

Committee on Judiciary

CS/HB 131 — Curators of Estates

by Civil Justice & Claims Subcommittee and Rep. Maggard and others (CS/SB 326 by Judiciary Committee and Senator Burgess)

The bill expands the role of curators in probate proceedings. A curator is a person appointed by the court for a limited time to protect the interests of a decedent's estate when a personal representative has not yet been appointed or must be replaced.

Specifically, the bill:

- Increases the number of situations when a court may appoint a curator and gives the court greater discretion regarding the giving of notice.
- Requires curators, except for banks and trust companies serving as curators, to post a reasonable bond unless waived by the court.
- Requires curators to file reports with the court detailing their actions taken in estate management, but only when the court deems it necessary.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 36-0; House 110-0

Committee on Judiciary

HB 145 — Claims Against the Government

by Rep. McFarland (CS/SB 1366 by Rules Committee and Senators Brodeur and Rouson)

The bill revises the state's statutory waiver of sovereign immunity to increase the limits on amounts that the state, its agencies, and political subdivision may pay for tort claims without further action by the Legislature. The bill also changes the statute of limitations applicable to different types of tort actions against a government entity. Absent the state's statutory waiver of sovereign immunity, which is immunity from lawsuits, lawsuits against the state would be barred.

The specific changes by the bill:

- Increase the statutory caps on payment of claims or the collectability of judgments against the state or its agencies or subdivisions, from \$200,000 per person and \$300,000 per incident, to \$350,000 per person and \$500,000 per incident.
- Revise certain statutes of limitation and presuit procedures for certain types of claims against government entities, including claims for negligence, contribution, medical malpractice, wrongful death, and sexual battery on victims under 16 years of age.

The changes made by the bill apply to causes of action accruing on or after October 1, 2026.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on October 1, 2026.

Vote: Senate 36-0; House 108-1

Committee on Judiciary

CS/CS/HB 177 — Offices of Criminal Conflict and Civil Regional Counsel

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Maney and others (CS/CS/SB 762 by Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senators Martin and Rouson)

The bill provides that if an Office of Criminal Conflict and Civil Regional Counsel is unable to represent an indigent defendant in a death penalty case, the court may appoint a different regional office, in lieu of private counsel, to represent the defendant.

Before the appointment may occur, the original office must notify the court that it has a conflict of interest or that it can no longer represent the defendant. Upon receiving the notice, the court may appoint a different regional office to represent the defendant if the office does not have a conflict of interest and the regional counsel is willing to accept the appointment. If a regional office cannot be appointed to represent the defendant, the court must appoint private counsel.

For clarification, this process does not transfer venue of the case from one circuit to another. Rather, it simply authorizes a different regional office to handle the case.

If a regional office accepts an appointment, and subject to legislative appropriation, all due process costs and services must be paid from funds designated for this purpose and administered by the Justice Administrative Commission. In order to receive payment or reimbursement, the regional counsel, or his or her designee, must certify that the due process costs and services are case related and must submit the appropriate documentation of the expenses.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 36-1; House 114-0

Committee on Judiciary

CS/CS/HB 625 — Justice Administrative Commission

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Baker (CS/CS/SB 758 by Criminal Justice Committee; Judiciary Committee; and Senator Bradley)

The bill changes the membership of the Justice Administrative Commission to add a seat for a private criminal defense attorney who has contracted with the commission to serve as court appointed counsel within the past 5 years appointed by the president of The Florida Bar, a judge or senior judge appointed by the Chief Justice of the Supreme Court, and a state attorney appointed by the Florida Prosecuting Attorneys Association. The commission, with the additional members, will have seven members.

The Justice Administrative Commission is an administrative support organization that provides financial and administrative assistance to the offices of the state attorneys, public defenders, capital collateral attorneys, criminal conflict and civil regional counsel, Statewide Guardian ad Litem, and private contractors that provide due process services to indigent persons. There are currently four voting members of the commission – two state attorneys and two public defenders.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 37-0; House 110-0

Committee on Judiciary

CS/CS/HB 655 — Pub. Rec. and Pub. Meetings/Attorney Meetings to Discuss Private Property Rights Claims

by Government Operations Subcommittee; Civil Justice & Claims Subcommittee; and Reps. Duggan, Daley, and others (CS/CS/SB 332 by Governmental Oversight and Accountability Committee; Judiciary Committee; and Senator Bradley)

The bill creates a public meetings exemption to allow an agency to meet privately with its attorney to review a claim made against the government pursuant to the Bert J. Harris, Jr., Property Rights Protection Act. The bill also creates a public records exemption for the transcript, recordings, minutes, and records generated during an exempt portion of such meeting. Once the claim is resolved or has expired, the records of the meeting will be accessible to the public.

