

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

SB 180 — Lost or Abandoned Personal Property

by Senators Stargel and Hutson

Chapter 2019-6, L.O.F., allows an owner or operator of a theme park, entertainment complex, zoo, museum, aquarium, public food service establishment, or public lodging establishment to elect to dispose of or donate lost or abandoned property found on its premises.

Under the law, an owner or operator who elects to dispose of or donate lost or abandoned property must first take charge of the property, maintain a record of the property, and hold the property for at least 30 days. The law prohibits the owner or operator from selling the property. If the property remains unclaimed after 30 days, the owner or operator must dispose of or donate the property to a charitable institution. If a charitable institution accepts certain electronic devices, the bill requires the charitable institution to make a reasonable effort to delete all personal data from the device before its sale or disposal.

The law also provides that the rightful owner of the property may reclaim the property at any time before its disposal or donation.

These provisions were approved by the Governor and take effect July 1, 2019.

Vote: Senate 38-0; House 114-0

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HB 445 — Trademark Classifications

by Rep. Diamond and others (SB 198 by Senator Berman)

The bill conforms Florida's trademark and service mark classifications of goods and services for purposes of registration under Florida's trademark law to the Nice Classification, 11th edition, version 2018. Florida's statutory classifications for trademarks and service marks, contained in s. 495.111, F.S., were last updated in 2006.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 36-0; House 114-0

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CS/HB 563 — Unemployment Compensation

by Commerce Committee and Rep. Joseph and others (CS/SB 990 by Rules Committee and Senators Gibson, Berman, Rodriguez, and Rader)

The bill provides that an individual may not be disqualified from receiving reemployment assistance benefits if he or she voluntarily leaves work as a direct result of circumstances related to domestic violence.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 39-0; House 115-0

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CS/CS/HB 1009 — Business Organizations

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Byrd (CS/CS/SB 892 by Judiciary Committee; Commerce and Tourism Committee; and Senators Passidomo and Rodriguez)

The bill comprehensively amends ch. 607, F.S., the Florida Business Corporation Act (the Act), which incorporates updates from the Model Business Corporation Act and harmonizes the Act with the recently revised Florida Revised Limited Liability Corporate Act (FRLCA).

The bill modifies and creates several provisions regarding corporate governance. Significantly, these provisions:

- Modify the process for the correction of documents filed by a corporation;
- Authorize articles of incorporation and bylaws to include exclusive forum provisions in limited circumstances;
- Permit proxy access provisions in a corporation's bylaws;
- Modernize service of process provisions for corporations;
- Allow remote participation at shareholder meetings;
- Modify how a vacancy on a corporation's board of directors is filled;
- Update provisions regarding shareholder agreements;
- Clarify the prescribed composition, operation, and authority of boards and committees;
- Reorganize sections regarding derivative actions and indemnification;
- Amend burdens of proof in provisions regarding director conflict of interest;
- Modify the processes of judicial dissolution of a corporation and appointment of receivers and custodians made in the process thereof;
- Provide for a direct action by a shareholder against a corporation;
- Update and modernize laws regarding mergers, share exchanges, and conversions;
- Expand corporate domestication under additional circumstances;
- Clarify appraisal rights provisions; and
- Make conforming changes to mirror the FRLCA provisions regarding corporate names, registered agent appointments and successorships, and qualifications to transact business in Florida.

If approved by the Governor, these provisions take effect January 1, 2020.

Vote: Senate 40-0; House 111-0