

<b>Tab 1</b>	<b>CS/SB 752</b> by <b>JU, Simon</b> ; Similar to H 00667 Defamation, False Light, and Unauthorized Publication of Name or Likenesses					
<b>Tab 2</b>	<b>SB 846</b> by <b>Polsky</b> ; Identical to H 00915 Notary Public Fraud					
496196	D	S	RCS	CM, Polsky	Delete everything after	03/25 12:01 PM
<b>Tab 3</b>	<b>SB 854</b> by <b>Ingoglia</b> ; Similar to H 00117 Consumer Protection					
<b>Tab 4</b>	<b>SB 868</b> by <b>Ingoglia</b> ; Compare to CS/H 00743 Social Media Use by Minors					
588638	D	S	RCS	CM, Ingoglia	Delete everything after	03/25 12:14 PM
<b>Tab 5</b>	<b>SB 918</b> by <b>Collins</b> ; Similar to H 01225 Employment of Minors					
<b>Tab 6</b>	<b>SB 1734</b> by <b>Collins (CO-INTRODUCERS) Calatayud</b> ; Similar to H 01489 Florida Kratom Consumer Protection Act					
406210	A	S	RS	CM, Collins	Delete L.77 - 189:	03/25 12:34 PM
371938	SA	S	LRCS	CM, Collins	Delete L.77 - 189:	03/25 12:34 PM
<b>Tab 7</b>	<b>SB 1438</b> by <b>Grall</b> ; Identical to H 00931 Online Access to Materials Harmful to Minors					
<b>Tab 8</b>	<b>SB 578</b> by <b>Leek</b> ; Identical to H 00161 Wine Containers					
412314	A	S	LRCS	CM, Leek	Delete L.14:	03/25 12:47 PM
<b>Tab 9</b>	<b>SB 800</b> by <b>McClain</b> ; Identical to H 01201 Requirements for Battery Manufacturers					
581132	A	S	LRCS	CM, McClain	Delete L.48 - 56:	03/25 01:01 PM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMERCE AND TOURISM**  
**Senator Leek, Chair**  
**Senator Arrington, Vice Chair**

**MEETING DATE:** Tuesday, March 25, 2025

**TIME:** 8:30—10:30 a.m.

**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

**MEMBERS:** Senator Leek, Chair; Senator Arrington, Vice Chair; Senators Davis, DiCeglie, Gruters, McClain, Smith, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 752</b> Judiciary / Simon (Similar H 667)	Defamation, False Light, and Unauthorized Publication of Name or Likenesses; Requiring that certain articles or broadcasts be removed from any website over which the newspaper, broadcaster, or periodical has control within a specified period to limit damages for defamation; providing persons in certain positions relating to newspapers with immunity for defamation if such persons exercise due care to prevent publication or utterance of such a statement; declaring that the continued appearance on any website over which the newspaper, broadcaster, or periodical has control of a published statement determined to be false is deemed to be a new publication of the false statement for certain purposes and that the owner, licensee, or operator is not entitled to a certain privilege, etc.  JU      03/12/2025 Fav/CS CM      03/25/2025 Favorable RC	Favorable Yeas 6 Nays 3
2	<b>SB 846</b> Polsky (Identical H 915)	Notary Public Fraud; Prohibiting the literal translation of the phrase "Notary Public" into a language other than English; prohibiting notaries public from using specified terms to describe themselves under certain circumstances; authorizing certain entities to file suit for declaratory or injunctive relief for certain violations; prohibiting certain persons from engaging in the practice of law in immigration matters for compensation or specified acts or practices for compensation in immigration matters, etc.  CM      03/25/2025 Fav/CS JU RC	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Commerce and Tourism

Tuesday, March 25, 2025, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SB 854</b> Ingoglia (Similar H 117)	Consumer Protection; Requiring an unlicensed vendor providing home repair services to take certain actions within a specified timeframe after receiving payment, except under certain circumstances; prohibiting an unlicensed vendor who has received money in excess of the value of the work performed from failing to perform such work within a specified period of time; providing for prosecution of violations; revising an exemption from permitting requirements for certain solicitors, salespersons, and agents, etc.  CM 03/25/2025 Favorable CJ FP	Favorable Yeas 9 Nays 0
4	<b>SB 868</b> Ingoglia (Compare CS/H 743)	Social Media Use by Minors; Requiring social media platforms to disable certain encryption features for a specified purpose, etc.  CM 03/25/2025 Fav/CS JU RC	Fav/CS Yeas 7 Nays 2
5	<b>SB 918</b> Collins (Similar H 1225)	Employment of Minors; Deleting certain restrictions on minors 16 and 17 years of age being employed, permitted, or suffered to work; revising the exceptions to such restrictions for certain minors; deleting a provision authorizing the Department of Business and Professional Regulation to grant a waiver of such restrictions, etc.  CM 03/25/2025 Favorable RI RC	Favorable Yeas 5 Nays 4
6	<b>SB 1734</b> Collins (Similar H 1489)	Florida Kratom Consumer Protection Act; Revising the definition of the term "kratom product"; prohibiting processors from manufacturing, delivering, offering for sale, distributing, or selling finished kratom products that do not meet specified requirements; requiring that kratom products be manufactured by, delivered to, offered for sale by, distributed by, or sold by a processor who holds a certain permit; requiring such processors to be registered with the United States Food and Drug Administration; prohibiting the serving of kratom beverages combined with alcohol, drugs, or other kratom products, etc.  CM 03/25/2025 Fav/CS AEG FP	Fav/CS Yeas 8 Nays 1

**COMMITTEE MEETING EXPANDED AGENDA**

Commerce and Tourism

Tuesday, March 25, 2025, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 1438</b> Grall (Identical H 931, Compare H 1503, S 1718)	Online Access to Materials Harmful to Minors; Requiring a developer to, beginning on a specified date, make specific determinations about covered applications, provide notice to application stores about such applications, and provide certain features for parents to protect a user that is a child; requiring a covered manufacturer to, beginning on a specified date, take certain steps to determine specified information about the user, provide certain notices, and provide developers of covered applications with a specified means to verify the age of a user; providing requirements for devices sold before a specified date; providing construction, etc.  CM 03/17/2025 Temporarily Postponed CM 03/25/2025 Temporarily Postponed JU RC	Temporarily Postponed
8	<b>SB 578</b> Leek (Identical H 161, Compare H 6015)	Wine Containers; Providing that wine may be sold in recyclable containers of a specified volume, etc.  RI 03/12/2025 Favorable CM 03/25/2025 Fav/CS RC	Fav/CS Yeas 8 Nays 1
9	<b>SB 800</b> McClain (Identical H 1201)	Requirements for Battery Manufacturers; Prohibiting cell manufacturers or marketers from selling consumer or nonconsumer products powered by medium-format, portable, lithium, or primary batteries, etc.  EN 03/11/2025 Favorable CM 03/25/2025 Fav/CS RC	Fav/CS Yeas 9 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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**Senate Confirmation Hearing:** A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

**Florida Development Finance Corporation**

10	Popack, Moshe (Miami Beach)	05/02/2028	Recommend Confirm Yeas 9 Nays 0
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**Board of Supervisors of the Central Florida Tourism Oversight District**

11	Workman, Scott (Orlando)	02/26/2027	Recommend Confirm Yeas 9 Nays 0
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**Reemployment Assistance Appeals Commission**

12	Atkinson-Hazelton, Geri (Tallahassee)	06/30/2028	Recommend Confirm Yeas 9 Nays 0
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**COMMITTEE MEETING EXPANDED AGENDA**  
Commerce and Tourism  
Tuesday, March 25, 2025, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents



**THE FLORIDA SENATE**  
**SENATOR NICK DICEGLIE**  
District 18

**Ben Albritton**  
President of the Senate

**Jason Brodeur**  
President Pro Tempore

March 22, 2025

Dear Chair Leek,

Senator DiCeglie will be unable to attend the Committee on Commerce and Tourism. Please let me know if we can be of any assistance to the committee or chair.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

*Proudly Serving Pinellas County*

Appropriations Committee on Transportation, Tourism, and Economic Development,  
Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~  
Appropriations Committee on Agriculture, Environment, and General Government ~  
Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~  
Joint Select Committee on Collective Bargaining

# CourtSmart Tag Report

**Room:** SB 110                      **Case No.:**  
**Caption:** Senate Commerce Committee

**Type:**  
**Judge:**

**Started:**                      **3/25/2025 8:32:45 AM**  
**Ends:**   **3/25/2025 10:22:58 AM**   **Length:** **01:50:14**

**8:32:45 AM** Chair Leek calls meeting to order  
**8:32:47 AM** Roll call  
**8:32:50 AM** Quorum present  
**8:33:13 AM** Chair Leek with comments  
**8:33:28 AM** Tab 7, SB 1438 TP'd  
**8:33:32 AM** Tab 1 CS/SB 752, Defamation, False Light, and Unauthorized Publication of Name or Likenesses introduced by Chair Leek  
**8:33:47 AM** Explanation of Bill by Senator Simon  
**8:34:51 AM** Chair Leek with comments  
**8:34:56 AM** Question  
**8:34:59 AM** Senator Smith  
**8:35:01 AM** Senator Simon  
**8:36:07 AM** Chair Leek with comments  
**8:36:39 AM** Appearance Forms  
**8:36:46 AM** Bobby Block  
**8:37:54 AM** James Lake  
**8:38:53 AM** Sam Morley  
**8:39:54 AM** Pamela Burch Fort, PEN America FL  
**8:40:04 AM** Tsi Day Smyth  
**8:40:11 AM** Corey Bleakley  
**8:41:40 AM** Spike Poma  
**8:41:44 AM** Sarah Parker  
**8:42:14 AM** Ashe Bradley  
**8:42:20 AM** Mandi Langworthy  
**8:43:35 AM** Rain Johnson  
**8:43:38 AM** Amy Keith  
**8:43:46 AM** Barry Richard  
**8:44:44 AM** Chair Leek with comments  
**8:44:49 AM** Debate  
**8:44:50 AM** Senator Smith  
**8:45:31 AM** Chair Leek with comments  
**8:45:37 AM** Closure by Senator Simon  
**8:45:51 AM** Roll call  
**8:46:24 AM** CS/SB 752 reported favorably  
**8:46:53 AM** Tab 2 SB 846, Notary Public Fraud introduced by Chair Leek  
**8:47:00 AM** Explanation of Bill by Senator Polsky  
**8:48:06 AM** Chair Leek with comments  
**8:48:25 AM** Amendment Barcode No. 496196 introduced by Chair Leek  
**8:48:30 AM** Explanation of Amendment by Senator Polsky  
**8:48:39 AM** Chair Leek with comments  
**8:48:53 AM** Closure waived  
**8:48:56 AM** Amendment adopted

**8:49:00 AM** Chair Leek with comments  
**8:49:13 AM** Appearance Forms  
**8:49:19 AM** Margaret Wilson  
**8:50:28 AM** Yarelis Mendez-Zamora  
**8:50:30 AM** Dr. Rich Templin, Florida AFL-CIO  
**8:50:39 AM** Karen Woodall, Florida Center for Fiscal & Economic Policy  
**8:50:42 AM** Tiffany Hankins, Florida Immigrant Coalition  
**8:50:54 AM** Debate  
**8:50:57 AM** Senator Smith  
**8:51:43 AM** Chair Leek with comments  
**8:51:54 AM** Closure by Senator Polsky  
**8:52:01 AM** Roll call  
**8:52:02 AM** CS/SB 846 reported favorably  
**8:52:24 AM**  
**8:52:26 AM** Tab 9 SB 800, Requirements for Battery Manufacturers introduced by Chair Leek  
**8:52:32 AM** Explanation of Bill by Senator McClain  
**8:53:28 AM** Chair Leek with comments  
**8:53:59 AM** Late-filed Amendment Barcode No. 581132 introduced by Chair Leek  
**8:54:02 AM** Explanation of Amendment by Senator McClain  
**8:54:16 AM** Chair Leek with comments  
**8:54:37 AM** Closure waived  
**8:54:39 AM** Amendment adopted  
**8:54:42 AM** Chair Leek with comments  
**8:54:53 AM** Appearance Forms  
**8:55:02 AM** Kenya Cory, National Waste & Recycling Association, Florida Chapter  
**8:55:55 AM** Jim MaGill  
**8:56:01 AM** George Kerchner  
**8:56:14 AM** Jessica Kraynak, Florida Retail Federation  
**8:56:57 AM** Chair Leek with comments  
**8:57:07 AM** Closure by Senator McClain  
**8:57:14 AM** Roll call  
**8:57:39 AM** CS/SB 800 reported favorably  
**8:58:03 AM** Chair passed to Senator Arrington  
**8:58:19 AM** Tab 8, SB 578, Wine Containers introduced by Chair Arrington  
**8:58:25 AM** Explanation of Bill by Senator Leek  
**8:58:31 AM** Chair Arrington with comments  
**8:59:25 AM** Questions  
**8:59:28 AM** Senator Gruters  
**8:59:34 AM** Senator Leek  
**8:59:59 AM** Senator Gruters  
**9:00:02 AM** Senator Leek  
**9:00:22 AM** Chair Arrington with comments  
**9:00:28 AM** Late-filed Amendment Barcode No. 412314 introduced by Chair Arrington  
**9:00:31 AM** Explanation of Amendment by Senator Leek  
**9:00:44 AM** Chair Arrington with comments  
**9:00:57 AM** Closure waived  
**9:00:59 AM** Amendment adopted  
**9:01:05 AM** Chair Arrington with comments  
**9:01:20 AM** Closure waived  
**9:01:23 AM** Roll call  
**9:01:27 AM** CS/SB 578 reported favorably  
**9:01:51 AM** Chair returned to Chair Leek

9:01:57 AM Tab 6 SB 1734, Florida Kratom Consumer Protection Act introduced by Chair Leek  
9:02:07 AM Explanation of Bill by Senator Collins  
9:02:47 AM Chair Leek with comments  
9:02:57 AM Amendment Barcode No. 406210 introduced by Chair Leek  
9:03:03 AM Late-filed Amendment Barcode No. 371938 introduced by Chair Leek  
9:03:12 AM Explanation of Substitute Amendment by Senator Collins  
9:03:25 AM Chair Leek with comments  
9:03:51 AM Closure waived  
9:03:53 AM Amendment adopted  
9:03:59 AM Chair Leek with comments  
9:04:17 AM Question  
9:04:18 AM Senator Gruters  
9:04:21 AM Senator Collins  
9:05:57 AM Chair Leek with comments  
9:06:05 AM Appearance Forms  
9:06:13 AM J.D. McCormick  
9:07:08 AM Chris McCurdy  
9:07:33 AM Barney Bishop III, Florida Smart Justice Alliance  
9:07:57 AM Chair Leek with comments  
9:08:01 AM Debate  
9:08:03 AM Senator Smith  
9:08:56 AM Senator Collins with closure  
9:11:33 AM Roll call  
9:11:37 AM CS/SB 1734 reported favorably  
9:12:05 AM Tab 5 SB 918, Employment of Minors introduced by Chair Leek  
9:12:12 AM Explanation of Bill by Senator Collins  
9:12:50 AM Chair Leek with comments  
9:12:54 AM Questions  
9:12:56 AM Senator Arrington  
9:12:59 AM Senator Collins  
9:14:40 AM Senator Arrington  
9:14:46 AM Senator Collins  
9:14:59 AM Senator Arrington  
9:15:55 AM Senator Collins  
9:16:24 AM Senator Arrington  
9:17:13 AM Senator Collins  
9:17:35 AM Senator Smith  
9:17:50 AM Senator Collins  
9:18:47 AM Senator Smith  
9:19:30 AM Senator Collins  
9:19:59 AM Senator Smith  
9:20:08 AM Senator Collins  
9:20:34 AM Senator Smith  
9:20:37 AM Senator Collins  
9:21:14 AM Senator Smith  
9:21:58 AM Senator Collins  
9:23:36 AM Chair Leek with comments  
9:23:43 AM Appearance Forms  
9:23:46 AM Dr. Rich Templin, Florida AFL-CIO  
9:24:33 AM Tim Nungesser, NFIB  
9:24:47 AM Tsi Day Smyth  
9:24:51 AM Greg S. Mathers, Moms for Liberty Florida

9:24:54 AM Thomas Kennedy  
9:25:58 AM Dannie McMillon  
9:26:02 AM William Lawson  
9:26:04 AM Pamela Burch Fort  
9:27:04 AM Spike Poma  
9:27:06 AM Jose Hoyos  
9:27:09 AM Kim Smith  
9:27:13 AM Glenda Abicht  
9:28:04 AM Rain Johnson  
9:28:09 AM Michael Grenon  
9:28:13 AM Manuel Hartman  
9:28:23 AM Kevin Day  
9:29:07 AM Sarah Parker  
9:29:11 AM Gina Morella  
9:29:15 AM Arlease Williams  
9:29:19 AM Deidra Fransaw  
9:30:12 AM Mandi Langworthy  
9:30:16 AM Stephen Simen  
9:30:20 AM Reese Howell  
9:30:22 AM Thomas Kinnedy  
9:31:27 AM Jackson Oberlink, Florida Rising  
9:31:30 AM Charman Postel  
9:32:39 AM Karen Woodall, Florida Center for Fiscal & Economic Policy  
9:32:47 AM Corey Bleakley  
9:32:54 AM Nadeska Concha  
9:32:57 AM Chris Pagel  
9:34:00 AM Dr. Alexis Tsoukalas, Florida Policy Institute  
9:34:04 AM Jonathan Fielder  
9:34:09 AM Echo Nova  
9:35:16 AM Yareliz Mendez-Samorat  
9:35:19 AM Katelyn Tu  
9:35:22 AM Mira Lemstrom  
9:36:26 AM Simone Liang  
9:36:31 AM Arista Athanassie  
9:36:36 AM Chloe Bareswilt  
9:37:21 AM Cameron Driggers  
9:37:24 AM Rania Chehaitli  
9:37:41 AM Lauren Ronson  
9:38:51 AM Leydi Amador  
9:38:55 AM Anna Jones  
9:38:59 AM Muah Dahn  
9:39:01 AM Kara Gross  
9:39:58 AM Laura Munoz  
9:40:02 AM Dwight Bullard  
9:41:14 AM Annastacia Robinson  
9:41:26 AM Debate  
9:41:29 AM Senator Smith  
9:44:14 AM Senator Arrington  
9:46:02 AM Senator Gruters  
9:46:40 AM Senator Davis  
9:48:38 AM Senator DiCeglie  
9:49:19 AM Senator Wright

