

Committee on Judiciary

CS/HB 157 — Service of Process

by Civil Justice & Claims Subcommittee and Rep. Redondo (CS/SB 576 by Judiciary Committee and Senator Leek)

The bill (Chapter 2025-13, L.O.F.) amends state laws governing service of process, which is the procedure by which a party to a lawsuit gives appropriate notice to other parties that the lawsuit has begun.

Specifically, the bill:

- Allows a process server to serve process on registered agents during additional time periods and locations and on additional individuals.
- Provides how one may serve process on business organizations in receivership.
- Clarifies how to execute substitute service of process on the Secretary of State.
- Clarifies how to execute substitute service of process on nonresidents or on individuals or business entities that are concealing their whereabouts.
- Deems former residents of this state to have appointed the Secretary of State as their agent for purposes of service of process.
- Validates service of process made in conformity with either a 2022 law that substantially revised the state's service of process statute, or prior law, ensuring the validity of default judgments based on service under either statutory regime.

These provisions were approved by the Governor and took effect on April 29, 2025, except as otherwise provided.

Vote: Senate 36-0; House 113-0

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 262 — Trusts

by Community Affairs Committee; Judiciary Committee; and Senator Berman

The bill amends the Florida Trust Code. The Code governs the creation of trusts and the authority and responsibilities of trustees to manage property held in trust for the benefit of others.

Trust Decanting

The bill clarifies existing law relating to trust decanting, which refers to pouring trust assets into a new trust. Trust decanting is often appropriate due to changes in circumstances, administrative ease, or changes in tax laws.

Under the trust decanting provisions of the bill, a trustee is expressly authorized to modify the terms of a first trust to create or fund a second trust as a means of making distributions to beneficiaries. Additionally, the bill expressly states that a trustee who is authorized to invade the principal of a trust to create or fund a second trust is not considered to be the settlor of the second trust. This change ensures that a trustee will not be disqualified from serving as a trustee of a second trust as the result of having created or funded the second trust from the assets of the first trust.

A Former Trustee's Liability and A Successor Trustee's Responsibilities

With regard to a former trustee's liability and successor trustees' responsibilities, the bill clarifies that a person in a fiduciary relationship to a beneficiary may not bring an action on behalf of a beneficiary if the beneficiary is barred from bringing the claim or action.

Ademption by Satisfaction

The bill adopts nearly identical provisions contained in the Florida Probate Code to clarify when an "ademption by satisfaction" occurs with assets from a trust. The phrase "ademption by satisfaction" as used in the Florida Probate Code refers to the cancellation of a gift or distribution of an asset because the asset has already been given to the intended recipient. Often, property is missing from a trust at the settlor's death because the settlor gave the property to someone during the settlor's lifetime or because the property was distributed to someone from a revocable trust during the settlor's lifetime. Under the bill, these gifts from a trust will be considered satisfied or adeemed only if a written statement is made, either in the terms of the trust, in a contemporaneous statement that the gift is to be deducted from the devise, or when the recipient acknowledges in writing that the gift has been satisfied.

Community Property and Community Property Trust

The definitions of "community property" and "community property trust" are amended by the bill to clarify that transferring homestead property into a community trust is not a change of

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ownership for the purpose of reassessing the value of homestead property. This clarification will prevent property appraisers from reassessing the value of a home which would likely result in higher property taxes.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 114-0

Committee on Judiciary

CS/CS/SB 322 — Property Rights

by Rules Committee; Judiciary Committee; and Senator Rodriguez

The bill creates a nonjudicial procedure for a property owner to request that the county sheriff remove an unauthorized person from commercial real property. This procedure is similar to procedures in existing law for the removal of an unauthorized person from a residential property. It provides that an owner of commercial property may request that the sheriff immediately remove an unauthorized person from the owner's property. An unauthorized person is someone not authorized to occupy the property who is not a current or former tenant.

An owner must contact the sheriff and file a complaint under penalty of perjury listing the relevant facts that show eligibility for relief. If the complaint shows that the owner is eligible for relief and the sheriff can verify ownership of the property, the sheriff must remove the unauthorized person. The property owner must pay the sheriff the civil eviction fee plus an hourly rate if a deputy must stand by and keep the peace while the unauthorized person is removed. A person wrongfully removed pursuant to this procedure has a cause of action against the owner for three times the fair market rent, damages, costs, and attorney fees.

Additionally, the bill expands crimes relating to unlawfully occupying a residential dwelling or fraudulently advertising residential property for sale or lease to include commercial properties.

The procedures in the bill are similar to procedures enacted during the 2024 Legislative Session for the removal of an unauthorized person from a residential dwelling. The bill also amends that 2024 enactment to add an express grant of authority to a sheriff to use reasonably necessary force to enter a property and corrects a cross-reference.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.

