corporations or benefit corporations. To effectuate this change, the bill authorizes:

- The Office of Financial Regulation to modify its form articles of incorporation for state banks and trust companies to include provisions required for social purpose corporations or benefit corporations;
- The Office of Financial Regulation to approve special stock offering plans; and
- Social purpose corporations and benefit corporations to omit confidential information from their annual benefit reports, if the entity expressly states it has done so in the report.

Second, the bill creates the Institute for Commercialization of Florida Technology (institute) to increase the availability of seed and early stage investment capital to businesses in Florida without requiring an ongoing expenditure for such support. The institute will differ from the existing Institute for Commercialization of Public Research (ICPR) in several ways. Namely, the institute will:

- Be operated by a private fund manager who is paid from fees based on the institute's investment activities, rather than a professional staff;
- No longer partner with publicly supported universities or research institutes to support their commercialization efforts; and
- Not be supported by or function under the Department of Economic Opportunity.

Like the ICPR, however, the institute will partner with innovation and target industry businesses to foster investment funding, especially in seed-stage, startup, and early stage companies; advise companies about successful management, operations, and development processes; and provide opportunities to attract further investment.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 37-0; House 100-0