**9:49:38 AM** Chair Leek with comments  
**9:49:44 AM** Senator Collins with closure  
**9:53:12 AM** Roll call  
**9:54:12 AM** SB 918 reported favorably  
**9:54:43 AM** Tab 3 SB 854, Consumer Protection introduced by Chair Leek  
**9:54:45 AM** Explanation of Bill by Senator Ingoglia  
**9:55:44 AM** Chair Leek with comments  
**9:55:55 AM** Appearance Forms  
**9:55:57 AM** Dallas Thiesen, Florida Swimming Pool Association  
**9:56:03 AM** Edda Ivonne Fernandez, AARP  
**9:56:08 AM** Chair Leek with comments  
**9:56:13 AM** Closure by Senator Ingoglia  
**9:56:24 AM** Roll call  
**9:57:25 AM** SB 854 reported favorably  
**9:57:46 AM** Tab 10, 11 and 12 Confirmation Hearing, Moshe Popack, Scott Workman and Geri Atkinson-Hazelton introduced by Chair Leek  
**9:58:25 AM** Motion to recommend confirmations by Senator Wright  
**9:58:50 AM** Motion adopted  
**9:58:53 AM** Roll call  
**9:58:58 AM** Confirmations approved  
**9:59:15 AM** Tab 4 SB 868, Social Media Use by Minors introduced by Chair Leek  
**9:59:25 AM** Amendment Barcode No. 588638 introduced by Chair Leek  
**9:59:33 AM** Explanation of Amendment by Senator Ingoglia  
**10:01:45 AM** Chair Leek with comments  
**10:02:01 AM** Katie Kelly, Technet  
**10:02:08 AM** Closure waived  
**10:02:23 AM** Amendment adopted  
**10:02:26 AM** Questions  
**10:02:29 AM** Senator Gruters  
**10:02:33 AM** Senator Ingoglia  
**10:02:56 AM** Senator Gruters  
**10:03:01 AM** Senator Ingoglia  
**10:03:42 AM** Senator Gruters  
**10:03:45 AM** Senator Ingoglia  
**10:04:03 AM** Senator Smith  
**10:04:07 AM** Senator Ingoglia  
**10:05:10 AM** Senator Smith  
**10:05:15 AM** Senator Ingoglia  
**10:05:42 AM** Senator Davis  
**10:06:25 AM** Senator Ingoglia  
**10:07:24 AM** Senator Davis  
**10:07:27 AM** Senator Ingoglia  
**10:08:07 AM** Chair Leek with comments  
**10:08:13 AM** Appearance Forms  
**10:08:16 AM** Aaron DiPietro, Florida Family Voice  
**10:08:18 AM** Ryan Kennedy, Florida Citizens Alliance  
**10:08:24 AM** David McGarry, Taxpayers Protection Alliance  
**10:08:31 AM** Pamela Burch Fort, PEN America FL  
**10:08:37 AM** Spike Poma  
**10:08:39 AM** Ashe Bradley  
**10:09:23 AM** Corey Bleakley  
**10:09:26 AM** Rain Johnson

**10:09:29 AM** Sarah Parker  
**10:09:33 AM** Echo Nova  
**10:10:22 AM** Tsi Day Smyth  
**10:10:30 AM** Turner Loesel  
**10:12:18 AM** Mendi Langworthy  
**10:13:59 AM** Barney Bishop III, Florida Smart Justice Alliance  
**10:14:05 AM** Greg S. Mathers, Moms for Liberty Florida  
**10:14:10 AM** Chair Leek with comments  
**10:14:14 AM** Debate  
**10:14:18 AM** Senator Smith  
**10:15:44 AM** Closure by Senator Ingoglia  
**10:19:02 AM** Roll call  
**10:20:05 AM** SB 868 reported favorably  
**10:20:29 AM** Chair Leek with comments  
**10:20:41 AM** Senator Smith with vote change on SB 1734 from negative to affirmative  
**10:21:17 AM** Chair Leek with comments  
**10:21:21 AM** Senator DiCeglie, Affirmative CS/SB 752, CS/SB 846, CS/SB 1734, CS/SB 800, SB 854, Tabs 10-12 Confirmations in the affirmative  
**10:21:46 AM** Senator Yarborough voting in the affirmative on Tabs 2, 9, 6 and in the negative on Tab 8  
**10:21:59 AM** Senator Davis voting in the negative on CS/SB 752, CS/SB 1734, in the affirmative CS/SB 846, CS/SB 800, CS/SB 578  
**10:22:27 AM** Chair Leek with comments  
**10:22:33 AM** Senator Gruters moves to adjourn  
**10:22:46 AM** Meeting adjourned



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 752

INTRODUCER: Judiciary Committee and Senator Simon

SUBJECT: Defamation, False Light, and Unauthorized Publication of Name or Likenesses

DATE: March 24, 2025      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
2.	<u>Dike</u>	<u>McKay</u>	<u>CM</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 752 amends two statutes relating to defamation, which is the unprivileged publication of false statements that naturally and proximately result in an injury to another. Generally, the bill imposes requirements on newspapers, broadcasters, and periodicals to remove false and defamatory articles and broadcasts from websites they control after receiving notice of their falsity.

Under existing law, newspapers and broadcast stations have a duty to issue a full and fair correction, apology, or retraction of a false and defamatory news article or broadcast after receiving notice of its falsity. A newspaper or broadcast that fails to timely fulfill this duty is not entitled to limit its damages for defamation to the plaintiff's actual damages. Under the bill, if the article or broadcast is published on a website it controls, the newspaper, broadcaster, or periodical must also permanently remove the article or broadcast from the website within 10 days after receiving notice of the falsity of the article or broadcast to be entitled to the limitation on liability.

The bill also subjects newspapers to the same statutory liability standards that currently apply to radio and television stations, by requiring them to exercise due care to prevent the publication of defamatory statements. Under the bill, failing to permanently remove statements that a reasonable person would conclude to be defamatory from a website the newspaper, broadcaster, or periodical controls will extend the statute of limitations, giving plaintiffs more time to bring suit.

The bill takes effect July 1, 2025.

## II. Present Situation:

### Defamation at Common Law

Defamation is the unprivileged publication of false statements that naturally and proximately result in an injury to another.<sup>1</sup> It has also been described as a statement that tends to harm the reputation of another by lowering him or her in the estimation of the community; or, more broadly stated, one that exposes a plaintiff to hatred, ridicule, or contempt, or injures his business, reputation, or occupation.<sup>2</sup>

The Florida Constitution provides that every person may speak, write, and publish sentiments on all subjects, but will be responsible for the abuse of that right.<sup>3</sup> The law of defamation embodies the public policy that individuals should be free to enjoy their reputations unimpaired by false and defamatory attacks. An action for defamation is based upon a violation of this right.<sup>4</sup>

Different states vary in their anti-defamation statutes; as such, courts in different states will interpret defamation laws differently, and defamation statutes will vary somewhat from state to state.<sup>5</sup> But generally, defamation may take one of three forms:

- Spoken words, commonly known as “slander.”<sup>6</sup>
- A written statement, commonly known as “libel.”<sup>7</sup>
- An implication, commonly known as “false light” invasion of privacy.<sup>8</sup>

Before 2008, Florida courts recognized separate causes of action for slander and libel premised upon spoken or written defamatory statements, but did not recognize a separate cause of action for defamation itself.<sup>9</sup> However, in 2008, the Florida Supreme Court recognized a standalone tort of defamation,<sup>10</sup> and in doing so, it effectively subsumed all claims for slander and libel into that tort. Therefore, defamation now encompasses both libel and slander.<sup>11</sup> False light is not

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<sup>1</sup> *Hoch v. Loren*, 273 So. 3d 56, 57 (Fla. 4<sup>th</sup> DCA 2019) (internal citation omitted).

<sup>2</sup> *Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1108-09 (Fla. 2008) (internal citation omitted).

<sup>3</sup> FLA. CONST. art. I, s. 4.

<sup>4</sup> 19 FLA. JUR. 2D s. 1 *Defamation and Privacy*.

<sup>5</sup> Cornell Law School Legal Information Institute, *Defamation*, <https://www.law.cornell.edu/wex/defamation> (last visited Mar. 24, 2025).

<sup>6</sup> See *Spears v. Albertson's, Inc.*, 848 So. 2d 1176, 1179 (Fla. 1st DCA 2003) (providing that “[s]lander may be defined as the speaking of base and defamatory words”).

<sup>7</sup> See *Dunn v. Air Line Pilots Association*, 193 F.3d 1185, 1191 (11th Cir. 1999) (noting that under Florida law, libel is defined as the unprivileged written publication of false statements).

<sup>8</sup> See RESTATEMENT (SECOND) OF TORTS s. 652E.

<sup>9</sup> See *Delacruz v. Peninsula State Bank*, 221 So. 2d 772, 775 (Fla. 2d DCA 1969) (explaining that there is no such legal cause of action as ‘defamation’ and “[l]ibel and slander may be Founded [sic] on defamation, but the right of action itself is libel or slander, depending upon whether it is written or oral”).

<sup>10</sup> See *Jews for Jesus, Inc.*, 997 So. 2d at 1105-08 (comparing the false light cause of action to the defamation by implication cause of action and recognizing the existence of only the latter in Florida).

<sup>11</sup> *Norkin v. The Florida Bar*, 311 F. Supp. 3d 1299, 1303-04 (S.D. Fla. 2018) (internal citations omitted); *Klayman v. Judicial Watch, Inc.*, 22 F. Supp. 3d 1240, 1247 fn. 2 (S.D. Fla. 2014).

recognized as a separate cause of action in Florida, but like slander and libel, it is nearly identical to a form of defamation known as “defamation by implication.”<sup>12</sup>

Although libel is generally perpetrated by written communication, it also includes defamation through the publication of pictures or photographs.<sup>13</sup> Alteration of a photograph may support a defamation action.<sup>14</sup>

In Florida, the five required elements of a claim for defamation are:

- Publication.
- Falsity.
- Knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person.
- Actual damages.
- A defamatory statement.<sup>15</sup>

“Publication” is a required element because a defamatory statement does not become actionable until it is published or communicated to a third person.<sup>16</sup> Publication requires proof that the statement is exposed to the public so it may be read or heard by a third person, but not necessarily that it has in fact been read or heard by a third person.<sup>17</sup>

The element of “falsity” requires that the defamation be “of and concerning” the plaintiff,<sup>18</sup> and that the allegation or representation about the plaintiff be false.<sup>19</sup> The falsity may be premised upon untruthfulness, such as in the case of slander or libel, or from truthful statements that imply falsely, such as in the case of defamation by implication.<sup>20</sup>

An actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person.<sup>21</sup> With respect to this element, case law has developed which purports to balance the interests of the First Amendment while also protecting people from being unjustly defamed.<sup>22</sup> Accordingly, courts apply an actual malice standard to public figures, and a simple negligence standard to private individuals.<sup>23</sup> A private individual may recover actual damages from a media defendant that

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<sup>12</sup> See *Jews for Jesus, Inc.*, 997 So. 2d at 1108 (comparing the false light cause of action to the defamation by implication cause of action, and recognizing the existence of only the latter in Florida); but see RESTATEMENT (SECOND) OF TORTS s. 652E (recognizing a separate tort of false light).

<sup>13</sup> 19 FLA. JUR. 2D *Defamation and Privacy* s. 15 (citing 50 AM. JUR. 2D *Libel and Slander* s. 153).

<sup>14</sup> 50 AM. JUR. 2D *Libel and Slander* s. 153 (internal citations omitted).

<sup>15</sup> *Jews for Jesus, Inc.*, 997 So. 2d at 1106.

<sup>16</sup> *American Airlines, Inc. v. Geddes*, 960 So. 2d 830, 833 (Fla. 3d DCA 2007).

<sup>17</sup> *Axiom Worldwide, Inc. v. Becerra*, 2009 WL 1347398, \*7 (M.D. Fla. 2009) (citing *Rives v. Atlanta Newspapers, Inc.*, 220 Ga. 485, 139 S.E.2d 395, 398 (1964) (noting, in applying single publication rule to newspaper, that “whether or not it is read is immaterial once it is shown that it was exposed to public view”)).

<sup>18</sup> *Thomas v. Jacksonville Television, Inc.*, 699 So. 2d 800, 805 (Fla. 1st DCA 1997).

<sup>19</sup> See generally *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 23 (1990) (Brennan, J., dissenting) (noting that “only defamatory statements that are capable of being proved false are subject to liability under state libel law”).

<sup>20</sup> *Jews for Jesus, Inc.*, 997 So. 2d at 1106-08.

<sup>21</sup> *Id.* at 1106.

<sup>22</sup> Gleisy Sopena, *Attorney-Fee Shifting is the Solution to Slapping Meritless Claims Out of Federal Courts*, 16 FIU L. REV. 833, 842 (Spring 2022).

<sup>23</sup> *Jews for Jesus, Inc.*, 997 So. 2d at 1111.

publishes false and defamatory statements and that fails to use reasonable care to determine their falsity.<sup>24</sup>

With respect to the element of actual damages, the recovery of actual damages depends upon whether the defamation was “per se” or “per quod.” Defamation per se generally relieves plaintiffs of having to prove damages, because such statements are so inherently damaging that damages are typically presumed.<sup>25</sup> On the other hand, defamation per quod generally requires plaintiffs to provide supporting and extrinsic evidence to prove that the statement or publication was actually defamatory.<sup>26</sup>

Finally, the statements must actually be defamatory. To make this determination, courts consider allegedly defamatory statements in their totality. For example, they consider all the words, pictures, and illustrations as used and presented together, not just a particular phrase or sentence in isolation.<sup>27</sup> An allegedly defamatory statement should be considered in its natural sense without a forced or strained construction.<sup>28</sup> Courts also make threshold determinations regarding whether a claim should even be considered by a jury<sup>29</sup> and whether a privilege applies.<sup>30</sup>

## Defenses

In addition to general procedural and other defenses that may be available (*e.g.* a failure to allege and prove any of the elements of defamation), the following specific defenses are available in response to a claim of libel, slander, or defamation by implication:

- Statutory protections:
  - For radio and television broadcasters.<sup>31</sup>
  - For good faith reports of potential child abuse, abandonment, or neglect.<sup>32</sup>
- Privilege:
  - Absolute immunity, for any act occurring during the course of a legislative, judicial, or quasi-judicial proceeding, so long as the act has some relation to the proceeding.<sup>33</sup>

<sup>24</sup> *Thomas*, 699 So. 2d at 804.

<sup>25</sup> *Wolfson v. Kirk*, 273 So. 2d 774, 776 (Fla. 4th DCA 1973); *Bass v. Rivera*, 826 So. 2d 534, 535 (Fla. 2d DCA 2002); *Delacruz*, 221 So. 2d at 775.

<sup>26</sup> *Boyles v. Mid-Florida Television Corp.*, 431 So. 2d 627, 633 (Fla. 5th DCA 1983) (quoting *Piplack v. Mueller*, 97 Fla. 440, 121 So. 459 (Fla. 1929)).

<sup>27</sup> *Byrd v. Hustler Magazine, Inc.*, 433 So. 2d 593, 595 (Fla. 4th DCA 1983).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*; *Wolfson*, 273 So. 2d at 778.

<sup>30</sup> *See Jews for Jesus, Inc.*, 997 So. 2d at 1111-12 (providing a list of cases that applied various privileges to defamatory statements); *see also* s. 770.04, F.S. (regarding liability of radio or television broadcasters); *see also Wright v. Yurko*, 446 So. 2d 1162, 1164 (Fla. 5th DCA 1984) (holding privilege extends to communications made within lawsuits).

<sup>31</sup> *See generally* s. 770.04, F.S.

<sup>32</sup> *See generally* s. 39.203, F.S.

<sup>33</sup> *See Kidwell v. General Motors Corp.*, 975 So. 2d 503, 505 (Fla. 2d DCA 2007) (regarding judicial and quasi-judicial immunity); *see also Tucker v. Resha*, 634 So. 2d 756, 758 (Fla. 1st DCA 1994), *apprv'd*, 670 So. 2d 56 (Fla. 1996) (noting, with emphasis added, that “[t]he public interest requires that *statements made by officials of all branches of government in connection with their official duties* be absolutely privileged”) (internal citations omitted).

- Absolute immunity, for state executive officers<sup>34</sup> and public officials,<sup>35</sup> as long as their statements are made in connection with their duties and responsibilities.
- Qualified immunity, when made in good faith and certain other conditions are met.<sup>36</sup>
- Immunity as an expression of pure opinion, which occurs when one makes a comment or opinion based on facts in an article or that are otherwise known or available to the reader or listener as a member of the public.<sup>37</sup>

Actions for libel and slander must be brought within 2 years after the cause of action accrues.<sup>38</sup>

### **Florida's Defamation Statute**

Florida's defamation statute<sup>39</sup> consists of the following 8 sections.

#### ***Notice Condition Precedent to Action or Prosecution for Libel or Slander***

Before any civil action may be brought for the publication or broadcast of a libel or slander in a newspaper, periodical, or other medium, the plaintiff must, at least 5 days before bringing suit, serve notice in writing on the defendant, specifying the article, broadcast, and statements which he or she alleges to be false and defamatory.<sup>40</sup>

#### ***Correction, Apology, or Retraction by Newspaper or Broadcast Station***

A plaintiff in a civil action for libel or slander may only recover actual damages if it appears at trial that the article or broadcast:

- Was published in good faith.
- That its falsity was due to an honest mistake of the facts.
- That there were reasonable grounds for believing that the statements in the article or broadcast were true.
- That, within certain time periods (provided below), a full and fair correction, apology, or retraction was, in the case of a newspaper or periodical, published in the same editions or corresponding issues of the newspaper or periodical in which the article appeared, and in as conspicuous a place and type as the original article; or in the case of a broadcast, the correction, apology, or retraction was broadcast at a comparable time.<sup>41</sup>

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<sup>34</sup> *Tucker*, 634 So. 2d at 758.

<sup>35</sup> *Hope v. National Alliance of Postal and Federal Employees, Jacksonville Local No. 320*, 649 So. 2d 897, 901 fn. 5 (Fla. 1st DCA 1995).

<sup>36</sup> *See Lundquist v. Alewine*, 397 So. 2d 1148, 1149 (Fla. 5th DCA 1981) (providing that the elements essential to the finding of a conditionally privileged publication are good faith; an interest to be upheld; a statement limited in its scope to this purpose; a proper occasion; and publication in a proper manner) (internal citations omitted).

<sup>37</sup> *Sepmeier v. Tallahassee Democrat, Inc.*, 461 So. 2d 193, 195 (Fla. 1st DCA 1984) (internal citation omitted); *Smith v. Taylor County Pub. Co., Inc.*, 443 So. 2d 1042, 1046-47 (Fla. 1st DCA 1983).

<sup>38</sup> *See* s. 95.11(4)(g), F.S. (providing a 2-year statute of limitations for libel or slander); *see also* s. 95.031(1), F.S. (providing that unless otherwise specified, the statute of limitations runs from the time the cause of action accrues).

<sup>39</sup> Chapter 770, F.S.

<sup>40</sup> Section 770.01, F.S.

<sup>41</sup> Section 770.02(1), F.S.

In order to limit damages to actual damages only, the full and fair correction, apology, or retraction must be made:

- In the case of a broadcast or a daily or weekly newspaper or periodical, within 10 days after service of notice.
- In the case of a newspaper or periodical published semimonthly, within 20 days after service of notice.
- In the case of a newspaper or periodical published monthly, within 45 days after service of notice.
- In the case of a newspaper or periodical published less frequently than monthly, in the next issue, provided notice is served no later than 45 days prior to such publication.<sup>42</sup>

### ***Civil Liability of Broadcasting Stations***

The owner, lessee, licensee, or operator of a broadcasting station has the right (except when prohibited by federal law or regulation), but may not be compelled, to require the submission of a written copy of any statement intended to be broadcast over the station 24 hours before the time of the intended broadcast of the statement.<sup>43</sup>

When the owner, lessee, licensee, or operator elects to require the submission of a written copy, it may not be held responsible for any damages caused by any libelous or slanderous statement which is not contained in the written copy, made by or for the person or party submitting the copy of the proposed broadcast. The statute may not be construed to relieve the person or party, or the agents or servants of the person or party, making any libelous or slanderous statement from liability.<sup>44</sup>

### ***Civil Liability of Radio or Television Broadcasting Stations; Care to Prevent Publication or Statement Required***

The owner, licensee, or operator of a radio or television broadcasting station, and their agents or employees, may not be held liable for any damages for any defamatory statement published or stated by a third party in or as a part of a radio or television broadcast, unless it is alleged and proven by the plaintiff that he or she failed to exercise due care to prevent the publication or statement in the broadcasts. However, the exercise of due care is construed to include the bona fide compliance with any federal law or the regulation of any federal regulatory agency.<sup>45</sup>

### ***Limitation of Choice of Venue***

A person may not have more than one choice of venue for damages for libel or slander, invasion of privacy, or any other tort founded upon any single publication, exhibition, or statement, such as:

- Any one edition of a newspaper, book, or magazine.
- Any one presentation to an audience.
- Any one broadcast over radio or television.
- Any one exhibition of a motion picture.

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<sup>42</sup> Section 770.02(2), F.S.

<sup>43</sup> Section 770.03, F.S.