Vote: Senate 39-0; House 111-0

Committee on Judiciary

HB 513 — Electronic Transmittal of Court Orders

by Rep. Gentry and others (CS/SB 774 by Appropriations Committee on Criminal and Civil Justice and Senator Wright)

This bill (Chapter 2025-10, L.O.F.) requires the clerk of court to electronically deliver to the sheriff certain court orders requiring prompt attention by the sheriff for the sake of public safety. The clerk is required to complete the task within 6 hours after a judge signs an order. The orders requiring prompt delivery are orders to detain an individual for an involuntary mental health examination, orders to detain an individual for involuntary substance abuse evaluation, and orders to take possession of firearms and ammunition from an individual pursuant to a risk protection order.

These provisions were approved by the Governor and take effect July 1, 2025.

Vote: Senate 37-0; House 108-0

Committee on Judiciary

CS/SB 538 — State Courts System

by Appropriations Committee on Criminal and Civil Justice and Senator Bradley

This bill amends several statutes addressing different aspects of the state courts system. These amendments:

- Allow a circuit court duty judge, which is a judge who is responsible for handling urgent matters outside of regular court hours, to hold and conduct hearings in places other than his or her chambers.
- Require each judicial circuit to have a judge available at all times to conduct hearings.
- Repeal the \$1,500 per day limit on fees paid to a court-appointed arbitrator.
- Allow a judge to authenticate documents containing written statements under oath made by others without using a personal or court seal.
- Allow the clerks to request specified reimbursements through the Justice Administrative Commission (JAC) rather than through the Office of the State Courts Administrator (OSCA).

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.

Vote: Senate 37-0; House 115-0

Committee on Judiciary

CS/CS/CS/HB 615 — Electronic Delivery of Notices Between Landlords and Tenants

by Judiciary Committee; Housing, Agriculture & Tourism Subcommittee; Civil Justice & Claims Subcommittee; and Rep. Esposito and others (CS/SB 1164 by Community Affairs Committee and Senator Leek)

The bill (Chapter 2025-16, L.O.F.) allows a landlord or tenant to deliver any notices required by the Florida Residential Landlord and Tenant Act to the other party electronically by e-mail if:

- The landlord and tenant sign an addendum to the rental agreement agreeing to the electronic delivery of notices; and
- The landlord and tenant provide a valid e-mail address for this purpose.

The bill specifies the form that the landlord or tenant must sign. The form advises the parties that agreeing to the electronic delivery of notices is voluntary and that they may revoke the agreement or update their e-mail addresses at any time.

Additionally, notices delivered electronically in accordance with the bill are deemed delivered when sent, unless the e-mail is returned to the sender as undeliverable. The bill does not preclude the service of notices by any other means authorized by law.

These provisions were approved by the Governor and take effect July 1, 2025.

Vote: Senate 35-1; House 108-0

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 948 — Flood Disclosure

by Rules Committee; Judiciary Committee; and Senator Bradley

The bill requires a landlord of residential rental property or a mobile home park owner to disclose certain information regarding flood risks and past flooding of the property to prospective tenants. A tenant who does not receive the disclosures and who incurs substantial losses or damages due to flooding may terminate the lease and may be entitled to refund of advance rents paid if certain conditions are met.

Similarly, the bill requires the developer of a condominium or cooperative to disclose information relating to flood risks and past flooding of the property in a contract for the sale or long-term rental of a condominium or cooperative unit.

Lastly, the bill expands the flood-related disclosures required under current law that must be provided to a prospective purchaser of residential real property. The bill requires the seller to disclose whether he or she is aware of any flood damage that occurred during his or her ownership and whether he or she has received assistance from any source for flood damage to the property, as opposed to just federal sources.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2025.

Vote: Senate 37-0; House 114-0

Committee on Judiciary

CS/CS/HB 1173 — Florida Trust Code

by Judiciary Committee; Civil Justice & Claims Subcommittee; and Rep. Duggan (CS/SB 806
by Judiciary Committee and Senator Yarborough)

The bill (Chapter 2025-18, L.O.F.) provides that, where the Attorney General has asserted his or her authority to enforce the terms of a charitable trust having its principal place of administration in this state, the Attorney General has the exclusive standing to assert the interests of the general public in the trust. The term “standing” means the legal right to pursue a particular civil action. This has the effect of limiting the common law special interest rule that gives a person having a “special interest” in a charitable trust standing to file an action to enforce the terms of the charitable trust.

These provisions became law upon approval by the Governor on April 29, 2025.
Vote: Senate 32-4; House 107-3

Committee on Judiciary

CS/SB 1430 — Postjudgment Execution Proceedings Relating to Terrorism

by Criminal Justice Committee and Senator Collins

The bill expands current law remedies available to a victim of international terrorism to collect a civil judgment against a terrorist party or an agency or instrumentality of a terrorist. The bill authorizes creditor process to be served upon any person or entity over whom the court has jurisdiction, thereby subjecting the assets to Florida jurisdiction. A Florida court enforcing a terrorism victim's anti-terrorism judgment may garnish intangible assets wherever they are located, without territorial limitation. If these intangible assets are traceable to the terrorist judgment debtor they are subject to execution, garnishment, and turnover by a United States securities custodian or intermediary. In addition, if an electronic funds transfer is currently being held by an intermediary and either the sender or recipient is the terrorist judgment debtor or a related party, the funds are deemed to be property of the terrorist judgment debtor and subject to seizure to apply against the judgment.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 115-0