The Bert Harris Act creates a means for a landowner to seek compensation in certain instances where a local government entity has taken an action that has reduced the fair market value of the land. A claimant must make a claim before filing a lawsuit and the local government must respond to the claim. Under current law, the meeting among government officials and their attorney to discuss a Bert Harris claim and determine potential settlement offers must be open to the public. However, similar meetings of a public body to discuss lawsuit strategies and settlement offers are closed to the public during the course of the lawsuit but the meeting records become accessible when the litigation is concluded.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 37-0; House 116-0

Committee on Judiciary

CS/SB 820 — Problem-solving Court Reports

by Appropriations Committee on Criminal and Civil Justice and Senator Bradley

The state currently has 182 problem-solving courts which may be found operating in every county of the state. Rather than function in the traditional adversarial model, problem-solving courts provide non-adversarial proceedings with a dedicated judge who monitors each participant's progress and compliance. The Office of the State Courts Administrator is required to provide an annual report to the Legislature which identifies the number of participants in each problem-solving court, the types of services provided, sources of funding, and performance outcomes.

The bill specifies additional data that must be presented in the annual problem-solving court reports prepared by the Office of the State Courts Administrator. The additional data must include data relating to treatment compliance, program completion, and offenses committed during program participation. The bill creates data reporting requirements for early childhood court and veterans treatment court programs and amends data reporting requirements for mental health courts and drug courts. The additional reporting requirements may aid in the evaluation of the effectiveness of problem-solving court programs.

The bill sets forth reporting timelines for problem-solving courts funded by the state courts system's problem-solving court appropriation and all other problem solving courts.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 37-1; House 114-0

Committee on Judiciary

HB 893 — Trust Fund Interest for Purposes Approved by Supreme Court

by Rep. Koster and others (SB 1000 by Senator Grall)

The bill establishes in statute an interest on trust account rate that financial institutions must pay when paying interest or dividends on a lawyer or law firm's trust account—which is known as an Interest on Trust Account (IOTA) account. The substance of this bill is the result of an agreement between The Florida Bar and the Florida Bankers Association.

Under the bill, the interest or dividends will be remitted to an entity established by the Florida Supreme Court which uses the funds to provide free legal services to low-income people or for other purposes expressly authorized by a rule of the Court. This is consistent with current practice whereby IOTA funds are transmitted from financial institutions to The Florida Bar and the Bar's Foundation distributes the funds, primarily, to provide legal assistance to the poor. Currently, the formula for calculating interest and dividend rates is set forth in The Florida Bar Rules, not statute. The bill makes a significant change and establishes in the Florida Statutes the interest rate formula that is to be paid.

If a financial institution holds one of these trust accounts, it must pay, after all fees and charges are assessed by the institution, interest or dividends at the Wall Street Journal Prime Rate in effect on the first business day of each month, less 300 basis points, or 3.0 percent, with a minimum floor of 0.25 percent and a maximum ceiling rate, of 1.5 percent.

By establishing the floor rate, the Bar Foundation is assured that it will receive funds to finance the IOTA program during periods of low interest rates. By establishing a ceiling rate, the financial institutions are assured that they can operate the IOTA accounts at a profit over the long term.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 38-0; House 112-0

Committee on Judiciary

HB 895 — Trustee Settlement and Discharge

by Reps. Hodgers, Fabricio, and others (CS/SB 786 by Judiciary Committee and Senator Berman)

The bill amends the Trust Code and creates a procedure for a trustee to discharge his or her trust responsibilities without court approval. Under current law, a trustee must receive court approval to discharge his or her trustee responsibilities. Obtaining court approval can consume a considerable amount of time and deplete a significant amount of the trust's financial resources.

This new procedure applies only to irrevocable trusts and does not displace other discharge procedures in statute. If a beneficiary objects to the summary discharge of the trustee, the trustee must follow the current statutory discharge procedure.