<sup>44</sup> *Id.*

<sup>45</sup> Section 770.04, F.S.

Recovery in any action must include all damages for any such tort suffered by the plaintiff in all jurisdictions.<sup>46</sup>

***Adverse Judgement in Any Jurisdiction a Bar to Additional Action***

A judgment in any jurisdiction for or against a plaintiff upon the substantive merits of any action for damages, founded upon a single publication, exhibition, or statement, bars any other action for damages by the same plaintiff against the same defendant founded upon the same publication, exhibition, or statement.<sup>47</sup>

***Cause of Action, Time of Accrual***

A cause of action for damages founded upon a single publication, exhibition, or statement, is deemed to have accrued at the time of its first publication, exhibition, or statement in this state.<sup>48</sup>

***Limitation on Recovery of Damages***

A person may not sue in more than one jurisdiction for damages for libel founded upon a single publication, exhibition, or statement. Once an appropriate jurisdiction is chosen, the person will recover in that jurisdiction all damages allowed to him or her for libel in all jurisdictions.<sup>49</sup>

**III. Effect of Proposed Changes:**

The bill amends two statutes relating to defamation. Generally, the bill imposes requirements on newspapers and broadcast stations which, if not observed, prevent them from being entitled to limit their liability for damages to the plaintiff's actual damages.

**Section 1** of the bill amends s. 770.02, F.S., regarding the correction, apology, or retraction by a newspaper or broadcast station. As amended, the section requires a newspaper, broadcaster, or periodical that publishes a false and defamatory article on any website over which it has control to permanently remove it within 10 days after receiving notice of its falsity. A newspaper, broadcaster, or periodical that fails to timely remove the article is not entitled to limit its liability for defamation to the plaintiff's actual damages. This requirement is in addition to the existing requirements for the newspaper or broadcast station to timely issue a correction, apology, or retraction.

**Section 2** of the bill amends s. 770.04, F.S., regarding civil liability of radio or television broadcasting stations, to expand the statute's scope to also include newspapers, and to require them to exercise due care to prevent the publication of defamatory statements. The due care standard is synonymous with ordinary care or reasonable care, which are standards in a tort action to determine whether a person acted negligently. Accordingly, newspapers under the statute as amended are expressly liable for damages for defamation if they act negligently in the publication of defamatory material.

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<sup>46</sup> Section 770.05, F.S.

<sup>47</sup> Section 770.06, F.S.

<sup>48</sup> Section 770.07, F.S.

<sup>49</sup> Section 770.08, F.S.

Additionally, the bill provides that when an owner, a licensee, or an operator:

- Publishes a defamatory statement on the Internet with no knowledge of falsity of the statement;
- Receives notice that such statement has been found in a judicial proceeding to be false, or receives notice of facts that would cause a reasonable person to conclude that the statement was false; and
- Fails to take reasonable steps to permanently remove the statement and any related report from any website over which the newspaper, broadcaster, or periodical has control;

Then the continued appearance of the statement or report on such website after the notice is a new publication for purpose of the statute of limitations, and the owner, licensee, or operator is not entitled to a fair reporting privilege for the new publication.

**Section 3** provides that the act takes effect July 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because the bill may make it easier for private plaintiffs to sue newspapers, broadcasters, and periodicals for defamation in several ways, including for their publications on websites over which they have control, it is anticipated that defendants in such cases may have to pay more in awards (to satisfy meritorious defamation claims), claim settlements,



and additional legal fees and costs. On the other hand, persons held to higher standards to avoid making defamatory statements may incur additional costs for conducting investigations before making potentially defamatory statements.

The duties imposed by the bill on newspapers, broadcasters, and periodicals to remove defamatory publications from websites over which they have control may also limit the damages and harm caused to persons who are defamed.

**C. Government Sector Impact:**

Because the bill may make it easier for private plaintiffs to sue for defamation, it is anticipated that such suits will increase court caseloads to some degree and the costs associated with an increased caseload.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 770.02, 770.04.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Judiciary on March 12, 2025:**

The committee substitute revises the underlying bill to provide that newspapers, broadcasters, or periodicals must only permanently remove defamatory articles and statements from websites over which they have control to limit plaintiff recoveries to actual damages, or to avoid a new publication of the defamatory statement for statute of limitations purposes.

**B. Amendments:**

None.

By the Committee on Judiciary; and Senator Simon

590-02317-25

2025752c1

A bill to be entitled

An act relating to defamation, false light, and unauthorized publication of name or likenesses; amending s. 770.02, F.S.; requiring that certain articles or broadcasts be removed from any website over which the newspaper, broadcaster, or periodical has control within a specified period to limit damages for defamation; amending s. 770.04, F.S.; providing persons in certain positions relating to newspapers with immunity for defamation if such persons exercise due care to prevent publication or utterance of such a statement; declaring that the continued appearance on any website over which the newspaper, broadcaster, or periodical has control of a published statement determined to be false is deemed to be a new publication of the false statement for certain purposes and that the owner, licensee, or operator is not entitled to a certain privilege; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 770.02, Florida Statutes, is amended to read:

770.02 Correction, apology, or retraction by newspaper or broadcast station.—

(1) If it appears upon the trial that an ~~said~~ article or a broadcast was published in good faith; that its falsity was due to an honest mistake of the facts; that there were reasonable

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590-02317-25

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grounds for believing that the statements in the ~~said~~ article or broadcast were true; and that, within the period of time specified in subsection (2), a full and fair correction, apology, or retraction was, in the case of a newspaper or periodical, published in the same editions or corresponding issues of the newspaper or periodical in which the ~~said~~ article appeared and in as conspicuous place and type as the ~~said~~ original article or, in the case of a broadcast, the correction, apology, or retraction was broadcast at a comparable time, then the plaintiff in such case shall recover only actual damages. For purposes of this section, if such an article or a broadcast has been published on the Internet, the article or broadcast must be permanently removed from any website over which the newspaper, broadcaster, or periodical has control within the time period provided in paragraph (2) (a) in order to limit recovery to actual damages as provided in this section.

(2) Full and fair correction, apology, or retraction shall be made:

(a) In the case of a broadcast or a daily or weekly newspaper or periodical, within 10 days after service of notice.~~+~~

(b) In the case of a newspaper or periodical published semimonthly, within 20 days after service of notice.~~+~~

(c) In the case of a newspaper or periodical published monthly, within 45 days after service of notice.~~+~~ ~~and~~

(d) In the case of a newspaper or periodical published less frequently than monthly, in the next issue, provided notice is served no later than 45 days before ~~prior to~~ such publication.

Section 2. Section 770.04, Florida Statutes, is amended to

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590-02317-25

2025752c1

59 read:

60 770.04 Civil liability of certain media outlets ~~radio or~~  
 61 ~~television broadcasting stations~~; care to prevent publication or  
 62 utterance required.—

63 (1) The owner, licensee, or operator of a radio or  
 64 television broadcasting station or a newspaper, and the agents  
 65 or employees of any such owner, licensee, or operator, are ~~shall~~  
 66 not be liable for any damages for any defamatory statement  
 67 published or uttered in or as a part of a radio or television  
 68 broadcast or newspaper article, by one other than such owner,  
 69 licensee, or operator, or general agent or employees thereof,  
 70 unless it is ~~shall be~~ alleged and proved by the complaining  
 71 party, that such owner, licensee, operator, general agent, or  
 72 employee, has failed to exercise due care to prevent the  
 73 publication or utterance of such statement in such broadcasts or  
 74 newspaper articles, provided, however, the exercise of due care  
 75 shall be construed to include the bona fide compliance with any  
 76 federal law or the regulation of any federal regulatory agency.

77 (2) If an owner, a licensee, or an operator described in  
 78 subsection (1) publishes a defamatory statement on the Internet  
 79 with no knowledge of falsity of the statement and thereafter  
 80 receives notice that such statement has been found in a judicial  
 81 proceeding to be false, or receives notice of facts that would  
 82 cause a reasonable person to conclude that such statement was  
 83 false, and the owner, licensee, or operator fails to take  
 84 reasonable steps to permanently remove the statement and any  
 85 related report from any website over which the newspaper,  
 86 broadcaster, or periodical has control, the continued appearance  
 87 of such statement or report on such website after the notice is

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590-02317-25

2025752c1

88 deemed a new publication for purpose of the statute of  
 89 limitations, and the owner, licensee, or operator is not  
 90 entitled to a fair reporting privilege for such new publication.

91 Section 3. This act shall take effect July 1, 2025.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

## Committee Agenda Request

**To:** Senator Thomas J. "Tom" Leek, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** March 13<sup>th</sup>, 2025

---

I respectfully request that **Senate Bill # 752**, relating to Defamation, False Light, and Unauthorized Publication of Name or Likenesses, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in blue ink, appearing to read "Corey Simon", is written over a horizontal line. Below the line, the text "Senator Corey Simon" and "Florida Senate, District 3" is printed.

Senator Corey Simon  
Florida Senate, District 3

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/2025

Meeting Date

752

Bill Number or Topic

Commerce / Tourism

Committee

Amendment Barcode (if applicable)

Name

Bobby Block

Phone

321 794 7776

Address

317 E PARK

Email

bblock@flsenate.gov

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

25 March 2025

Meeting Date

Commerce & Tourism

Committee

752

Bill Number or Topic

Amendment Barcode (if applicable)

Name

James Lake

Phone

813-984-3060

Address

2922 W. Pearl Ave.

Email

Street

Tampa

FL

33611

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Thomas & Lo Greco

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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3/25/2025

Meeting Date

752

Bill Number or Topic

Commerce

Committee

Amendment Barcode (if applicable)

Name

SAM MORLEY

Phone

850 212 4395

Address

301 College Ave

Email

smorley@flpress.com

Street

TAM FL 32312

City

State

Zip

Speaking:

☐

For



Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

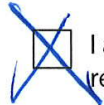
☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

Fla. Press Assoc.

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



March 25, 2025

Meeting Date  
**Commerce & Tourism**

Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

752

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Pamela Burch Fort**

Phone **850-425-1344**

Address **104 S. Monroe Street**

Email **TcgLobby@aol.com**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

**Reset Form**

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**PEN America FL**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

3/25/25

Meeting Date

Commerce/Tourism

Committee

SB 752

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Tsi Day Smyth

Phone

Address

1680 Fruitville Rd.

Email

Street

Sarasota

FL

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/25/25

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

752

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Corey Bleakley

Phone

Address 1080 Fruitville Rd

Email

Street

Sarasota FL

City

State

34236

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3-25-25

Meeting Date

Commerce & Tourism

Committee

SB 752

Bill Number or Topic

Amendment Barcode (if applicable)

Name Spike Poma

Phone X

Address 1680 Fruitville Rd

Email X

Street

Sarasota

City

FL

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**APPEARANCE RECORD**

03/25/25

Meeting Date

SB 752

Bill Number or Topic

Commerce + Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Sarah Parker

Phone \_\_\_\_\_

Address 1680 Fruitville rd.Email Sarah@VoicesofFlorida.org

Street

Sarasota FL

City

State

34236

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☒ I am appearing without  
compensation or sponsorship.☐ I am a registered lobbyist,  
representing:☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25  
Meeting Date

SB 752  
Bill Number or Topic

Commerce & Tourism  
Committee

Amendment Barcode (if applicable)

Name ASHE Bradley

Phone

Address 1680 Fruitville Rd  
Street

Email

Sarasota FL  
City State

34234  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support

☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 752

Bill Number or Topic

Amendment Barcode (if applicable)

3/25/25  
Meeting Date  
Commerce & Tour  
Committee

Name Mandi Langworthy

Phone \_\_\_\_\_

Address 1680 Fruitville Rd  
Street  
Sarasota FL  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

03/25/25

Meeting Date

Commerce and Tourism

Committee

SB-752

Bill Number or Topic

Amendment Barcode (if applicable)

Name Rach Johnson

Phone

Address 1680 Fruitville Rd.

Email

Street

Sarasota

City

FL

State

34236

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB752

Bill Number or Topic

3/25/25

Meeting Date

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name

Amy Keith

Phone

Address

333 3rd Ave N

Email

akeith@commoncause.org

Street

St Petersburg FL

City

State

33701

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Common Cause

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25

Meeting Date

Commons

Committee

SB 752

Bill Number or Topic

Amendment Barcode (if applicable)

Name

BARRY RICHARD

Phone

855-351-7878

Address

101 COLLEGE AVE

Email

barryr@flsenate.gov

Street

Tallahassee

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3.25.25

The Florida Senate

# APPEARANCE RECORD

SB 752

Meeting Date

Commerce and Tourism

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Kara Gross**

Phone **786-363-4436**

Address **4343 West Flagler St.**

Email **kgross@aclufl.org**

Street

**Miami**

**FL**

**33134**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**American Civil Liberties Union of  
Florida**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

3/28/23

Meeting Date

Commerce + Tourism

Committee

SR 752

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Edu Nova

Phone

904-625-6188

Address

1812 Villa Luce, Dr

Email

quantifiedecho@gmail.com

Street

Fleming Island

FL

32003

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: CS/SB 846

INTRODUCER: Commerce and Tourism Committee and Senator Polsky

SUBJECT: Notary Public Fraud

DATE: March 26, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	<b>Fav/CS</b>
2.			JU	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 846 prohibits a notary public that is advertising their services and does not hold an active license to practice law from using the term notario público, notario, immigration assistant, immigration consultant, immigration specialist, or any other designation or title, in any language, which conveys or implies that they possess professional legal skills in immigration law. The bill authorizes the Attorney General, a state attorney, or a city attorney to file a suit against the appropriate party for declaratory or injunctive relief. Additionally, an aggrieved party may bring a civil action for injunctive relief or to recover damages.

The bill amends s. 908.107, F.S., which deals with federal immigration enforcement, and provides that the Attorney General, a state attorney, or a city attorney may file suit against a local governmental entity, local law enforcement agency, or any other appropriate party for a violation of the federal immigration laws in ch. 908, F.S.

The bill prohibits someone from engaging in the practice of law in an immigration matter for compensation unless that person is licensed to practice law. Additionally, the bill provides certain prohibitions even if compensation is not sought. The bill requires a person or business who is not a licensed attorney that is offering immigration services to post a conspicuous notice on its website and at its place of business in English and in every other language in which the person or business provides or offers immigration assistance.

The bill takes effect July 1, 2025.

## II. Present Situation:

### Notaries Public in Florida

A notary public is a public officer under the Florida Constitution,<sup>1</sup> and “an impartial agent of the state.”<sup>2</sup> As a public officer, notaries public are constitutionally required to give a bond (as required by law) and swear or affirm to uphold the Constitutions of the United States and Florida.<sup>3</sup> Notaries public are appointed and commissioned by the Governor to four-year terms,<sup>4</sup> and are authorized under Florida law to perform six basic duties:

- Administer oaths or affirmations;<sup>5</sup>
- Take acknowledgments;<sup>6</sup>
- Solemnize marriages;<sup>7</sup>
- Attest to photocopies;<sup>8</sup>
- Verify vehicle identification numbers (VINs);<sup>9</sup> and
- Certify the contents of a safe-deposit box.<sup>10</sup>

A notary public may only exercise the foregoing duties within the physical boundaries of the State of Florida.<sup>11</sup> Generally, a notary public may not charge more than \$10 per notarial act and may not charge a fee for notarizing a vote-by-mail ballot.<sup>12</sup>

A notary public may provide an electronic signature that is unique, verifiable, under the notary public’s sole control, and attached to a document in a way revealing any subsequent alteration.<sup>13</sup> When an electronic signature must be accompanied by a notary public seal, the requirement is met when the notary public includes his or her full name as provided in the notary public’s application for commission, the words “Notary Public State of Florida,” the expiration date of the notary public’s commission, and the notary public’s commission number.<sup>14</sup> The seal must also be applied to all notarized paper documents using a rubber stamp containing the foregoing information.<sup>15</sup> The rubber stamp seal must be affixed to the notarized paper document in photographically reproducible black ink. Every notary public must print, type, or stamp below his or her signature on a paper document his or her name exactly as commissioned.<sup>16</sup>

---

<sup>1</sup> Art. II, § 5(c), Fla. Const.

<sup>2</sup> 58 AM. JUR. 2D Notaries Public § 1.

<sup>3</sup> See s. 117.01(3) & (7), F.S., ((3) requiring that, as part of oath, the applicant must swear he or she has read ch. 117, F.S., and knows the duties, responsibilities, limitations, and powers of a notary; (7) requiring that notaries give a bond in the amount of \$7,500 in the event the notary breaches duties, of which is to be kept on file with the Department of State). Section 117.01(1), F.S., requires a notary to be able to read, write, and understand the English language.

<sup>4</sup> Section 117.01(1), F.S.

<sup>5</sup> Section 117.03, F.S.

<sup>6</sup> Section 117.04, F.S.

<sup>7</sup> Section 117.045, F.S.

<sup>8</sup> Section 117.05(12)(a), F.S.

<sup>9</sup> Section 319.23(3)(a)2., F.S.

<sup>10</sup> Section 655.94(1), F.S.

<sup>11</sup> Section 117.01(1), F.S.

<sup>12</sup> Section 117.05(2), F.S.

<sup>13</sup> Section 117.021(2), F.S.

<sup>14</sup> Section 117.021(3), F.S.

<sup>15</sup> Section 117.05(3), F.S.

<sup>16</sup> *Id.*

Additionally, as a public officer, a notary public is held to high standards and is subject to discipline, including suspension by the Governor and removal by the Senate, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony.<sup>17</sup> A notary public is also subject to criminal penalties for certain unlawful uses of the notary public commission (such as notarizing his or her own signature),<sup>18</sup> and liable to pay fees for certain civil infractions (such as notarizing a document when the signor is not in the notary public's presence).<sup>19</sup>

### ***Becoming a Notary Public in Florida***

In order to be eligible to become a notary public in Florida, a person must:

- Be at least 18 years of age;
- Be a Florida resident or permanent resident alien with a recorded declaration of domicile;
- Maintain Florida residence throughout the appointment; and
- Be able to read, write, and understand the English language.<sup>20</sup>

To apply to be a notary public in Florida, the application form provided by the Department of State must be completed, signed, sworn, and filed along with the appropriate applications fees.<sup>21</sup> Because the bond must be attached, the bonding agency usually submits the application in both a paper and electronic format.<sup>22</sup> The oath of office and notary public bond must accompany the notary public's application when filed with the Department of State.<sup>23</sup> Applicants must also provide the following as part of the application:

- Personal identification information;
- Affidavit of good character from a reference who has known the applicant for at least one year and is not a relative;
- Ten-year history of any licenses and discipline;
- Statement regarding whether the applicant has ever been convicted of a felony or had his or her civil rights restored; and
- Any other information requested by the Governor's office to confirm eligibility.<sup>24</sup>

### ***Notary's Duty to Confirm Identity***

One of the notary public's primary duties is to verify the identity of the person who is signing a document. If the person is personally known to the notary public or provides "satisfactory evidence" by producing valid identification or witnesses or both verifying that the person is who he or she claims to be, the notary public may notarize the document.<sup>25</sup>

---

<sup>17</sup> FLA. CONST., Art. IV, s. 7.

<sup>18</sup> Section 117.05(1), F.S. (providing violation is a third degree felony). *See also* s. 117.05(3)(d), (7), and (8), F.S.; s. 117.105, F.S.; s. 117.107(9), F.S.

<sup>19</sup> Section 117.107(9), F.S. (providing violation is a civil infraction punishable by a fine of up to \$5,000).

<sup>20</sup> *See supra* note 5.

<sup>21</sup> Section 117.01(2), F.S. (requiring \$25 application fee, \$10 commission fee, and \$4 educational surcharge, except that the commission fee is waived for veterans with a 50 percent disability).

<sup>22</sup> *See supra* note 5 at p. 7.

<sup>23</sup> Section 117.01(2), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Section 117.05(5), F.S.