Committee on Judiciary

CS/CS/HB 1559 — Vexatious Litigants

by Judiciary Committee; Civil Justice & Claims Subcommittee; and Reps. Sapp, Fabricio, and others (CS/CS/SB 1650 by Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senators Grall and Yarborough)

A vexatious litigant is a pro se litigant who has filed numerous meritless actions for the purpose of abusing or harassing the other party. Such a person who has filed five or more civil actions in the past 5 years that were adversely determined against the person is subject to being listed as a vexatious litigant on a registry maintained by the Florida Supreme Court. A vexatious litigant on the registry is barred from filing a pro se civil action without court permission and the posting of financial security. A clerk of court must reject any case filing that a vexatious litigant attempts to file without permission or security. The bill amends the Florida Vexatious Litigant Law based on suggestions from a workgroup appointed by the Supreme Court to examine the law.

The bill expands the scope of the law to take additional instances of misconduct into account in determining whether a person is subject to registration as a vexatious litigant. The additional instances of misconduct include:

- Misconduct in additional case types—small claims cases and family law actions.
- Misconduct in additional courts—courts of other states and federal courts.
- Adverse decisions in cases commenced during the last 7 years instead of the last 5 years, except for cases found by a court to have been commenced in good faith.
- The repeated filing of frivolous pleadings in a single case.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/SB 1622 — Beaches

by Rules Committee and Senators Trumbull, Rouson, and Berman

The bill repeals s. 163.035, F.S., which establishes procedures that a governmental entity must follow when attempting to establish a “recreational customary use of property,” and bypasses certain statutory procedures to declare the mean high water line to be the erosion control line (ECL) in certain specified counties.

The customary use doctrine establishes public use rights over certain dry sandy areas of privately-owned beaches. The statutory procedures repealed by the bill would have required:

- A public hearing to adopt a formal notice of intent to affected property owners, which notice alleges the existence of a recreational customary use on their properties.
- A judicial proceeding to consider whether the alleged customary use has been ancient, reasonable, without interruption, and free from dispute.

Repeal of the statute means a return to how customary use rights were determined prior to enactment of the statute:

- A governmental entity may declare the existence of a customary use and adopt a local customary use ordinance without following the procedures in s. 163.035, F.S.
- Property owners must file a lawsuit challenging the ordinance and demonstrate in court that the public does not enjoy customary use rights over their privately-owned beaches.
- Courts will apply the common law doctrine of customary use when ascertaining, on a case-by-case basis, whether the public enjoys customary use rights over privately-owned beaches.

The bill also declares the mean high water line to be the ECL in certain counties. Specifically, with respect to those counties adjacent to the Gulf of America having at least 3 municipalities

and an estimated population of less than 275,000, the bill:

- Bypasses certain existing statutory procedures for establishing the ECL on critically eroded beaches and declares the mean high water line to be the ECL.
- Directs the Board of the Internal Improvement Trust Fund to prepare and record, in the official and platting records of the counties subject to the bill, certain documents confirming the ECL’s location on critically eroded shorelines, but only if an ECL has not already been established.
- Authorizes the Department of Environmental Protection to proceed with beach restoration projects for areas it has designated as critically eroded, and provides that notwithstanding existing law, such projects do not require public easements.
- Includes legislative declarations that the state does not intend to extend its ownership claims beyond what it already owns, and that beach restoration projects for critically eroded beaches are in the public interest.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 35-2; House 108-0

Committee on Judiciary

CS/CS/SB 1652 — Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court

by Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senators Grall and Yarborough

The bill creates a public records exemption for certain information contained in a document that has been stricken by a court in a noncriminal case. For the exemption to apply, the court must find that the matter is immaterial, impertinent, or sham and would defame or cause unwarranted damage to an individual's good name or reputation or jeopardize his or her safety. This kind of information often appears in court proceedings involving a "vexatious litigant." A vexatious litigant is a person who has filed multiple lawsuits that are meritless; however, these individuals are also known to submit documents that are considered scandalous or harassing.

The bill also contains a statement of public necessity as required by law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.

Vote: Senate 35-2; House 115-0

Committee on Judiciary

HB 6017 — Recovery of Damages for Medical Negligence Resulting in Death

by Reps. Trabulsy, López, J., and others (SB 734 by Senators Yarborough, Burgess, Rouson, and Martin)

One aspect of the state’s wrongful death law allows certain surviving family members the right to sue for their noneconomic damages (commonly referred to as “pain and suffering damages”) for the loss of their family member. However, there is a limited exception by which neither an adult child (25+) of an unmarried person who dies due to medical negligence, nor the parents of an adult child (25+) who dies due to medical negligence, may recover noneconomic damages.

The bill repeals this exception and thus provides that, where a wrongful death occurs as a result of medical negligence, a decedent’s adult children may recover noneconomic damages if there is no surviving spouse and provides that the parents of an adult decedent may recover noneconomic damages if there is no surviving spouse or surviving minor or adult children. Accordingly, survivors of a person who dies as a result of medical negligence have the same right to recover noneconomic damages as the survivors of a person who dies from any other form of negligence.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025.

Vote: Senate 33-4; House 104-6