To initiate the procedure, the trustee must provide trust beneficiaries, and potentially others, with:

- Disclosures relating to the trust assets, including a plan of distribution;
- Contact information for the trustee;
- A statement that the trust has terminated or that the trustee has resigned or has been removed; and
- A notice that claims against the trustee will be barred unless a beneficiary submits a written objection to the trustee within 60 days.

If the trustee does not receive a timely objection, the trustee is discharged upon completion of all distributions or transfers in accordance with the plan of distribution. Once discharged from the responsibilities of administering the trust, he or she is protected against future legal claims related to his or her actions while serving as a trustee.

The bill applies to trusts that are currently irrevocable and trusts that become irrevocable after the bill becomes effective.

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

Vote: Senate 37-0; House 110-0

Committee on Judiciary

CS/HB 925 — Clerks of the Court

by Civil Justice & Claims Subcommittee and Rep. Trabulsy and others (CS/CS/SB 532 by Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senators Simon, Wright, Osgood, Rodriguez, Calatayud, Jones, Smith, Bracy Davis, Boyd, Massullo, Rouson, DiCeglie, Garcia, Leek, and Harrell)

The bill includes provisions that increase funding for clerks of court without increasing the fees and service charges payable by the public. These provisions direct clerks of court to retain:

- The full amount, rather than 50 percent, of the funds they collect above the Article V Revenue Estimating Conference's original revenue projection.
- Ten percent of certain civil penalties relating to the failure to stop for a school bus that displays a stop signal.
- A greater percentage of the civil traffic violation fees that occur within a municipality.

Additionally, the amendment gives clerks of court or county comptrollers additional options for publishing legal notices and advertisements regarding real property. These additional options allow a clerk or comptroller to publish the notices and advertisements on the clerk's or comptroller's website or on a private website designated by such entities.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 38-0; House 101-5

Committee on Judiciary

CS/HB 1293 — Fraudulent Entry of Residential Dwellings

by Criminal Justice Subcommittee and Rep. Greco and others (CS/CS/SB 1224 by Criminal Justice Committee; Judiciary Committee; and Senator Rodriguez)

The bill creates the concept of fraudulent entry upon real property. Fraudulent entry is the act of entering into and taking possession of a residential dwelling unit by giving a landlord false statements regarding identity, false identity documents, or false financial documents, or by impersonating another person, in order to fraudulently gain possession of the dwelling unit. The bill creates a third degree felony criminal offense for fraudulent entry into a residential property.

The bill also amends civil landlord tenant laws to add that a person in possession of a residential dwelling because of fraudulent entry is subject to the existing eviction procedures regarding matters that may not be cured by a tenant. In these circumstances, a tenant has 7 days to vacate the premises after receiving the landlord's notice of termination of the rental agreement.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on October 1, 2026.

Vote: Senate 34-0; House 110-0

Committee on Judiciary

CS/HB 1337 — Estates

by Judiciary Committee and Reps. Tuck, Fabricio, and others (CS/SB 1500 by Banking and Insurance Committee and Senator Bradley)

The bill amends various provisions of state law relating to uncontested probate proceedings. Probate is the court-supervised process for identifying and gathering a decedent's assets, paying the decedent's debts, and distributing the decedent's remaining assets to his or her beneficiaries.

Specifically, the bill:

- Increases the value of estates eligible for summary administration from \$75,000 to \$150,000.
- Increases the value of intestate estates consisting only of certain personal property that may be disposed of without administration from \$10,000 to \$20,000.
- Increases the maximum income tax refund that may be claimed by a decedent's spouse or child without administration of the decedent's estate from \$2,500 to \$5,000.
- Increases the maximum amount of funds in a qualified account held by a financial institution which may be distributed to a family member using affidavit procedures from \$1,000 to \$2,000.
- Requires financial institutions to grant a personal representative access to a decedent's safe deposit box if the personal representative provides a copy of his or her letters of administration to the financial institution and allows the personal representative to pay any accumulated charges for and terminate the safe deposit box lease.
- Authorizes personal representatives to initiate legal proceedings to enforce their authority under the Florida Probate Code and to recover any associated costs, including attorney fees.

In 2024, the Florida Supreme Court established the Workgroup on Uncontested Probate Proceedings (Workgroup) within the Judicial Management Council to make recommendations and improve the efficiency and effectiveness of Florida's processes and procedures for uncontested probate proceedings. The bill implements the Workgroup's recommendations.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 37-0; House 110-0

Committee on Judiciary

CS/HB 1407 — Commencement of Civil Actions

by Judiciary Committee and Rep. Duggan and others (CS/SB 1096 by Rules Committee and Senator Burgess)

The bill establishes a statute of limitation to clarify and limit the amount of time that a person who files an employment discrimination complaint with the Equal Employment Opportunity Commission (EEOC) or the Florida Human Relations Commission (Commission) has to file a civil action for the alleged discrimination.