***Prohibited Acts***

Section 117.107, F.S., specifies prohibited acts by notaries. A notary public may not:

- Use a name or initial in signing certificates other than that by which the notary public is commissioned.
- Sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits his or her ability to make a written signature and unless the notary public has first submitted written notice to the Department of State with an exemplar of the facsimile signature stamp. This does not apply to or prohibit the use of an electronic signature and seal by a notary public who is registered as an online notary public to perform an electronic or online notarization in accordance with ch. 117, F.S.
- Affix his or her signature to a blank form of affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment.
- Take the acknowledgment of or administer an oath to a person whom the notary public actually knows to have been adjudicated mentally incapacitated by a court of competent jurisdiction, where the acknowledgment or oath necessitates the exercise of a right that has been removed, and where the person has not been restored to capacity as a matter of record.
- Notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization.
- Take the acknowledgment of a person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language which the person does understand.
- Change anything in a written instrument after it has been signed by anyone.
- Amend a notarial certificate after the notarization is complete.
- Notarize a signature on a document if the person whose signature is being notarized does not appear before the notary public either by means of physical presence or by means of audio-video communication technology as authorized under part II of ch. 117, F.S., at the time the signature is notarized. Any notary public who violates this prohibition is guilty of a civil infraction, punishable by penalty not exceeding \$5,000, and such violation constitutes malfeasance and misfeasance in the conduct of official duties.
- Notarize a signature on a document if the document is incomplete or blank. However, an endorsement or assignment in blank of a negotiable or nonnegotiable note and the assignment in blank of any instrument given as security for such note is not deemed incomplete.
- Notarize a signature on a document if the person whose signature is to be notarized is the spouse, son, daughter, mother, or father of the notary public.
- Notarize a signature on a document if the notary public has a financial interest in or is a party to the underlying transaction; however, a notary public who is an employee may notarize a signature for his or her employer, and this employment does not constitute a financial interest in the transaction nor make the notary a party to the transaction as long as he or she does not receive a benefit other than his or her salary and the fee for services as a notary public authorized by law.

## Unlicensed Practice of Law

Florida's Constitution gives the Supreme Court of Florida the power to regulate the conduct of attorneys, and the Supreme Court of Florida has given The Florida Bar the duty to investigate and take action against the unlicensed practice of law.<sup>26</sup>

Unlicensed Practice of Law (UPL) committees investigate instances of unlicensed practice of law.<sup>27</sup> The Florida Bar prosecutions are filed with the Supreme Court of Florida and trials are held before judges, called referees, appointed by the court.<sup>28</sup> The Florida Bar acts as prosecutor in UPL cases.<sup>29</sup> Additionally, the unlicensed practice of law is a third-degree felony.<sup>30</sup>

## Federal Immigration Enforcement

Any executive or administrative state, county, or municipal officer who violates his or her duties under ch. 908, F.S., may be subject to action by the Governor in the exercise of his or her authority under the Florida Constitution and Florida law.<sup>31</sup> The Governor may initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under ch. 908, F.S., or restrain any unauthorized act.<sup>32</sup> In addition, the Attorney General may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of ch. 908, F.S.<sup>33</sup>

If a local governmental entity or local law enforcement agency violates ch. 908, F.S., the court must enjoin the unlawful sanctuary policy.<sup>34</sup> The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.<sup>35</sup> An order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that is in violation.<sup>36</sup>

## III. Effect of Proposed Changes:

**Section 1** amends s. 117.05(11), F.S., to prohibit the literal translation of the phrase “Notary Public” into a language other than English, and a person who violates this prohibition is subject to the penalties in s. 117.107(13)(b), F.S.

<sup>26</sup> The Florida Bar, *Unlicensed Practice of Law – Consumer Help*, available at <https://www.floridabar.org/rules/upl/upl001/> (last visited Mar. 26, 2025). See also R. Regul. Fl. Bar 10-1.1. See also Art. V, § 15, Fla. Const. See also s. 454.021, F.S.

<sup>27</sup> The Florida Bar, *Who Regulates the Conduct of Nonlawyers When They Are Acting Like Lawyers?*, available at <https://www.floridabar.org/public/consumer/pamphlet012/#whoregulates> (last visited Mar. 26, 2025).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Section 454.23, F.S. See also ss. 775.082 and 775.083, F.S. A third degree felony is punishable by imprisonment not to exceed 5 years and a fine not to exceed \$5,000.

<sup>31</sup> Section 908.107, F.S.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*



**Section 2** prohibits a notary public who does not hold an active license to practice law in a state, territory, or jurisdiction of the United States and is not otherwise authorized to practice law or represent others under federal law in an immigration matter from advertising his or her notary public services. Additionally, a notary public who does not hold an active license may not use the term notario público notario, immigration assistant, immigration consultant, immigration specialist, or any other designation or title, in any language, which conveys or implies that he or she possesses professional legal skills in immigration law.

The bill provides that for a violation of s. 117.107(13)(a), F.S. and s. 117.05(11), F.S.:

- The Attorney General, a state attorney, or a city attorney may file suit against the appropriate party in a court of competent jurisdiction for declaratory or injunctive relief;
- An aggrieved person or an entity may, in an appropriate state court, bring a civil action for injunctive relief or to recover for actual monetary loss from such a violation, plus an amount equal to treble the amount of actual damages or \$1,000 per violation, whichever is greater; and
- If a person or an entity prevails in a civil action for injunctive relief, the person or entity is entitled to recover reasonable attorney fees and costs.

**Section 3** amends s. 908.107, F.S., to provide that the Attorney General, a state attorney, or a city attorney may file suit against a local governmental entity, or local law enforcement agency, or any other appropriate party in a court of competent jurisdiction for declaratory or injunctive relief for a violation of ch. 908, F.S.

**Section 4** creates s. 908.113, F.S., and provides the following prohibitions:

- Persons may not, other than those licensed to practice law in a state, territory, or jurisdiction of the United States or otherwise authorized to practice law or represent others under federal law in an immigration matter, engage in the practice of law in an immigration matter for compensation.
- Persons may not, other than those licensed to practice law in a state, territory, or jurisdiction of the United States or otherwise authorized to practice law or represent others under federal law in an immigration matter, engage in the following acts or practices for compensation:
  - Selecting or assisting another in selecting, or advising another in selecting, a benefit, visa, or program to apply for in an immigration matter;
  - Soliciting to prepare documents for, or otherwise representing the interests of, another in a judicial or administrative proceeding in an immigration matter;
  - Explaining, advising, or otherwise interpreting the meaning or intent of a question on a governmental agency form in an immigration matter;
  - Charging a fee for referring another to a person licensed to practice law that such person may perform; and
  - Selecting, drafting, or completing legal documents affecting the legal rights of another in an immigration matter.

The bill establishes that a person or business offering immigration services, other than those persons or businesses holding active licenses to practice law in Florida or otherwise permitted to practice law or represent others under federal law in an immigration matter, must post conspicuous notices on its main website and at its place of business in English and every other language in which the person or business proves or offers immigration assistance with the following statement:

I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE. I AM NOT ACCREDITED TO REPRESENT YOU IN IMMIGRATION MATTERS.

The bill prohibits persons, other than those holding an active license to practice law in a state of the United States or otherwise authorized to practice law or represent others under federal law in an immigration matter, engage in the following acts or practices, regardless of whether compensation is sought:

- Representing, either orally or in any document, letterhead, advertisement, stationery, business card, website, or other comparable written material, that he or she is a notario público, notario, immigration assistant, immigration consultant, immigration specialist, or using any other designation or title, in any language, that conveys or implies that he or she possesses professional legal skills in the area of immigration law, and
- Representing, in any language, either orally or in any document, letterhead, advertisement, stationery, business card, website, or other comparable written material, that he or she can or is willing to provide services in an immigration matter, if such services would constitute the practice of law.

The provisions prohibiting the unlicensed practice of law in the bill do not apply to the activities of nonlawyer assistants acting under the supervision of a person holding an active license to practice law in Florida or otherwise authorized to practice law or represent others under federal law in an immigration matter. Additionally, a person is not prohibited from offering translation or interpretation services, regardless of whether compensation is sought. Translating words contained on a governmental form from English to another language and translating a person's words from another language to English does not constitute the unauthorized practice of law.

The bill takes effect, July 1, 2025.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

E. Other Constitutional Issues:

None Identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

More actions may be brought in court to enforce the provisions in the bill and grant relief to aggrieved parties.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Section 117.01(4)(f), F.S., provides that the unauthorized practice of law constitutes malfeasance, misfeasance, or neglect of duty, and authorizes the Governor to suspend a notary public.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 117.05, 117.107, 908.107.

This bill creates s. 908.113 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism on March 25, 2025:**

The committee substitute removes the requirement that an action be set for trial at the earliest possible date and take precedence over all other cases for violations of ss. 117.107(13)(a) and 117.05(11), F.S., which are the sections of the bill restricting the use of the phrase "notary public" into a language other than English and prohibiting a notary public who does not hold an active law license from practicing law. The committee substitute removes the provision providing a private right of action and damages for

violations of ch. 908, F.S., which is the chapter that provides the framework for federal immigration enforcement. Additionally, the committee substitute removes certain provisions in s. 908.113, F.S., which is the section of the bill providing fraud protection for the unlicensed or unauthorized practice of law, and lists certain prohibitions for individuals other than those authorized to practice law relating to assisting individuals in immigration matters.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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496196

LEGISLATIVE ACTION

Senate . House  
Comm: RCS .  
03/25/2025 .  
.  
.

The Committee on Commerce and Tourism (Polsky) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (11) of section 117.05, Florida  
Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee;  
seal; duties; employer liability; name change; advertising;  
photocopies; penalties.—

(11) Literal translation of the phrase "Notary Public" into



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a language other than English is prohibited ~~in an advertisement~~  
~~for notarial services~~. A person who violates this subsection is  
subject to the penalties in s. 117.107(13)(b).

Section 2. Subsection (13) is added to section 117.107,  
Florida Statutes, to read:

117.107 Prohibited acts.—

(13) (a) A notary public, who does not hold an active  
license to practice law in a state, territory, or jurisdiction  
of the United States and is not otherwise authorized to practice  
law or represent others under federal law in an immigration  
matter, may not, when advertising his or her notary public  
services, use the term notario público, notario, immigration  
assistant, immigration consultant, immigration specialist, or  
any other designation or title, in any language, which conveys  
or implies that he or she possesses professional legal skills in  
immigration law.

(b) For a violation of paragraph (a) or s. 117.05(11):

1. The Attorney General, a state attorney, or a city  
attorney may file suit against the appropriate party in a court  
of competent jurisdiction for declaratory or injunctive relief.

2. An aggrieved person or an entity may, in an appropriate  
state court, bring a civil action for injunctive relief or to  
recover for actual monetary loss from such a violation, plus an  
amount equal to treble the amount of actual damages or \$1,000  
per violation, whichever is greater.

3. If a person or an entity prevails in a civil action for  
injunctive relief, the person or entity is entitled to recover  
reasonable attorney fees and costs.

Section 3. Subsection (2) of section 908.107, Florida



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Statutes, is amended to read:

908.107 Enforcement.—

(2) ~~In addition,~~ The Attorney General, a state attorney, or  
a city attorney may file suit against a local governmental  
entity, ~~or~~ local law enforcement agency, ~~or any other~~  
appropriate party in a court of competent jurisdiction for  
declaratory or injunctive relief for a violation of this  
chapter.

Section 4. Section 908.113, Florida Statutes, is created to  
read:

908.113 Fraud protection.—

(1) Persons may not, other than those licensed to practice  
law in a state, territory, or jurisdiction of the United States  
or otherwise authorized to practice law or represent others  
under federal law in an immigration matter, engage in the  
practice of law in an immigration matter for compensation.

(2) Persons may not, other than those licensed to practice  
law in a state, territory, or jurisdiction of the United States  
or otherwise authorized to practice law or represent others  
under federal law in an immigration matter, engage in the  
following acts or practices for compensation:

(a) Selecting or assisting another in selecting, or  
advising another in selecting, a benefit, visa, or program to  
apply for in an immigration matter.

(b) Soliciting to prepare documents for, or otherwise  
representing the interests of, another in a judicial or  
administrative proceeding in an immigration matter.

(c) Explaining, advising, or otherwise interpreting the  
meaning or intent of a question on a governmental agency form in



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an immigration matter.

(d) Charging a fee for referring another to a person  
licensed to practice law that such person may perform.

(e) Selecting, drafting, or completing legal documents  
affecting the legal rights of another in an immigration matter.

(3) A person or business offering immigration services,  
other than those persons or businesses holding active licenses  
to practice law in this state or otherwise permitted to practice  
law or represent others under federal law in an immigration  
matter, must post conspicuous notices on its main website and at  
its place of business in English and every other language in  
which the person or business proves or offers immigration  
assistance with the following statement:

I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY  
NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.  
I AM NOT ACCREDITED TO REPRESENT YOU IN IMMIGRATION  
MATTERS.

(4) Persons may not, other than those holding an active  
license to practice law in a state of the United States or  
otherwise authorized to practice law or represent others under  
federal law in an immigration matter, engage in the following  
acts or practices, regardless of whether compensation is sought:

(a) Representing, either orally or in any document,  
letterhead, advertisement, stationery, business card, website,  
or other comparable written material, that he or she is a  
notario público, notario, immigration assistant, immigration  
consultant, immigration specialist, or using any other



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98 designation or title, in any language, that conveys or implies  
99 that he or she possesses professional legal skills in the area  
100 of immigration law.

101 (b) Representing, in any language, either orally or in any  
102 document, letterhead, advertisement, stationery, business card,  
103 website, or other comparable written material, that he or she  
104 can or is willing to provide services in an immigration matter,  
105 if such services would constitute the practice of law.

106 (5)(a) The prohibitions of subsections (1)-(4) do not apply  
107 to the activities of nonlawyer assistants acting under the  
108 supervision of a person holding an active license to practice  
109 law in this state or otherwise authorized to practice law or  
110 represent others under federal law in an immigration matter.

111 (b) This section does not prohibit a person from offering  
112 translation or interpretation services, regardless of whether  
113 compensation is sought. Translating words contained on a  
114 governmental form from English to another language and  
115 translating a person's words from another language to English  
116 does not constitute the unauthorized practice of law.

117 Section 5. This act shall take effect July 1, 2025.

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

120 And the title is amended as follows:

121 Delete everything before the enacting clause  
122 and insert:

123 A bill to be entitled

124 An act relating to notary public fraud; amending s.

125 117.05, F.S.; prohibiting the literal translation of

126 the phrase "Notary Public" into a language other than



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127 English; specifying the applicable penalties for  
128 violations; amending s. 117.107, F.S.; prohibiting  
129 notaries public from using specified terms to describe  
130 themselves under certain circumstances; authorizing  
131 declaratory or injunctive relief and civil actions for  
132 injunctive relief or to recover damages; providing for  
133 the recovery of attorney fees and costs; amending s.  
134 908.107, F.S.; authorizing certain entities to file  
135 suit for declaratory or injunctive relief for certain  
136 violations; creating s. 908.113, F.S.; prohibiting  
137 certain persons from engaging in the practice of law  
138 in immigration matters for compensation or engaging in  
139 specified acts or practices for compensation in  
140 immigration matters; providing exceptions; requiring  
141 certain persons or businesses offering immigration  
142 assistance to make a specified disclosure; providing  
143 applicability; providing construction; providing an  
144 effective date.

By Senator Polsky

30-01159A-25

2025846\_\_

1 A bill to be entitled  
 2 An act relating to notary public fraud; amending s.  
 3 117.05, F.S.; prohibiting the literal translation of  
 4 the phrase "Notary Public" into a language other than  
 5 English; specifying the applicable penalties for  
 6 violations; amending s. 117.107, F.S.; prohibiting  
 7 notaries public from using specified terms to describe  
 8 themselves under certain circumstances; authorizing  
 9 declaratory or injunctive relief and civil actions for  
 10 injunctive relief or to recover damages; providing for  
 11 the recovery of attorney fees and costs; providing for  
 12 expedited trials for such actions; amending s.  
 13 908.107, F.S.; authorizing certain entities to file  
 14 suit for declaratory or injunctive relief for certain  
 15 violations; authorizing declaratory or injunctive  
 16 relief and civil actions for injunctive relief or to  
 17 recover damages; providing for the recovery of  
 18 attorney fees and costs; providing for expedited  
 19 trials for such actions; creating s. 908.113, F.S.;  
 20 prohibiting certain persons from engaging in the  
 21 practice of law in immigration matters for  
 22 compensation or specified acts or practices for  
 23 compensation in immigration matters; providing  
 24 exceptions; requiring certain persons or businesses  
 25 offering immigration assistance to make a specified  
 26 disclosure; providing applicability; providing  
 27 construction; providing an effective date.  
 28  
 29 Be It Enacted by the Legislature of the State of Florida:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30  
 31 Section 1. Subsection (11) of section 117.05, Florida  
 32 Statutes, is amended to read:  
 33 117.05 Use of notary commission; unlawful use; notary fee;  
 34 seal; duties; employer liability; name change; advertising;  
 35 photocopies; penalties.—  
 36 (11) Literal translation of the phrase "Notary Public" into  
 37 a language other than English is prohibited ~~in an advertisement~~  
 38 ~~for notarial services. A person who violates this subsection is~~  
 39 subject to the penalties in s. 117.107(13)(b).  
 40 Section 2. Subsection (13) is added to section 117.107,  
 41 Florida Statutes, to read:  
 42 117.107 Prohibited acts.—  
 43 (13)(a) A notary public, who does not hold an active  
 44 license to practice law in a state, territory, or jurisdiction  
 45 of the United States and is not otherwise authorized to practice  
 46 law or represent others under federal law in an immigration  
 47 matter, may not, when advertising his or her notary public  
 48 services, use the term notario público, notario, immigration  
 49 assistant, immigration consultant, immigration specialist, or  
 50 any other designation or title, in any language, which conveys  
 51 or implies that he or she possesses professional legal skills in  
 52 immigration law.  
 53 (b) For a violation of paragraph (a) or s. 117.05(11):  
 54 1. The Attorney General, a state attorney, or a city  
 55 attorney may file suit against the appropriate party in a court  
 56 of competent jurisdiction for declaratory or injunctive relief.  
 57 2. An aggrieved person or an entity may, in an appropriate  
 58 state court, bring a civil action for injunctive relief or to

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 recover for actual monetary loss from such a violation, plus an  
 60 amount equal to treble the amount of actual damages or \$1,000  
 61 per violation, whichever is greater.

62 3. If a person or an entity prevails in a civil action for  
 63 injunctive relief, the person or entity is entitled to recover  
 64 reasonable attorney fees and costs.

65 4. An action must be set for trial at the earliest possible  
 66 date and takes precedence over all other cases, except older  
 67 matters of the same character and matters to which special  
 68 preference may be given by law.

69 Section 3. Subsection (2) of section 908.107, Florida  
 70 Statutes, is amended, and subsections (5), (6), and (7) are  
 71 added to that section, to read:

72 908.107 Enforcement.—

73 (2) In addition, The Attorney General, a state attorney, or  
 74 a city attorney may file suit against a local governmental  
 75 entity, ~~or~~ local law enforcement agency, or any other  
 76 appropriate party in a court of competent jurisdiction for  
 77 declaratory or injunctive relief for a violation of this  
 78 chapter.

79 (5) An aggrieved person or an entity may, in an appropriate  
 80 state court, bring a civil action for injunctive relief for a  
 81 violation of this chapter to recover for actual monetary loss  
 82 from such a violation, plus an amount equal to treble the amount  
 83 of actual damages or \$1,000 per violation, whichever is greater.

84 (6) If a person or an entity prevails in a civil action for  
 85 injunctive relief, the person or entity is entitled to recover  
 86 reasonable attorney fees and costs.

87 (7) An action brought under this chapter must be set for

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88 trial at the earliest possible date and takes precedence over  
 89 all other cases, except older matters of the same character and  
 90 matters to which special preference may be given by law.

91 Section 4. Section 908.113, Florida Statutes, is created to  
 92 read:

93 908.113 Fraud protection.—

94 (1) Persons may not, other than those licensed to practice  
 95 law in a state, territory, or jurisdiction of the United States  
 96 or otherwise authorized to practice law or represent others  
 97 under federal law in an immigration matter, engage in the  
 98 practice of law in an immigration matter for compensation.

99 (2) Persons may not, other than those licensed to practice  
 100 law in a state, territory, or jurisdiction of the United States  
 101 or otherwise authorized to practice law or represent others  
 102 under federal law in an immigration matter, engage in the  
 103 following acts or practices for compensation:

104 (a) Advising or assisting another person in determining the  
 105 person's legal status for the purpose of an immigration matter.

106 (b) Selecting, assisting another in selecting, or advising  
 107 another as to his or her answers on a governmental agency form  
 108 or document in an immigration matter. However, a person who  
 109 provides or offers to provide immigration assistance services  
 110 may perform the following services:

111 1. Completing a governmental agency form, requested by the  
 112 customer and appropriate to the customer's needs, only if the  
 113 completion of that form does not involve a legal judgment for  
 114 that particular matter.

115 2. Transcribing responses to a governmental agency form  
 116 that is related to an immigration matter, but not advising a



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customer as to his or her answers on the form.

3. Translating and interpreting information on forms related to immigration matters for a customer and translating the customer's answers to questions posed on such forms.

4. Securing for the customer supporting documents, such as birth and marriage certificates, which may be needed to be submitted with governmental agency forms.

5. Translating documents from any language into English.

6. Notarizing signatures on governmental agency forms related to immigration matters, if the person performing the service is a notary public of this state.

7. Making referrals, without fee, to an attorney authorized to undertake legal representation for a person in an immigration matter.

8. Preparing or arranging for the preparation of photographs and fingerprints.

9. Arranging for the performance of medical testing, including X-rays and AIDS tests, and obtaining the results of such tests.

10. Conducting English language and civics courses.

11. Other services that the Attorney General determines by rule that such person may perform in furthering the purposes of this section.

(c) Selecting or assisting another in selecting, or advising another in selecting, a benefit, visa, or program to apply for in an immigration matter.

(d) Soliciting to prepare documents for, or otherwise representing the interests of, another in a judicial or administrative proceeding in an immigration matter.

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(e) Explaining, advising, or otherwise interpreting the meaning or intent of a question on a governmental agency form in an immigration matter.

(f) Charging a fee for referring another to a person licensed to practice law that such person may perform.

(g) Selecting, drafting, or completing legal documents affecting the legal rights of another in an immigration matter.

(3) A person or business offering immigration services, other than those persons or businesses holding active licenses to practice law in this state or otherwise permitted to practice law or represent others under federal law in an immigration matter, must post conspicuous notices on its main website and at its place of business in English and every other language in which the person or business proves or offers immigration assistance with the following statement:

I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.  
I AM NOT ACCREDITED TO REPRESENT YOU IN IMMIGRATION MATTERS.

(4) Persons may not, other than those holding an active license to practice law in a state of the United States or otherwise authorized to practice law or represent others under federal law in an immigration matter, engage in the following acts or practices, regardless of whether compensation is sought:

(a) Representing, either orally or in any document, letterhead, advertisement, stationery, business card, website, or other comparable written material, that he or she is a

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175 notario público, notario, immigration assistant, immigration  
176 consultant, immigration specialist, or using any other  
177 designation or title, in any language, that conveys or implies  
178 that he or she possesses professional legal skills in the area  
179 of immigration law.

180 (b) Representing, in any language, either orally or in any  
181 document, letterhead, advertisement, stationery, business card,  
182 website, or other comparable written material, that he or she  
183 can or is willing to provide services in an immigration matter,  
184 if such services would constitute the practice of law.

185 (5) (a) The prohibitions of subsections (1)-(4) do not apply  
186 to the activities of nonlawyer assistants acting under the  
187 supervision of a person holding an active license to practice  
188 law in this state or otherwise authorized to practice law or  
189 represent others under federal law in an immigration matter.

190 (b) This section does not prohibit a person from offering  
191 translation or interpretation services, regardless of whether  
192 compensation is sought. Translating words contained on a  
193 governmental form from English to another language and  
194 translating a person's words from another language to English  
195 does not constitute the unauthorized practice of law.

196 Section 5. This act shall take effect July 1, 2025.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations on Transportation, Tourism, and  
Economic Development, *Vice Chair*  
Appropriations  
Appropriations on Criminal and Civil Justice  
Environment and Natural Resources  
Ethics and Elections  
Governmental Oversight and Accountability  
Judiciary  
Joint Administrative Procedures

### SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

### SENATOR TINA SCOTT POLSKY

30th District

March 5, 2025

Chairman Thomas Leek  
Committee on Commerce and Tourism  
310 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Leek,

I respectfully request that you place SB 846, relating to Notary Public Fraud on the agenda of the Committee on Commerce and Tourism, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

Senator Tina S. Polsky  
Florida Senate, District 30

cc: Todd McKay, Staff Director  
Renita Hayes, Administrative Assistant

#### REPLY TO:

- ☐ 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- ☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

March 25, 2025

Meeting Date

SB 846

Bill Number or Topic

Commerce + Tourism

Committee

Amendment Barcode (if applicable)

Name

Margaret Wilson

Phone

352 386 6155

Address

934 Warehouse Rd. #10803

Email

margaret@pilkingtonlawfirm.com

Street

Orlando

City

FL

State

32803

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25

Meeting Date

Commerce & Tourism

Committee

SB 846

Bill Number or Topic

Amendment Barcode (if applicable)

Name YARELIS MENDEZ - ZAMORA

Phone

Address

Email

Street

City

State

Zip

33020

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

American Friends Service  
Committee AFSC

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25  
Meeting Date

SB 846  
Bill Number or Topic

Commerce  
Committee

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 850-224-6926

Address 135 S. Monroe  
Street

Email \_\_\_\_\_

Tallahassee  
City

FL  
State

32301  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida AFL-CIO

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25

Meeting Date

Commerce

Committee

846

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

579 E. Call St.

Email

fctep@yahoo.com

Street

Tallahassee

State

FL 32301

City

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Center for  
Fiscal & Economic Policy

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

March 25

Meeting Date

Commerce + Tourism

Committee

SB 846

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Tiffany Hankins

Phone

206 915 7426

Address

NE 79th Street Suite 400

Email

tiffany@flic.org

Street

Miami

City

Florida

State

33138

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Immigrant Coalition

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/2025  
Meeting Date

COMMERCE and TOURISM  
Committee

SB 846  
Bill Number or Topic

Amendment Barcode (if applicable)

Name THOMAS KENNEDY

Phone 786 346 0819

Address 1351 NE 191 ST

Email TKENNEDY191@GMAIL.COM

Miami FL 33179  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: SB 854

INTRODUCER: Senator Ingoglia

SUBJECT: Consumer Protection

DATE: March 24, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	<b>Favorable</b>
2.			CJ	
3.			FP	

---

**I. Summary:**

SB 854 creates s. 501.0195, F.S., to require unlicensed vendors who receive money as an initial payment for providing home repair services to apply for permits within 30 days of receiving payment and initiate the work within 30 days if no permit is required, or initiate work within 30 days after the issuance of a permit.

Unless the customer agreed in writing to a longer period, an unlicensed vendor who has received payment fails to apply for permits within 30 days of receiving payment and initiate the work within 30 days if no permit is required, or initiate work within 30 days after the issuance of a permit, commits:

- A first degree misdemeanor if the total money received is less than \$1,000.
- A third degree felony if the total money received is less than \$1,000 and the unlicensed vendor has committed a second or subsequent violation within a 3-year period.
- A third degree felony if the total money received is greater than \$1,000 but less than \$20,000.
- A second degree felony if the total money received is greater than \$20,000 but less than \$200,000.
- A first degree felony if the total amount received is greater than \$200,000.

If an unlicensed vendor has just cause for failing to apply for the necessary permits or start the work, the unlicensed vendor has a complete defense against the crime.

The bill defines an unlicensed vendor as a person who provides residential home services without being a licensed contractor.

There is a rebuttable presumption that a contractor does not have just cause if the owner sends a certified letter to the contractor demanding that the contractor apply for permits, start work, or refund the money and the contractor fails to apply for the permits, start the work, or refund the

payment within 30 days of receiving the letter. The burden is on the contractor to prove just cause or rebut the presumption that the contractor does not have just cause.

The bill specifies that it is prima facie evidence that an unlicensed vendor received money to provide services in an amount that exceeds the value of the work he or she performed if:

- The unlicensed vendor failed to perform any work for 30 days;
- The failure to perform the work was not related to the owner terminating or materially breaching the contract; or
- The unlicensed vendor failed to perform work without just cause or terminated the contract without proper notice to the owner.

There is a rebuttable presumption that an unlicensed vendor does not have just cause if the owner sent a certified letter to the unlicensed vendor demanding that the unlicensed vendor perform work or refund the money in excess of the value of the work performed, and the unlicensed vendor does not refund the money or perform work within 30 days of receiving the letter.

The bill provides that the burden is on the unlicensed vendor to prove just cause or rebut the presumption that the unlicensed vendor does not have just cause.

The bill amends s. 501.022, F.S., relating to the requirements for Home Solicitation Sale permits to specify that business cards do not qualify as samples, catalogs, or brochures for solicitors, salespersons, and agents involved in sales or leases and thus do not need to obtain a permit.

The bill may have a positive indeterminate fiscal impact (unquantifiable increase in prison and jail beds) on the Department of Corrections and local jails. *See Section V. Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

## **II. Present Situation:**

### **Background**

A contractor is a person who takes on a job or submits a bid to construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, or for resale to others, and who has a job scope substantially similar to one or more of those described in s. 489.105(3)(a)-(q), F.S.<sup>1</sup>

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<sup>1</sup> These job scopes include a: general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, class A air-conditioning contractor, class B air-conditioning contractor, class C-air-conditioning contractor, mechanical contractor, commercial pool/spa contractor, residential pool/spa contractor, swimming pool/spa servicing contractor, plumbing contractor, underground utility and excavation contractor, solar contractor, pollutant storage systems contractor, and specialty contractor.

## **Criminal Offenses**

### ***Construction Theft***

A contractor commits theft under s. 489.126, F.S., if the contractor receives money totaling more than 10 percent of the contract price for repair, restoration, improvement, or construction to residential real property and failed to:<sup>2</sup>

- Apply for any necessary permits within 30 days after the payment is made, or
- Start the work within 90 days after the date all necessary permits are issued; and
- The person who made the payment did not agree, in writing, to a longer period of time to apply for the necessary permits, to start the work, or to longer periods for both.

If a contractor has just cause for failing to apply for the necessary permits or start the work, the contractor has a complete defense against the charge that the contractor committed construction theft. There is a rebuttable presumption that a contractor does not have just cause if:<sup>3</sup>

- The owner sent a certified letter to the contractor demanding that the contractor apply for permits, start work, or refund the money; and
- The contractor failed to apply for the permits, start the work, or refund the payment within 30 days of receiving the letter.

The burden is on the contractor to prove just cause or rebut the presumption that the contractor does not have just cause.

### ***Construction Fraud***

It is prima facie evidence that a contractor committed construction fraud, without consideration of the intent of the contractor if the state shows that:<sup>4</sup>

- The contractor failed to perform any work for 90 days;
- The failure to perform the work during the 90-day period was not related to the owner terminating or materially breaching the contract; or
- The contractor failed to perform work for the 90-day period without just cause or terminated the contract without proper notice to the owner.

There is a rebuttable presumption that a contractor does not have just cause if the owner sent a certified letter to the contractor demanding that the contractor perform work or refund the money in excess of the value of the work performed, and the contractor does not refund the money or perform work within 30 days of receiving the letter.<sup>5</sup>

A contractor must notify the property owner of the contract termination or explain the contractor's failure to perform. The contractor must send the notification by certified mail to the last address provided in the written contracting agreement, or if none is listed or no written

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<sup>2</sup> Section 489.126(2)(a), F.S.

<sup>3</sup> Section 489.126(2)(b), F.S.

<sup>4</sup> Section 489.126(3)(b), F.S.

<sup>5</sup> *Id.*

agreement exists the notification must be mailed to the address where work was to be performed or to the address listed on the permit.<sup>6</sup>

### ***Penalties***

The penalties for construction theft and construction fraud and the offense levels are as follows:

<b>Total Money Received</b>	<b>Offense Level</b>
≥ \$200,000	First Degree Felony <sup>7</sup>
≥\$20,000 but < \$200,000	Second Degree Felony <sup>8</sup>
≥\$1,000 but < \$20,000	Third Degree Felony <sup>9</sup>
<\$1,000	First Degree Misdemeanor <sup>10</sup>

From 2022 to 2025, 383 arrests and charges were filed, 377 charges were prosecuted, and 116 dispositions of guilt or adjudication were withheld on construction theft and fraud.<sup>11</sup>

### ***Theft***

A person commits theft when he or she knowingly obtains the property of another person with the intent to permanently or temporarily deprive the other person of a right to the property or a benefit from the property or appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.<sup>12</sup> The defendant must have the intent to commit the crime at the time of, or prior to, the taking.<sup>13</sup>

### **Permits Required for Home Solicitation Sales**

A home solicitation sale is defined as a sale, lease, or rental of consumer goods or services that takes place in a seller's home and involves a purchase price of more than \$25.<sup>14</sup> To conduct a home solicitation sale, the seller must obtain a Home Solicitation Sale permit.<sup>15</sup> However, the following solicitors are exempt from the permit requirement:

- Bona fide agents, business representatives, or salespersons making calls or soliciting orders at the usual place of business of a customer regarding products or services for use in connection with the customer's business.
- Solicitors, salespersons, or agents making calls or business visits at the invitation of an inhabitant of the premises or their agent.

<sup>6</sup> *Id.*

<sup>7</sup> A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>8</sup> A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>9</sup> A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>10</sup> A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

<sup>11</sup> Florida Office of State Courts Administrator, *Statewide Criminal Actions, Fl. Stat. 489.126, F.S., January 1, 2022-March 20, 2025*. On file with Senate Commerce and Tourism Committee.

<sup>12</sup> Section 812.014(1)(a), F.S.

<sup>13</sup> See *Stramaglia v. State*, 603 So. 2d 536, 537-38 (Fla. 4<sup>th</sup> DCA 1992).

<sup>14</sup> Section 501.021(1), F.S.

<sup>15</sup> Section 501.022(1)(a), F.S.

- Telephone solicitors, salespersons, or agents calling or visiting the home by express invitation.
- Solicitors, salespersons, or agents conducting a sale, lease, or rental of consumer goods or services by sample, catalog, or brochure for future delivery.
- Minors conducting home solicitation sales under adult supervision who holds a valid home solicitation permit. Minors must carry certain personal identification.
- Sellers or their representatives regulated as to the sale of goods and services under chapters 475, F.S., (real estate brokers, sales associates, schools, and appraisers) and 495, F.S., (registration and protection of trademarks).
- Solicitors, salespersons, or agents making calls or soliciting orders for religious, charitable, scientific, educational, or veterans' organizations holding a sales tax exemption under s. 212.08(7), F.S.

### III. Effect of Proposed Changes:

**Section 1** creates s. 501.0195, F.S., to require unlicensed vendors who receive money as an initial payment for providing home repair services to apply for permits within 30 days of receiving payment and initiate the work within 30 days if no permit is required or initiate work within 30 days after the issuance of a permit.

Unless the customer agreed in writing to a longer period, an unlicensed vendor who has received payment fails to apply for permits within 30 days of receiving payment and initiate the work within 30 days if no permit is required, or initiate work within 30 days after the issuance of a permit, commits:

- A first degree misdemeanor if the total money received is less than \$1,000.
- A third degree felony if the total money received is less than \$1,000 and the unlicensed vendor has committed a second or subsequent violation within a 3-year period.
- A third degree felony if the total money received is greater than \$1,000 but less than \$20,000.
- A second degree felony if the total money received is greater than \$20,000 but less than \$200,000.
- A first degree felony if the total amount received is greater than \$200,000.

If an unlicensed vendor has just cause for failing to apply for the necessary permits or start the work, the unlicensed vendor has a complete defense against the crime.

The bill defines an unlicensed vendor as a person who is not a contractor and who provides or promises to provide services related to a residential home or the extended parcel of land on which the home is located, including, but not limited to, driveways, lawns, trees, gardens, landscaping areas, walls, fences, or other vegetation or fixtures located on the premises.

There is a rebuttable presumption that a contractor does not have just cause if the owner sends a certified letter to the contractor demanding that the contractor apply for permits, start work, or refund the money and the contractor fails to apply for the permits, start the work, or refund the payment within 30 days of receiving the letter. The burden is on the contractor to prove just cause or rebut the presumption that the contractor does not have just cause.

The bill specifies that it is prima facie evidence that an unlicensed vendor received money to provide services in an amount that exceeds the value of the work he or she performed if:

- The unlicensed vendor failed to perform any work for 30 days;
- The failure to perform the work was not related to the owner terminating or materially breaching the contract; or
- The unlicensed vendor failed to perform work without just cause or terminated the contract without proper notice to the owner.

There is a rebuttable presumption that an unlicensed vendor does not have just cause if the owner sent a certified letter to the unlicensed vendor demanding that the unlicensed vendor perform work or refund the money in excess of the value of the work performed, and the unlicensed vendor does not refund the money or perform work within 30 days of receiving the letter.

The bill provides that the burden is on the unlicensed vendor to prove just cause or rebut the presumption that the unlicensed vendor does not have just cause.

**Section 2** amends s. 501.022, F.S., relating to the requirements for Home Solicitation Sale permits to specify that business cards do not qualify as samples, catalogs, or brochures for solicitors, salespersons, and agents involved in sales or leases and thus do not need to obtain a permit.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

The bill may prevent or reduce fraud in performing certain residential home repair services by unlicensed vendors.

**C. Government Sector Impact:**

The bill may have a positive indeterminate fiscal impact on the jail and prison bed population by creating new criminal penalties for an unlicensed vendor who agrees to do home repairs from an initial payment and doesn't apply for a permit within 30 days, start work within 30 days, or refund payment within 30 days.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 501.022 of the Florida Statutes.

This bill creates section 501.0195 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



By Senator Ingoglia

11-00182A-25

2025854

1 A bill to be entitled  
 2 An act relating to consumer protection; creating s.  
 3 501.0195, F.S.; defining the term "unlicensed vendor";  
 4 requiring an unlicensed vendor providing home repair  
 5 services to take certain actions within a specified  
 6 timeframe after receiving payment, except under  
 7 certain circumstances; requiring the homeowner or  
 8 homeowner's representative to make a written demand in  
 9 a letter to the unlicensed vendor under certain  
 10 circumstances; providing requirements for such letter;  
 11 providing a presumption against the existence of just  
 12 cause; prohibiting an unlicensed vendor who has  
 13 received money in excess of the value of the work  
 14 performed from failing to perform such work within a  
 15 specified period of time; providing elements of prima  
 16 facie evidence that an unlicensed vendor received  
 17 money in excess of the value of the work performed;  
 18 providing requirements for proper notification of  
 19 contract termination; requiring the homeowner or the  
 20 homeowner's representative to draft and send a letter  
 21 containing a written demand if the unlicensed vendor  
 22 fails to take certain action; providing requirements  
 23 for such letter; providing a presumption against the  
 24 existence of just cause; providing that the burden is  
 25 on the unlicensed vendor to rebut this presumption;  
 26 providing for prosecution of violations; providing  
 27 that a specified claim on the part of the unlicensed  
 28 vendor is not a defense to prosecution; providing  
 29 criminal penalties; amending s. 501.022, F.S.;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 revising an exemption from permitting requirements for  
 31 certain solicitors, salespersons, and agents;  
 32 providing an effective date.  
 33

34 Be It Enacted by the Legislature of the State of Florida:

35  
 36 Section 1. Section 501.0195, Florida Statutes, is created  
 37 to read:

38 501.0195 Home repairs by unlicensed vendors.—

39 (1) For the purposes of this section, the term "unlicensed  
 40 vendor" means a person who:

41 (a) Provides or promises to provide services related to a  
 42 residential home or the extended parcel of land on which the  
 43 home is located, including, but not limited to, driveways,  
 44 lawns, trees, gardens, landscaping areas, walls, fences, or  
 45 other vegetation or fixtures located thereon; and

46 (b) Is not a contractor as defined in s. 489.105.