The bill provides that a complainant who chooses to file a civil action must file no later than 1 year after the Commission issues a determination of reasonable cause or the EEOC issues a Notice of Right to Sue, whichever occurs first. However, if a determination is not made or a notice is not issued within 180 days after a complaint is filed, a civil action may be brought by the complainant, but no later than 18 months after the complaint was filed.

The bill also deletes a requirement that the Commission send certain correspondence to the parties through registered mail. Instead, the Commission may send correspondence relating to complaints, reasonable cause determinations, and the complainant's rights by other means such as regular U.S. Mail.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 37-0; House 108-0

Committee on Judiciary

CS/CS/HB 1471 — Systems of Law and Terrorist Organizations

by Judiciary Committee; Education & Employment Committee; and Rep. Cassel and others (CS/CS/SB 1632 by Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senator Grall)

The bill protects the state from ideologies inconsistent with American principals by:

- Prohibiting a court, administrative law judge, hearing officer, agency, arbitration panel, or any other authority or tribunal from applying a provision of foreign law or religious law that would result in a violation of a person's constitutional rights;
- Prohibiting a court from enforcing a foreign judgment or order that is the result of the application of foreign law or religious law which is inconsistent with a person's constitutional rights or otherwise violates public policy;
- Prohibiting the enforcement of a choice of law clause in a contract to the extent that the provision would violate a person's constitutional rights;
- Prohibiting the enforcement of a forum selection clause in a contract which would likely result in a violation of a person's constitutional rights;
- Allowing the Department of State to administratively dissolve a corporation that has been designated as a domestic or foreign terrorist organization;
- Providing that a domestic terrorist organization is subject to the same laws and restrictions that currently apply to a foreign terrorist organization;
- Providing that the current criminal penalty for joining a foreign terrorist organization applies to the act of joining, supporting, or assisting a domestic terrorist organization;
- Allowing the Chief of Domestic Security (within the Florida Department of Law Enforcement) to designate a qualifying organization as a domestic terrorist organization or a foreign terrorist organization;
- Requiring notice prior to a designation of a terrorist organization, and providing a means for appeal of the designation;
- Prohibiting the state and its subdivisions from expending any monies to support a terrorist organization or accepting any funds from a terrorist organization;
- Providing that a private school accepting vouchers may not contract with, and the school may not be owned or operated by, or accept funds except in limited circumstances from a person affiliated with, a terrorist organization;
- Providing that a private school accepting vouchers may not contract with, and the school may not be owned or operated by, or accept funds from a school program or student group that promotes a terrorist organization or promotes a person or entity that provides material support to a terrorist organization;
- Prohibiting a public school from expending state or federal funds to promote, support, or maintain any programs or campus activities that promote a terrorist organization or that promote a person or entity providing support to a terrorist organization;
- Providing that a state university or college may not promote a terrorist organization, and that the state may withhold performance-based funding as a penalty for such promotion;

- Requiring a college or university to report to the U.S. Department of Homeland Security if a student on a student visa is promoting terrorism; and
- Requiring a college or university to immediately expel a student promoting terrorism resulting in the student's loss of the benefit of in-state tuition, fee waiver, scholarship, financial aid, state grants, and tuition assistance.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 25-11; House 80-25

Committee on Judiciary

CS/CS/HB 1473 — Pub. Rec./Terrorist Organizations

by Judiciary Committee; Government Operations Subcommittee; and Rep. Cassel and others (CS/CS/SB 1634 by Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senator Grall)

The bill creates public records exceptions related to the designation of certain organizations as a domestic terrorist organization or a foreign terrorist organization as provided in the related substantive bill, CS/CS/HB 1471.

The substantive bill requires the Chief of Domestic Security to provide written notice and findings to the Governor and Cabinet of his or her intent to designate an organization as a domestic terrorist organization or a foreign terrorist organization. This bill exempts from public disclosure any portion of the information supporting the designation which would reveal information critical to state or national security.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and reenacted by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on the same date that CS/CS/HB 1471 takes effect and becomes law.

Vote: Senate 26-8; House 80-26