47 (2) (a) An unlicensed vendor who receives money as an  
 48 initial payment for performance of services must do both of the  
 49 following:

50 1. Unless the work does not require a permit under the  
 51 applicable codes and ordinances, apply for permits necessary to  
 52 complete the work within 30 days after the date payment is made;  
 53 and

54 2. If no permit is required, initiate the work within 30  
 55 days after the date of payment for the work or, if one or more  
 56 permits are required, within 30 days after the issuance of such  
 57 permits.

58 (b) Paragraph (a) does not apply to an unlicensed vendor

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who demonstrates just cause for his or her failure to apply for necessary permits, initiate work, or refund a payment or when the person who made an initial payment for the performance of home repair services agreed, in writing, to a longer timeframe for such application, initiation of work, or issuance of a refund.

(c)1. If an unlicensed vendor fails to comply with the requirements of paragraph (a), the homeowner or the homeowner's representative must make a written demand in a letter to the unlicensed vendor which includes a demand to apply for the necessary permits, to complete the work, or to refund the payment. Such letter must be sent by certified mail, with a return receipt requested, mailed to the address of the unlicensed vendor as listed in the contracting agreement. If there is no address for the unlicensed vendor listed in the contracting agreement, or if no written agreement exists, the homeowner or the homeowner's representative must mail the written demand letter to the address listed on the unlicensed vendor's business card. If no business card is provided, the homeowner or the homeowner's representative must mail the written demand letter to the last known address of the unlicensed vendor.

2. There is a presumption that an unlicensed vendor does not have just cause if he or she fails to apply for the necessary permits, start the work, or refund payments within 30 days after receipt of a written demand from the person who made the payment to apply for the necessary permits, start the work or refund the payment.

(3)(a) An unlicensed vendor who receives money to perform

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home repair services in excess of the value of the work actually performed shall perform all contracted work and may not refuse to perform such work for any 30-day period or for such other period of time that was mutually agreed upon and specified in the contract.

(b) If the unlicensed vendor fails to comply with paragraph (a), the homeowner or the homeowner's representative must make a written demand to the unlicensed vendor in the form of a letter that includes a demand to perform work or to refund money received in excess of the value of the work performed. Such letter must be sent by certified mail, return receipt requested, to the address of the unlicensed vendor as specified in the contracting agreement. If no address for the unlicensed vendor is specified in the contracting agreement, or if no written agreement exists, the homeowner or homeowner's representative must mail the written demand letter to the address specified on the unlicensed vendor's business card or, if no business card is provided to the homeowner or homeowner's representative, the last known address of the unlicensed vendor.

(c) The following constitutes prima facie evidence that the unlicensed vendor received money to provide services in an amount that exceeds the value of the work he or she performed:

1. The unlicensed vendor failed to perform the work for which he or she was contracted, for a period of 30 days or more or for such other period of time as was mutually agreed upon and specified in the contract;

2. The failure to timely perform such work was not related to the homeowner's termination of the contract or a material breach of the contract by the homeowner; and

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3. The unlicensed vendor's failure to perform such work for such period was without just cause or was due to his or her improper termination of the contract without proper notification to the homeowner.

a. Proper notification to the homeowner of termination of the contract requires that an unlicensed vendor issue a letter to the homeowner or the homeowner's representative which includes the reason for termination of the contract or for failure to perform. Such letter must be sent by certified mail, return receipt requested, to the address of the homeowner listed in the contracting agreement. If no written agreement exists, the letter must be mailed to the address where the work was to be performed or, if applicable, to the address specified on the permit.

b. There is a presumption that an unlicensed vendor does not have just cause for his or her action or inaction if he or she fails to perform the work or refund the money received in excess of the value of the work performed within 30 days after receiving such written demand. The burden is on the unlicensed vendor to rebut this presumption.

(4) A violation of paragraph (2)(a) or paragraph (3)(a) must be prosecuted in accordance with the following:

(a) The required intent to prove a criminal violation may be shown to exist at the time that the unlicensed vendor appropriated the money to his or her own use and is not required to be proven to exist at the time of receiving the money from the homeowner or at the time the homeowner paid the unlicensed vendor.

(b) There is a presumption that an unlicensed vendor

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intended to deprive the homeowner of the right to the money owed or the benefit from such money and that the unlicensed vendor appropriated the money for his or her own use, or to another person not entitled to the use of the money, if the unlicensed vendor fails to refund any portion of the money owed within 30 days after receiving a written demand for such money from the homeowner.

(c) In a prosecution for a violation of this section, the claim that the unlicensed vendor intended to return the money owed is not a defense.

(5) A person who violates paragraph (2)(a) commits:

(a) A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the total money received is less than \$1,000.

(b) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received is less than \$1,000 and the unlicensed vendor has committed a second or subsequent violation of paragraph (2)(a) within a 3-year period.

(c) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received is greater than or equal to \$1,000 but less than \$20,000.

(d) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received is \$20,000 or more but less than \$200,000.

(e) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the total money received is \$200,000 or more.

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175 (6) A person who violates paragraph (3)(a) commits:  
 176 (a) A misdemeanor of the first degree, punishable as  
 177 provided in s. 775.082 or s. 775.083, if the total money  
 178 received is less than \$1,000.  
 179 (b) A felony of the third degree, punishable as provided in  
 180 s. 775.082, s. 775.083, or s. 775.084, if the total money  
 181 received is less than \$1,000 and the unlicensed vendor has had  
 182 more than one violation of paragraph (3)(a) within a 3-year  
 183 period.  
 184 (c) A felony of the third degree, punishable as provided in  
 185 s. 775.082, s. 775.083, or s. 775.084, if the total money  
 186 received is greater than or equal to \$1,000 but less than  
 187 \$20,000.  
 188 (d) A felony of the second degree, punishable as provided  
 189 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
 190 received is \$20,000 or more but less than \$200,000.  
 191 (e) A felony of the first degree, punishable as provided in  
 192 s. 775.082, s. 775.083, or s. 775.084, if the total money  
 193 received is \$200,000 or more.  
 194 Section 2. Subsection (1) of section 501.022, Florida  
 195 Statutes, is amended to read:  
 196 501.022 Home solicitation sale; permit required.—  
 197 (1)(a) It is unlawful for ~~a any~~ person to conduct ~~a any~~  
 198 home solicitation sale, as defined in s. 501.021, or to  
 199 supervise excluded minors conducting such sales provided in  
 200 subparagraph (b)5., in this state without first obtaining a  
 201 valid home solicitation sale permit as provided in this section.  
 202 (b) ~~The following are excluded from the operation of This~~  
 203 ~~section does not apply to any of the following:~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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204 1. Bona fide agents, business representatives, or  
 205 salespersons making calls or soliciting orders at the usual  
 206 place of business of a customer regarding products or services  
 207 for use in connection with the customer's business.  
 208 2. Solicitors, salespersons, or agents making a call or  
 209 business visit upon the express invitation, oral or written, of  
 210 an inhabitant of the premises or her or his agent.  
 211 3. Telephone solicitors, salespersons, or agents making  
 212 calls which involve transactions that are unsolicited by the  
 213 consumer and consummated by telephone and without any other  
 214 contact between the buyer and the seller or its representative  
 215 ~~before~~ prior to delivery of the goods or performance of the  
 216 services.  
 217 4. Solicitors, salespersons, or agents conducting a sale,  
 218 lease, or rental of consumer goods or services by sample,  
 219 catalog, or brochure for future delivery. For purposes of this  
 220 subparagraph, a business card does not constitute a sample,  
 221 catalog, or brochure.  
 222 5. Minors, as defined in s. 1.01(13), conducting home  
 223 solicitation sales under the supervision of an adult supervisor  
 224 who holds a valid home solicitation sale permit. Minors excluded  
 225 from operation of this section must, however, carry personal  
 226 identification which includes their full name, date of birth,  
 227 residence address, and employer and the name and permit number  
 228 of their adult supervisor.  
 229 6. Those sellers or their representatives that are  
 230 currently regulated as to the sale of goods and services by  
 231 chapter 475 or chapter 497.  
 232 7. Solicitors, salespersons, or agents making calls or

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233 soliciting orders on behalf of a religious, charitable,  
234 scientific, educational, or veterans' institution or  
235 organization holding a sales tax exemption certificate under s.  
236 212.08(7).

237 Section 3. This act shall take effect July 1, 2025.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Banking and Insurance, *Chair*  
Environment and Natural Resources, *Vice Chair*  
Appropriations Committee on Criminal and  
Civil Justice  
Appropriations Committee on Transportation,  
Tourism, and Economic Development  
Fiscal Policy  
Regulated Industries  
Rules

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

**SENATOR BLAISE INGOGLIA**

11th District

February 28, 2025

The Honorable Tom Leek, Chair  
Committee on Commerce and Tourism  
310 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

### **RE: SB 854 Consumer Protections**

Chair Leek,

Senate Bill 854 has been referred to the Committee on Commerce and Tourism as its first committee of reference. I respectfully ask that it be placed on the committee agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in dark ink, appearing to read "Blaise Ingoglia", with a large, sweeping flourish extending to the right.

Blaise Ingoglia  
*State Senator, District 11*

*CC'd: Todd McKay, Jennifer Renner, Renita Hayes*

### REPLY TO:

- ☐ 2943 Landover Boulevard, Spring Hill, Florida 34608 (352) 666-5707
- ☐ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 868

INTRODUCER: Commerce and Tourism Committee and Senator Ingoglia

SUBJECT: Social Media Use by Minors

DATE: March 26, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Fav/CS
2.			JU	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 868 provides that if law enforcement obtains a subpoena, then a social media platform must provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor so that law enforcement may view messages relevant to a criminal investigation involving a minor. Additionally, a social media platform must allow a parent or legal guardian of a minor account holder to view all messages, as well as prohibit a minor account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

The bill takes effect July 1, 2025.

**II. Present Situation:**

**Social Media Use for Minors**

In 2024, the Florida Legislature passed a law limiting minors' access to social media platforms.<sup>1</sup> The law, in part, prohibits minors 13 years of age or younger from holding a social media account, and requires parental consent for 14 and 15 year olds to hold an account.<sup>2</sup>

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<sup>1</sup> Ch. 2024-42, Laws of Fla.

<sup>2</sup> See 501.1736, F.S.

***Definitions***

The law provides the following definitions:<sup>3</sup>

- “Account holder” means a resident who opens an account or creates a profile or is identified by the social media platform by a unique identifier while using or accessing a social media platform when the social media platform knows or has reason to believe the resident is located in Florida.
- “Daily active users” means the number of unique users in the United States who used the online forum, website, or application at least 80 percent of the days during the previous 12 months, or if the online forum, website, or application did not exist during the previous 12 months, the number of unique users in the United States who used the online forum, website, or application at least 80 percent of the days during the previous month.
- “Resident” means a person who lives in Florida for more than 6 months of the year.
- “Social media platform” means an online forum, website, or application that satisfies each of the following criteria:
  - Allows users to upload content or view the content or activity of other users;
  - Ten percent or more of the daily active users who are younger than 16 years of age spend on average 2 hours per day or longer on the online forum, website, or application on the days when using the online forum, website, or application during the previous 12 months or, if the online forum, website, or application did not exist during the previous 12 months, during the previous month;
  - Employs algorithms that analyze user data or information on users to select content for users; and
  - Has any of the following addictive features:
    - Infinite scrolling, which means either continuously loading content, or content that loads as the user scrolls down the page without the need to open a separate page, or seamless content or the use of pages with no visible or apparent end or pagebreaks;
    - Push notifications or alerts sent by the online forum, website, or application to inform a user about specific activities or events related to the user's account;
    - Displays personal interactive metrics that indicate the number of times other users have clicked a button to indicate their reaction to content or have shared or reposted the content;
    - Auto-play video or video that begins to play without the user first clicking on the video or on a play button for that video; and
    - Live-streaming or a function that allows a user or advertiser to broadcast live video content in real-time.
  - The term does not include an online service, website, or application where the exclusive function is e-mail or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly or to other users not specifically identified as the recipients by the sender.

***Minors Under 14***

For minors under 14 years of age, the law requires a social media platform to:<sup>4</sup>

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<sup>3</sup> Section 501.1736(1), F.S.

<sup>4</sup> Section 501.1736(2), F.S.



- Prohibit a minor who is younger than 14 years of age from entering into a contract with a social media platform to become an account holder.
- Terminate any account held by an account holder younger than 14 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely younger than 14 years of age for purposes of targeting content or advertising.
  - The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
- Allow an account holder younger than 14 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
- Allow the confirmed parent or guardian of an account holder younger than 14 years of age to request the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

### ***Minors 14 or 15 Years of Age***

For minors who are 14 or 15 years of age, the law provides the following:<sup>5</sup>

- Requires a social media platform to prohibit a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder, unless the minor's parent or guardian provides consent for the minor to become an account holder.
- Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account.
  - The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
- Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
- Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

If a court enjoins the enforcement of the provisions for minors 14 or 15 years of age, or such provision caused a court to otherwise enjoin enforcement of any other of the provisions, then the provision is severed, and the following comes into effect:<sup>6</sup>

- A social media platform must prohibit a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder.

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<sup>5</sup> Section 501.1736(3), F.S.

<sup>6</sup> Section 501.1736(4), F.S.

- A social media platform must:
  - Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising. The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of 90 days if the account holder fails to effectively dispute the termination.
  - Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
  - Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
  - Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

### **Violations and Enforcement**

Knowing or reckless violation of the requirements for minor users under 14 years of age or the requirements for minor users under 16 years of age by a social media platform is an unfair and deceptive trade practice actionable under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA) solely by the Department of Legal Affairs (DLA).<sup>7</sup> In addition to other FDUTPA remedies, the DLA may collect a civil penalty of up to \$50,000 per violation and reasonable attorney fees and court costs. When the social media platform's failure to comply with such requirements is a consistent pattern of knowing or reckless conduct, punitive damages may be assessed against the social media platform.<sup>8</sup>

A social media platform that knowingly or recklessly violates the requirements for minor users under 14 years of age or the requirements for minor users under 16 years of age is liable to such minor account holder, including court costs and reasonable attorney fees as ordered by the court. Claimants may be awarded up to \$10,000 in damages. Such an action must be brought within 1 year from the date the complainant knew, or reasonably should have known, of the alleged violation.<sup>9</sup>

Actions may only be brought on behalf of a resident minor,<sup>10</sup> and do not preclude any other available remedy at law or equity against such social media platform.<sup>11</sup>

For purposes of bringing an action, a social media platform that allows a minor account holder younger than 14 years of age or a minor account holder who is 14 or 15 years of age to create an account on such platform is considered to be both engaged in substantial and not isolated activities within Florida and operating, conducting, engaging in, or carrying on a business and doing business in Florida, and is therefore subject to the jurisdiction of the courts of Florida.<sup>12</sup>

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<sup>7</sup> Section 501.1736(5), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 501.1736(6), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 501.1736(9), F.S.

<sup>12</sup> Section 501.1736(7), F.S.

***DLA Subpoena Power***

If, by its own inquiry or as a result of complaints, the DLA has reason to believe that an entity or person has engaged in, or is engaging in, an act or practice that violates the bill, the DLA may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence. Within 5 days, excluding weekends and legal holidays, after the service of a subpoena or at any time before the return date specified therein, whichever is longer, the party served may file in the circuit court in the county in which it resides or in which it transacts business and serve upon the enforcing authority a petition for an order modifying or setting aside the subpoena. The petitioner may raise any objection or privilege which would be available upon service of such subpoena in a civil action. The subpoena must inform the party served of its rights.<sup>13</sup>

If the matter that the DLA seeks to obtain by subpoena is located outside of Florida, the entity or person subpoenaed may make it available to the DLA or its representative to examine the matter at the place where it is located. The DLA may designate representatives, including Florida officials where the matter is located, to inspect the matter on its behalf, and may respond to similar requests from officials of other states.<sup>14</sup>

Upon failure of an entity or person without lawful excuse to obey a subpoena and upon reasonable notice to all persons affected, the DLA may apply to the circuit court for an order compelling compliance.<sup>15</sup>

The DLA may request that an entity or person that refuses to comply with a subpoena on the ground that testimony or matter may incriminate the entity or person being ordered by the court to provide the testimony or matter. Except in a prosecution for perjury, an entity or individual that complies with a court order to provide testimony or matter after asserting a valid privilege against self-incrimination must not have the testimony or matter so provided, or evidence derived therefrom, received against the entity or person in any criminal investigation or proceeding.<sup>16</sup>

Any entity or person upon whom a subpoena is served must comply with the terms of the subpoena unless otherwise provided by order of the court. Failure to appear is punishable as a civil penalty up to \$5,000 per week, including attorney's fees, and costs.<sup>17</sup>

**Recent Cases**

In October 2024, two internet-industry groups filed a federal lawsuit challenging the constitutionality of Florida's law limiting minors' access to social media platforms. The Computer & Communications Industry Association and NetChoice, whose members include tech giants such as Google and Meta Platforms, alleged that the law violated their First Amendment rights and that parents have control of their children's social-media use.<sup>18</sup>

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<sup>13</sup> Section 501.1736(10), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Computer & Communications Industry Association and NetChoice v. Uthmeier, Case No.: 4:24-cv-00438-MW-MAF. The case is in the US District Court, Northern District of Florida.

In March 2025, the motion for preliminary injunction was denied. The order did not include a ruling on the First Amendment issue. The order was instead based on the decision that the plaintiffs did not “show a substantial likelihood demonstrating standing” that at least one of the group members “will suffer irreparable injury” without an injunction. The effective date of the law was supposed to be January 1, 2025; however, in November the State agreed not to enforce it until the ruling occurred.<sup>19</sup>

### **Disappearing Messages**

According to the National Law Review, “ephemeral messages are self-destructing messages with no backup or archiving option. Unlike a typical text message that is sent and remains on a user’s and receiver’s phone until manually deleted, ephemeral messages delete themselves after a set time. Some examples of platforms that offer this type of feature are Signal, WhatsApp, WeChat, and Snapchat.”<sup>20</sup>

Disappearing messages have been found to be harmful to children. In 2020, when Facebook introduced disappearing messages, Anna Edmundson, the NSPCC’s head of policy, expressed concerns, stating: “Despite its age restriction, many under-16s use WhatsApp and disappearing messages could put children at greater risk of harm, by providing groomers with yet another tool to avoid detection and erase evidence.”<sup>21</sup>

Some of the risks to children of disappearing messages include: cyberbullying, sexting, grooming, inadequate oversight, false sense of security and privacy, and inappropriate content.<sup>22</sup>

### **End-to-end Encryption**

Advancements in technology create both opportunity and challenges for law enforcement.<sup>23</sup> A challenge that law enforcement officials cite as preventing investigations is end-to-end encryption or “warrant-proof” encryption.<sup>24</sup> Companies employing this type of encryption have emphasized that they do not hold encryption keys to unlock or decrypt the devices or communication.<sup>25</sup> Because of these challenges, law enforcement prefers “front door” access, which means there is clear understanding of when they are accessing a device.<sup>26</sup> A “front door” could be opened with a “key” once law enforcement demonstrates a lawful basis for access,

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<sup>19</sup> *Id.*

<sup>20</sup> Michelle A. Freeman, *Disappearing Messages, Unofficial Communications Platforms and Ever-Increasing Scrutiny by Regulators*, The National Law Review (Oct. 7, 2024), available at , <https://natlawreview.com/article/disappearing-messages-unofficialcommunications-platforms-and-ever-increasing> (last visited Mar. 26, 2025).

<sup>21</sup> Mobicip, *Gone in a Flash: How Disappearing Messages Can Impact Your Child’s Online Safety* (May 13, 2024), available at <https://www.mobicip.com/blog/gone-flash-how-disappearing-messages-can-impact-your-childs-online-safety> (last visited Mar. 26, 2025).

<sup>22</sup> *Id.*

<sup>23</sup> Congressional Research Service, *Law Enforcement and Technology: The “Lawful Access” Debate* (January 6, 2025), available at <https://www.congress.gov/crs-product/IF11769> (last visited Mar. 26, 2025).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

however, this has the potential to lead to exploitation by hackers, criminals, and other malicious actors.<sup>27</sup>

### **Florida Deceptive and Unfair Trade Practices Act (FDUTPA)**

The FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, and unconscionable, deceptive, or unfair acts or practices in the conduct of trade or commerce.<sup>28</sup> The FDUTPA was modeled after the Federal Trade Commission Act.<sup>29</sup>

The DLA or the state attorney's office in the judicial circuit affected or where the violation occurs may bring actions on behalf of consumers or governmental entities when it serves the public interest.<sup>30</sup> The state attorney's office may enforce violations of the FDUTPA if the violations take place within its jurisdiction. The department has enforcement authority when: the violation is multi-jurisdictional; the state attorney defers to the department in writing; or the state attorney fails to act within 90 days after a written complaint is filed.<sup>31</sup> In certain circumstances, consumers may also file suit through private actions.<sup>32</sup>

The department and the state attorney's office have powers to investigate the FDUTPA claims, which include:<sup>33</sup>

- Administering oaths and affirmations.
- Subpoenaing witnesses or matter.
- Collecting evidence.

The department and the state attorney's office may seek the following remedies:<sup>34</sup>

- Declaratory judgments.
- Injunctive relief.
- Actual damages on behalf of consumers and businesses.
- Cease and desist orders.
- Civil penalties of up to \$10,000 per willful violation.

The FDUTPA may not be applied to certain entities in certain circumstances, including:<sup>35</sup>

- Any person or activity regulated under laws administered by the Office of Insurance Regulation or the Department of Financial Services.

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<sup>27</sup> *Id.*

<sup>28</sup> Section 501.202, F.S.

<sup>29</sup> See 15 U.S.C. s. 45; see also D. Matthew Allen, et. al., *The Federal Character of Florida's Deceptive and Unfair Trade Practices Act*, 65 U. MIAMI L. REV. 1083 (Summer 2011).

<sup>30</sup> Sections 501.203(2) and 501.207(1)(c) and (2), F.S.; see also David J. Federbush, *FDUTPA for Civil Antitrust Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLA. BAR J. 52 (Dec. 2002), available at <https://www.floridabar.org/the-florida-bar-journal/fdutpa-for-civil-antitrust-additional-conduct-party-and-geographic-coverage-state-actions-for-consumer-restitution/> (analyzing the merits of FDUTPA and the potential for deterrence of anticompetitive conduct in Florida) (last visited Mar. 26, 2025).

<sup>31</sup> Section 501.203(2), F.S.

<sup>32</sup> Section 501.211, F.S.

<sup>33</sup> Section 501.206(1), F.S.

<sup>34</sup> Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

<sup>35</sup> Section 501.212(4), F.S.

- Banks, credit unions, and savings and loan associations regulated by the Office of Financial Regulation or federal agencies.

### III. Effect of Proposed Changes:

The bill provides that if law enforcement obtains a subpoena, then a social media platform must provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor so that law enforcement may view messages relevant to a criminal investigation involving a minor. Additionally, a social media platform must allow a parent or legal guardian of a minor account holder to view all messages, as well as prohibit a minor account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

The bill takes effect July 1, 2025.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

#### State Authority to Regulate to Protect Minors

The U.S. Supreme Court has determined that the state has a “compelling interest in protecting the physical and psychological well-being of minors,” which “extends to shielding minors from the influence of literature that is not obscene by adult standards.”<sup>36</sup> In doing so, however, the means must be narrowly tailored to achieve that end so as not to unnecessarily deny adults access to material which is constitutionally protected indecent material.<sup>37</sup>

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<sup>36</sup> *Sable Commc’s of California, Inc.*, 492 U.S. at 126.

<sup>37</sup> *Ashcroft*, 542 U.S. at 666; *Cashatt v. State*, 873 So. 2d 430, 434 (Fla. 1<sup>st</sup> DCA 2004); *but see Erznoznik*, 422 U.S. at 213 (determining that the city’s regulation was overly broad).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Social media platforms will be required to provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor when law enforcement obtains a subpoena. Additionally, a social media platform must allow a parent or legal guardian of a minor account holder to view all messages, as well as prohibit a minor account holder from using or accessing messages that are designed to disappear.

**C. Government Sector Impact:**

The bill may result in an unknown increase in civil penalties collected by the Department of Legal Affairs, and regulatory costs to the Department of Legal Affairs to enforce the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 501.1736 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism on March 25, 2025:**

The committee substitute provides that if law enforcement obtains a subpoena, then a social media platform must provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor so that law enforcement may view messages relevant to a criminal investigation involving a minor. Additionally, a social media platform must allow a parent or legal guardian of a minor account holder to view all messages, as well as prohibit a minor account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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588638

LEGISLATIVE ACTION

	Senate	House
Comm: RCS	.	.
03/25/2025	.	.
	.	.
	.	.

The Committee on Commerce and Tourism (Ingoglia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and paragraph (b) of subsection (4) of section 501.1736, Florida Statutes, are amended to read:

- 501.1736 Social media use for minors.—  
(2)  
(b) A social media platform shall:

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1. Terminate any account held by an account holder younger than 14 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely younger than 14 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
2. Allow an account holder younger than 14 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
3. Allow the confirmed parent or guardian of an account holder younger than 14 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.
5. If law enforcement obtains a subpoena, provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor so that law enforcement may view messages relevant to a criminal investigation involving a minor.
6. Allow a parent or legal guardian of a minor account holder to view all messages.
7. Prohibit a minor account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.

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- (3)
- (b) A social media platform shall:
  1. Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account. The social media platform shall provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
  2. Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
  3. Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
  4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.
  5. If law enforcement obtains a subpoena, provide a mechanism to decrypt end-to-end encryption or other data encryption features that restrict the accessibility of messages on any account of a minor so that law enforcement may view messages relevant to a criminal investigation involving a minor.
  6. Allow a parent or legal guardian of a minor account

Page 3 of 5

3/24/2025 7:42:36 AM

577-02732-25



588638

- holder to view all messages.
7. Prohibit a minor account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are ephemeral in nature.
- (4) If a court enjoins the enforcement of subsection (3) or would otherwise enjoin enforcement of any other provision of this section due to subsection (3), then subsection (3) shall be severed, and the following shall come into effect:
  - (b) A social media platform shall:
    1. Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of 90 days if the account holder fails to effectively dispute the termination.
    2. Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
    3. Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
    4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.
    5. If law enforcement obtains a subpoena, provide a

Page 4 of 5

3/24/2025 7:42:36 AM

577-02732-25



588638

98 mechanism to decrypt end-to-end encryption or other data  
99 encryption features that restrict the accessibility of messages  
100 on any account of a minor so that law enforcement may view  
101 messages relevant to a criminal investigation involving a minor.  
102 6. Allow a parent or legal guardian of a minor account  
103 holder to view all messages.  
104 7. Prohibit a minor account holder from using or accessing  
105 messages that are designed to disappear after a certain period  
106 of time or upon viewing, self-destructing messages, or messages  
107 that are ephemeral in nature.  
108 Section 2. This act shall take effect July 1, 2025.  
109  
110 ===== T I T L E A M E N D M E N T =====  
111 And the title is amended as follows:  
112 Delete everything before the enacting clause  
113 and insert:  
114 A bill to be entitled  
115 An act relating to social media use by minors;  
116 amending s. 501.1736, F.S.; requiring social media  
117 platforms to provide a mechanism to decrypt end-to-end  
118 encryption when law enforcement obtains a subpoena;  
119 requiring social media platforms to allow a parent or  
120 legal guardian of a minor account holder to view all  
121 messages; prohibiting minor account holders from using  
122 or accessing messages that are designed to disappear  
123 or self destruct, or are ephemeral in nature;  
124 providing an effective date.

By Senator Ingoglia

11-00759A-25

2025868\_\_

A bill to be entitled

An act relating to social media use by minors;  
amending s. 501.1736, F.S.; requiring social media  
platforms to disable certain encryption features for a  
specified purpose; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (2), paragraph (b)  
of subsection (3), and paragraph (b) of subsection (4) of  
section 501.1736, Florida Statutes, are amended to read:

501.1736 Social media use for minors.—

(2)

(b) A social media platform shall:

1. Terminate any account held by an account holder younger  
than 14 years of age, including accounts that the social media  
platform treats or categorizes as belonging to an account holder  
who is likely younger than 14 years of age for purposes of  
targeting content or advertising, and provide 90 days for an  
account holder to dispute such termination. Termination must be  
effective upon the expiration of the 90 days if the account  
holder fails to effectively dispute the termination.

2. Allow an account holder younger than 14 years of age to  
request to terminate the account. Termination must be effective  
within 5 business days after such request.

3. Allow the confirmed parent or guardian of an account  
holder younger than 14 years of age to request that the minor's  
account be terminated. Termination must be effective within 10  
business days after such request.

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

11-00759A-25

2025868\_\_

4. Permanently delete all personal information held by the  
social media platform relating to the terminated account, unless  
there are legal requirements to maintain such information.

5. Disable end-to-end encryption or other data encryption  
features that restrict the accessibility of messages so that a  
minor's parent or legal guardian may view all messages and law  
enforcement may view messages relevant to a felony criminal  
investigation involving minors.

(3)

(b) A social media platform shall:

1. Terminate any account held by an account holder who is  
14 or 15 years of age, including accounts that the social media  
platform treats or categorizes as belonging to an account holder  
who is likely 14 or 15 years of age for purposes of targeting  
content or advertising, if the account holder's parent or  
guardian has not provided consent for the minor to create or  
maintain the account. The social media platform shall provide 90  
days for an account holder to dispute such termination.  
Termination must be effective upon the expiration of the 90 days  
if the account holder fails to effectively dispute the  
termination.

2. Allow an account holder who is 14 or 15 years of age to  
request to terminate the account. Termination must be effective  
within 5 business days after such request.

3. Allow the confirmed parent or guardian of an account  
holder who is 14 or 15 years of age to request that the minor's  
account be terminated. Termination must be effective within 10  
business days after such request.

4. Permanently delete all personal information held by the

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

11-00759A-25

2025868

social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

5. Disable end-to-end encryption or other data encryption features that restrict the accessibility of messages so that a minor's parent or legal guardian may view all messages and law enforcement may view messages relevant to a felony criminal investigation involving minors.

(4) If a court enjoins the enforcement of subsection (3) or would otherwise enjoin enforcement of any other provision of this section due to subsection (3), then subsection (3) shall be severed, and the following shall come into effect:

(b) A social media platform shall:

1. Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of 90 days if the account holder fails to effectively dispute the termination.

2. Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.

3. Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.

4. Permanently delete all personal information held by the social media platform relating to the terminated account, unless

Page 3 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

11-00759A-25

2025868

there are legal requirements to maintain such information.

5. Disable end-to-end encryption or other data encryption features that restrict the accessibility of messages so that a minor's parent or legal guardian may view all messages and law enforcement may view messages relevant to a felony criminal investigation involving minors.

Section 2. This act shall take effect July 1, 2025.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Banking and Insurance, *Chair*  
Environment and Natural Resources, *Vice Chair*  
Appropriations Committee on Criminal and  
Civil Justice  
Appropriations Committee on Transportation,  
Tourism, and Economic Development  
Fiscal Policy  
Regulated Industries  
Rules

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

**SENATOR BLAISE INGOGLIA**

11th District

February 28, 2025

The Honorable Tom Leek, Chair  
Committee on Commerce and Tourism  
310 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

### **RE: SB 868 Social Media Use by Minors**

Chair Leek,

Senate Bill 868 has been referred to the Committee on Commerce and Tourism as its first committee of reference. I respectfully ask that it be placed on the committee agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in dark ink, appearing to read "Blaise Ingoglia". The signature is stylized with a large, sweeping loop at the end.

Blaise Ingoglia  
*State Senator, District 11*

*CC'd: Todd McKay, Jennifer Renner, Renita Hayes*

#### REPLY TO:

- ☐ 2943 Landover Boulevard, Spring Hill, Florida 34608 (352) 666-5707
- ☐ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25  
Meeting Date  
Commerce & Tourism  
Committee

868  
Bill Number or Topic  
# 588638  
Amendment Barcode (if applicable)

Name Katie Kelly Phone 850-933-2822  
Address P.O. BOX 12186 Email Katie.Kelly@technet.org  
TUH FL 32317  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Technet

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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3/25/25

Meeting Date

SB 868

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O. Box 530103

Street

Email aaron.d@flfamily.org

Orlando

City

FL

State

32853

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Family Voice

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

SB 868

3/25/25

Meeting Date

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Bill Number or Topic

Commerce and Tourism

Committee

Amendment Barcode (if applicable)

Name

Ryan Kennedy

Phone

239-671-5733

Address

5572 Cobalto Way

Email

ryan@90+wa.org

Street

Avenara

FL

34142

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Citizens  
Alliance

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



**APPEARANCE RECORD**SB 868 / ~~SB 1138~~

Bill Number or Topic

Amendment Barcode (if applicable)

3/25/25

Meeting Date

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Commerce &amp; Tourism

Committee

Name David McGarryPhone 818 285 9985Address 1101 14th St. NW St 500  
StreetEmail dmcgarry@protectingtaxpayers.orgWashington  
CityDC  
State20003  
ZipSpeaking: ☐ For ☒ Against ☐ Information**OR**Waive Speaking: ☐ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐ I am appearing without  
compensation or sponsorship.☐ I am a registered lobbyist,  
representing:☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:Taxpayers Protection Alliance

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

March 25, 2025

Meeting Date  
**Commerce & Tourism**

Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

868

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Pamela Burch Fort** Phone **850-425-1344**

Address **104 S. Monroe Street** Email **TcgLobby@aol.com**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

**Reset Form**

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**PEN America FL**

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25

Meeting Date

Commerce & Tourism

Committee

868

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Corey Bleakley

Phone

Address

1680 Fruitville Rd

Email

Street

Sarasota

City

FL

State

34236

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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3-25-25

Meeting Date

Commerce & Tourism

Committee

SB 868

Bill Number or Topic

Amendment Barcode (if applicable)

Name Spike Poma

Phone X

Address 1680 Fruitville Rd  
Street

Email X

Sarasota  
City

FL  
State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**APPEARANCE RECORD**

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03/25/2025

Meeting Date

Commerce &amp; Tourism

Committee

868

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Turner Loesel (Low-Zelle)

Phone

561-401-8625

Address

100 N Duval St

Street

Email

tloesel@jamesmadison.org

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/25/23

Meeting Date

Commerce & Tourism

Committee

The Florida Senate

## APPEARANCE RECORD

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SB 868

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Mendi Langworthy

Phone

Address

1680 Fruitville Rd

Email

Street

Sarasota

FL

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

March 25, 2025

Meeting Date

Commerce & Tourism

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

**Tallahassee**

City

**FL**

State

**32308**

Zip

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

868

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.com**

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**Fla. Smart Justice Alliance**

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

3/25/25

Meeting Date

SB 868

Bill Number or Topic

Commerce & Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Greg S. Mathers, Moms for Liberty  
FLORIDA

Phone (808) 772-7515

Address 4539 Jubilee Trl.  
Street

Email warrordawyer@notusm.com

Tallahassee FL 32305  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



**APPEARANCE RECORD**

SB 868

Bill Number or Topic

3/25/25

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Com Tourism

Committee

Amendment Barcode (if applicable)

Name

ASHE Bradley

Phone

Address

1680 Fruitville Rd

Email

Street

Sarasota FL

3463 34234

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☒I am appearing without  
compensation or sponsorship.☐I am a registered lobbyist,  
representing:☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03/25/25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB-864

Bill Number or Topic

Commerce and tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Ruth Johnson

Phone

Address

1680 Fruitville Rd

Email

Street

Sarasota

FL

34236

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

03/25/25

Meeting Date

868

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name

Sarah Parker

Phone

Address

1680 Fruitville rd.

Email

Sarah@VoicesofFlorida.org

Street

Sarasota

City

FL

State

34236

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/23

Meeting Date

SB ~~868~~ 868

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Echo Nova

Phone 404-625-8188

Address 1812 Vista Lakes Dr.

Street

Email quantisedecho@gmail.com

Fleming Island

City

FL

State

32003

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

3/25/25

Meeting Date

Commerce/Tourism

Committee

868

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Tsi Day Smyth

Phone

Address

1680 Fruitville Rd

Email

Street

Sarasota

FL

City

State

Zip

Speaking:

☐

For


☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support


☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

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☐

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: SB 918

INTRODUCER: Senator Collins

SUBJECT: Employment of Minors

DATE: March 24, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	<b>Favorable</b>
2.			RI	
3.			RC	

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## **I. Summary:**

SB 918 removes all restrictions on employment for minors 16 and 17 years-of-age set out in s. 450.081, F.S., relating to time of day, number of hours, and meal breaks. The bill grants exceptions to restrictions on work performed by minors 14 and 15 years-of-age under certain circumstances. The bill also removes reference to the Department of Business and Professional Regulation's (DBPR) ability to grant waiver of employment restrictions for minors.

The bill takes effect on July 1, 2025.

## **II. Present Situation:**

### **Overview**

Subject to some exceptions, federal and state child labor laws prevent work hours and timeframes from interfering with the child's health, safety, and education. At the federal level, the Fair Labor Standards Act (FLSA) determines the minimum age for work during school hours, performing certain jobs after school, and places restraints on work considered hazardous. Florida's Child Labor Law also restricts the employment of minors, sometimes more than federal law. Florida's Child Labor Law contains protections specifically directed to 16 and 17-year-olds, including restrictions on what times during the day they may work, how many hours in a week they may work, and what jobs or occupations they may perform.

### **Federal Fair Labor Standards Act**

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.<sup>1</sup> Congress adopted the FLSA to

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<sup>1</sup> 29 U.S.C. § 201-219; 29 C.F.R. ch. V.

prevent substandard labor conditions from being used as an “unfair method of competition.”<sup>2</sup> The FLSA covers employees and enterprises engaged in interstate commerce. An enterprise is covered if it has annual sales or business done of at least \$500,000.<sup>3</sup> Regardless of the dollar volume of business, the FLSA applies to hospitals; institutions primarily engaged in the care of the sick, aged, mentally ill, or disabled who reside on the premises; schools for children who are mentally or physically disabled or gifted; federal, state, and local governments; and preschools, elementary and secondary schools, and institutions of higher education.<sup>4</sup>

The FLSA was adopted as a minimum set of standards, which allowed states to provide greater protections for employees. Under the FLSA, if states enact minimum wage, overtime, or child labor laws that are more protective than what is provided by the FLSA, the state law applies.<sup>5</sup> Because states may enact laws that are more protective than what is provided by the FLSA, minimum wage, overtime, and child labor standards vary state by state.

### ***Child Labor***

The FLSA prohibits the employment of “oppressive child labor” in the United States and the shipment of goods made in proximity to oppressive child labor.<sup>6</sup> The FLSA establishes a general minimum age of 16 years for employment in nonhazardous occupations, and a minimum age of 18 years for employment in any occupation determined by the Secretary of Labor to be hazardous to the health or well-being of minors. However, children younger than 16 may work if certain conditions are met, and rules for agricultural and nonagricultural employment vary significantly.<sup>7</sup>

According to the US Department of Labor (DOL), two things are certain:<sup>8</sup>

- Once an employee is 18 years-of-age, there are no federal child labor rules.
- Federal child labor rules do not require work permits. However, many states issue age certificates if you are asked to provide them by your employer.

### ***Nonagricultural Employment – Minimum Standards***

For nonexempt children, the minimum age for employment in nonagricultural occupations is:<sup>9</sup>

- 18 years-of-age for occupations determined by the Secretary of Labor to be hazardous to the health and well-being of children (i.e., “hazardous occupations”);
- 16 years-of-age for employment in nonhazardous occupations; or
- 14 years-of-age for a limited set of occupations, with restrictions on hours and work conditions, as determined by the Secretary of Labor.

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<sup>2</sup> *Brooklyn Savings Bank V. O’Neil*, 324 U.S. 697 (1945).

<sup>3</sup> 29 C.F.R. §§779.258-779.259.

<sup>4</sup> 29 U.S.C. §203(s)(1).

<sup>5</sup> 29 U.S.C. § 218.

<sup>6</sup> 29 U.S.C. §212.

<sup>7</sup> Congressional Research Service, *The Fair Labor Standards Act (FLSA): An Overview*, (Mar. 8, 2023), <https://crsreports.congress.gov/product/pdf/R/R42713>. (last visited Mar. 24, 2025).

<sup>8</sup> US Department of Labor, *Fair Labor Standards Act (FLSA) Child Labor Rules Advisor*, <https://webapps.dol.gov/elaws/whd/flsa/cl/default.htm> (last visited Mar. 24, 2025).

<sup>9</sup> 29 CFR § 570.2.

A child under the age of 14 may not be employed unless his or her employment is explicitly excluded from the definition of oppressive child labor (e.g., a parent is the child's sole employer in a nonhazardous occupation) or exempt from the FLSA child labor provisions (e.g., newspaper delivery).<sup>10</sup>

The hours and times of day that 14- and 15-year-olds are allowed to work and specific occupations that are permitted or prohibited for such minors in nonagricultural occupations are set by federal and state law.

The FLSA allows the employment of minors 14 and 15 years-of-age during the following hours and times-of-day:<sup>11</sup>

- Outside of school hours;<sup>12</sup>
- Not more than 40 hours in any 1 week when school is not in session;
- Not more than 18 hours in any 1 week when school is in session;
- Not more than 8 hours in any 1 day when school is not in session;
- Not more than 3 hours in any 1 day when school is in session, including Fridays; and
- Between 7 a.m. and 7 p.m. in any 1 day, except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m.

### ***Oppressive Child Labor***

The following occupations constitute oppressive child labor within the meaning of the FLSA when performed by minors who are 14 and 15 years-of-age:<sup>13</sup>

- Manufacturing, mining, or processing occupations.
- Occupations that the Secretary of Labor may, pursuant to section 3(l) of the FLSA, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing hoisting apparatus.
- Work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing any power-driven machinery, including but not limited to lawn mowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Youth 14 and 15 years of age may, however, operate office equipment pursuant to § 570.34(a) and vacuum cleaners and floor waxers pursuant to § 570.34(h).
- The operation of motor vehicles.
- Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes.
- All baking and cooking activities except that cooking which is permitted by § 570.34(c).

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<sup>10</sup> 29 CFR § 570.119.

<sup>11</sup> 75 C.F.R. § 28448 (2010).

<sup>12</sup> 29 C.F.R. § 570.35(b) defines "school hours" as the hours that the local public school district where the minor resides while employed is in session during the regularly scheduled school year.

<sup>13</sup> 29 C.F.R. § 570.33.



- Work in freezers and meat coolers and all work in the preparation of meats for sale except as permitted by § 570.34(j). This section, however, does not prohibit the employment of 14- and 15-year-olds whose duties require them to occasionally enter freezers only momentarily to retrieve items as permitted by § 570.34(i).
- Youth peddling, which entails the selling of goods or services to customers at locations other than the youth-employer's establishment, such as the customers' residences or places of business, or public places such as street corners and public transportation stations.
- Loading and unloading of goods or property onto or from motor vehicles, railroad cars, or conveyors, except the loading and unloading of personal non-power-driven hand tools, personal protective equipment, and personal items to and from motor vehicles as permitted by § 570.34(k).
- Catching and cooping of poultry in preparation for transport or for market.
- Public messenger service.
- Occupations in connection with transportation of persons or property, warehousing and storage, communications and public utilities, and construction (including demolition and repair).

### ***Authorized Occupations***

The FLSA allows the following occupations to be performed by minors 14 and 15 years-of-age when performed within the required timeframes:<sup>14</sup>

- Office and clerical work, including the operation of office machines.
- Work of an intellectual or artistically creative nature.
- Cooking with electric or gas grills which does not involve cooking over an open flame.
- Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
- Price marking and tagging by hand or machine, assembling orders, packing, and shelving.
- Bagging and carrying out customers' orders.
- Errand and delivery work by foot, bicycle, and public transportation.
- Clean up work, including the use of vacuum cleaners and floor waxers, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
- Kitchen work and other work involved in preparing and serving food and beverages.
- Cleaning vegetables and fruits, and the wrapping, sealing, labeling, weighing, pricing, and stocking of items.
- The loading onto motor vehicles and the unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as a back pack, a lunch box, or a coat that the minor is permitted to take to the work site.
- The employment of 15-year-olds (but not 14-year-olds) to perform permitted lifeguard duties at traditional swimming pools and water amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas that may include waterfalls and sprinkler areas, and baby pools; but not including the elevated areas of power-driven water

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<sup>14</sup> 29 CFR § 570.34.

slides) when such youth have been trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety.

- Employment inside and outside of places of business where machinery is used to process wood products.
- Work in connection with cars and trucks if confined to dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing by hand; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
- Work in connection with riding inside passenger compartments of motor vehicles.

### ***Agricultural Employment – Minimum Standards***

With some exceptions, the minimum age for employment in agricultural occupations is:

- 16 years-of-age for employment in any agricultural job, including those determined to be hazardous by the Secretary of Labor, with no restrictions on hours of work;<sup>15</sup>
- 14 years-of-age for employment in nonhazardous agricultural jobs, outside of school hours;<sup>16</sup>
- 12 years-of-age (up to 13 years) for employment in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent; written consent is not required if the work takes place on a farm that also employs the child's parent;<sup>17</sup>
- 10 years-of-age (and up to 11 years) for employment to hand-harvest select crops for up to eight weeks in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent, providing the employer has obtained a waiver permitting this employment from the Secretary of Labor;<sup>18</sup> or
- Any age (up to 12 years), for employment in nonhazardous agricultural jobs, outside of school hours on certain small farms, with a parent's written consent.<sup>19</sup>

A child of any age who is employed by a parent on a farm owned or operated by the parent may work without restriction.<sup>20</sup> DOL regulations also provide limited exemptions to child labor rules concerning hazardous agricultural occupations for student learners and graduates of vocational training programs that meet regulatory criteria.<sup>21</sup>

<sup>15</sup> 29 CFR § 570.2.

<sup>16</sup> 29 U.S.C. §213(c)(1)(C). DOL regulations identify the set of jobs and activities that—subject to hours-of-work restrictions—do not constitute oppressive child labor for children ages 14 and 15 years old. 29 C.F.R. §570.33.

<sup>17</sup> 29 U.S.C. §213(c)(1)(B).

<sup>18</sup> The conditions under which the Secretary of Labor will grant a waiver permitting the employment of 10 and 11 year old children to harvest certain crops can be found in 29 U.S.C. 213(c)(4) and 29 C.F.R. § part 575. However, as DOL notes “the Department was enjoined from issuing such waivers in 1980 because of issues involving exposure, or potential exposure, to pesticides (*see National Ass’n of Farmworkers Organizations v. Marshall*, 628 F.2d 604 (DC Cir. 1980)). Therefore, no waivers have been granted under FLSA section 13(c)(4) for thirty years.” DOL-WHD, “Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations-Civil Money Penalties - A Proposed Rule,” 75 Federal Register 54842, September 2, 2011.

<sup>19</sup> 29 U.S.C. §213(c)(1)(A). Applies to the employment of children on farms that are exempt from FLSA minimum wage provisions because they employed fewer than 500 “man-days of agricultural labor” during any calendar quarter in the previous calendar year. FLSA defines a man-day of agricultural labor as “any day during which an employee performs any agricultural labor for not less than one hour”; 29 U.S.C. §203(u).

<sup>20</sup> 29 U.S.C. §213(c)(2).

<sup>21</sup> 29 C.F.R. §570.72.

### ***FLSA Child Labor Exemptions***

The FLSA excludes the following occupations and work arrangements from coverage of its child labor provisions:

- *Children with a Parental Employer*: Children who work for a parent or a person standing in place of a parent<sup>22</sup> in an occupation other than manufacturing, mining, or hazardous work may be employed at any age and for any number of hours.<sup>23</sup>
- *Child Performers*: Children of any age may be employed as actors or performers in motion pictures or in theatrical, radio, or television productions.<sup>24</sup>
- *Newspaper Delivery Persons*: Children of any age may be employed to deliver newspapers to consumers.<sup>25</sup>
- *Evergreen Wreath Producers (Homebased)*: Children of any age may be employed as homeworkers to make evergreen wreaths and to harvest forest products used in making such wreaths.<sup>26</sup>

### ***Hazardous Occupations***

Seventeen groups of nonagricultural occupations have been determined to be hazardous or detrimental to the health or well-being of children between the ages of 16 and 18 years.<sup>27</sup>

Employment in these jobs is prohibited, with limited exemptions for registered apprentices and student learners.<sup>28</sup> In some instances, children's employment is banned in entire industries (e.g., coal mining) with some exceptions for office, sales, or maintenance work; others prohibit children's exposure to materials (e.g., radioactive substances) or equipment (e.g., power-driven hoisting apparatus).

Eleven types of agricultural occupations have been determined to be hazardous, in which—with few exceptions—a child below the age of 16 may not be employed.<sup>29</sup> These include, for example, handling or applying certain agricultural chemicals, and working on a farm in a pen occupied by a stud horse maintained for breeding purposes. The prohibition on employment in agricultural hazardous occupations does not apply to children employed by a parent on a farm owned or operated by the parent.<sup>30</sup> When certain requirements are met, student learners and

<sup>22</sup> Parent or person standing in place of a parent is defined in 29 C.F.R. §570.126 as including “natural parents, or any other person, where the relationship between that person and a child is such that the person may be said to stand in place of a parent. For example, one who takes a child into his home and treats it as a member of his own family, educating and supporting the child as if it were his own, is generally said to stand to the child in place of a parent.”

<sup>23</sup> This exemption stems from the FLSA definition of oppressive child labor at 29 U.S.C. §203(1), which excludes children employed by a parent in most nonhazardous occupations. For children employed in nonagricultural work, the parent must be the sole employer for the exemption to hold. The parent need not be the sole employer for children working in agriculture on a farm owned or operated by the parent.

<sup>24</sup> 29 U.S.C. §213(c)(3).

<sup>25</sup> 29 U.S.C. §213(d).

<sup>26</sup> 29 U.S.C. §213(d).

<sup>27</sup> 29 C.F.R. §§570.50-570.68.

<sup>28</sup> The prohibition on minors' employment in the nonagricultural hazardous occupations applies even if the child is employed by a parent. The conditions under which a registered apprentice or student learner may participate in hazardous occupation tasks are described in 29 C.F.R. §570.50 (b)-(c).

<sup>29</sup> Hazardous agricultural occupations are described in 29 C.F.R. §570.71. Exemptions to the ban on children's employment in hazardous agricultural occupations are described in 29 C.F.R. §570.72.

<sup>30</sup> 29 U.S.C. §213(c)(2).

graduates of tractor or machine operation programs that meet regulatory criteria may be employed in select hazardous occupations.

### ***FLSA Violations***

Two remedies are available for violations of the FLSA child labor provisions. The Secretary of Labor may assess civil penalties or seek other relief, including injunctive relief. Employers who violate the FLSA child labor provisions may be assessed the following civil penalties:

- Up to \$15,138 for each employee who was the subject of a child labor violation; or
- Up to \$68,801 for each violation that causes the death or serious injury of a minor employee, a penalty may be doubled if the violation is a repeated or willful violation.<sup>31</sup>

U.S. district courts have jurisdiction to enjoin violations of the FLSA's child labor provisions.<sup>32</sup> For example, a federal court may order an employer to halt employment of a minor in a hazardous occupation or may enjoin a producer from shipping goods out of state from an establishment in or about which a child labor violation has occurred. Criminal penalties are also prescribed for willful violations of the FLSA's child labor provisions.<sup>33</sup>

### **Florida's Child Labor Law**

Florida's Child Labor Law (CLL), ss. 450.001-450.165, F.S., provide guidelines for child labor in the state that employers must follow in addition to the FLSA.

### ***Hours of Work in Certain Occupations***

Currently, the CLL mandates that minors 16 and 17 years-of-age are not allowed to be employed during school hours, unless they are enrolled in a career education program.<sup>34</sup> These minors may not be employed, permitted, or suffered to work:

- Between 11 p.m. and 6:30 a.m. when school is scheduled the following day.
- For more than 8 hours in any one day, when school is scheduled the following day, except for holidays and Sundays.
- For more than 30 hours each week when school is in session, except for certain circumstances through a waiver.
- For eight hours or more a day without at least a 30 minute break.<sup>35</sup>

The CLL further mandates that minors 15 years-of-age and younger may not be employed, permitted, or suffered to work:

- Between 7 p.m. and 7 a.m. when school is scheduled the following day.
- For more than 15 hours in any week when school is in session.
- For more than 3 hours a day on a school day, unless they are enrolled in a career education program or there is no school the following day.

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<sup>31</sup> These civil money penalties took effect on January 16, 2023, and are adjusted for inflation as provided by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (P.L. 114-74).

<sup>32</sup> 29 U.S.C. §217.

<sup>33</sup> CONG. RSCH. SERV., *The Fair Labor Standards Act (FLSA): An Overview*, Mar. 8, 2023, at 17 <https://crsreports.congress.gov/product/pdf/R/R42713> (last visited Mar. 24, 2025).

<sup>34</sup> Section 450.081, F.S.

<sup>35</sup> *Id.*

- For more than six days per week.
- For more than four hours continuously without at least a 30 minute break.<sup>36</sup>

During holiday and summer vacations, minors 15 years-of-age and younger may not work:

- Between 9 p.m. and 7 a.m.
- For more than 8 hours per day.
- For more than 40 hours per week.<sup>37</sup>

These restrictions do not apply to:

- Minors 16 and 17 years-of-age who have graduated from high school or received a high school equivalency diploma.
- Minors who are within the compulsory school attendance age limit and who hold a valid certificate of exemption issued by the school superintendent or his or her designee pursuant to s. 1003.21(3), F.S.
- Minors enrolled in an educational institution who qualify on a hardship basis and receive a waiver as determined by the school superintendent.
- Minors 16 and 17 years-of-age who are in a home education program or are enrolled in an approved virtual instruction program in which the minor is separated from the teacher by time only.
- Minors in domestic service in private homes, minors employed by their parents, or pages in the Florida Legislature.<sup>38</sup>

Additionally, the CLL sets out that:

- DBPR may grant waivers of the restrictions laid out in s. 450.081, F.S.
- The presence of a minor in a place of employment during working hours is prima facie evidence of their employment at such place.
- An employer who violates s. 450.081, F.S., is subject to penalties in s.450.141, F.S.<sup>39</sup>

### ***Curfew***

Florida authorizes cities and counties to enact their own curfew ordinances for minors under the age of 16.<sup>40</sup> The law provides that any minor under the age of 16 cannot be present at a public establishment during the following hours, not including legal holidays:

- Sunday to Thursday from 11:00 p.m. to 5:00 a.m.
- Saturday or Sunday from 12:01 a.m. to 6:00 a.m.
- 9:00 a.m. to 2:00 p.m. if suspended from school.<sup>41</sup>

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Section 877.20, F.S.

<sup>41</sup> Section 877.22, F.S.

The statutory curfew does not apply unless the curfew is adopted by a governing body of the county or municipality.<sup>42</sup> A governing body of a county or municipality is allowed to adopt restrictions that are more or less stringent than the statutory curfew.<sup>43</sup>

### **III. Effect of Proposed Changes:**

#### **Restrictions on the Employment of Minors**

SB 918 amends s. 450.081, F.S., to remove the limitations on working hours for minors 16 and 17 years-of-age. Under the bill, those minors are no longer restricted from working at night or for more than 8 hours a day when school is scheduled the next day. Those minors may also work more than 30 hours a week when school is in session and for more than eight hours a day without a thirty minute break.

Additionally, the bill removes all employment restrictions in s. 450.081, F.S., for minors 14 and 15 years-of-age:

- Who have graduated from high school or received a high school equivalent diploma.
- Who hold a valid certificate of exemption issued by the school superintendent.
- Who are enrolled in a home education, or virtual instruction program in which the minor is separated from the teacher by time only.

The bill also removes all employment restrictions in s. 450.081, F.S., for all minors who qualify on a hardship basis, are enrolled in a public school, and receive a waiver of hours from the school superintendent.

Finally, the bill removes reference to DBPR's power to grant waivers of the employment restrictions imposed by s. 450.081, F.S. DBPR still has the authority to grant waivers under s. 450.095, F.S.

#### **Effective Date**

The bill provides an effective date of July 1, 2025.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>42</sup> Section 877.25, F.S.

<sup>43</sup> *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate. Employers may see an increase in the number of minors available for employment and the hours in which they are able to work.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 450.081 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Collins

14-01191-25

2025918\_\_

A bill to be entitled

An act relating to the employment of minors; amending s. 450.081, F.S.; deleting certain restrictions on minors 16 and 17 years of age being employed, permitted, or suffered to work; revising the exceptions to such restrictions for certain minors; deleting a provision authorizing the Department of Business and Professional Regulation to grant a waiver of such restrictions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (2), (4), (5), and (6) of section 450.081, Florida Statutes, are amended to read:

450.081 Hours of work in certain occupations.—

~~(2)(a) Minors 16 and 17 years of age may not be employed, permitted, or suffered to work:~~

~~1. Before 6:30 a.m. or after 11 p.m. when school is scheduled the following day.~~

~~2. For more than 8 hours in any one day when school is scheduled the following day, except when the day of work is on a holiday or Sunday.~~

~~3. For more than 30 hours in any one week when school is in session. However, a minor's parent or custodian, or the school superintendent or his or her designee, may waive the limitation imposed in this subparagraph on a form prescribed by the department and provided to the minor's employer.~~

~~(b) On any school day, minors 16 and 17 years of age who are not enrolled in a career education program may not be~~

Page 1 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

14-01191-25

2025918\_\_

~~gainfully employed during school hours.~~

~~(3)(4) Minors 15 years of age or younger may not be employed, permitted, or suffered to work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period; and for the purposes of this law, a period of less than 30 minutes is not deemed to interrupt a continuous period of work. Minors 16 and 17 years of age who are employed, permitted, or suffered to work for 8 hours or more in any one day as authorized by this section may not be employed, permitted, or suffered to work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period.~~

~~(4)(5)~~ Subsections (1), (2), and (3) ~~(1)-(4)~~ do not apply to:

(a) Minors 14 ~~16~~ and 15 ~~17~~ years of age who have graduated from high school or received a high school equivalency diploma.

(b) Minors 14 and 15 years of age who are within the compulsory school attendance age limit and who hold a valid certificate of exemption issued by the school superintendent or his or her designee pursuant to s. 1003.21(3).

(c) Minors enrolled in a public ~~an~~ educational institution who qualify on a hardship basis, such as economic necessity or family emergency. The school superintendent or his or her designee shall make such determination and issue a waiver of hours to the minor and the employer. The form and contents thereof must ~~shall~~ be prescribed by the department.

(d) Minors 14 ~~16~~ and 15 ~~17~~ years of age who are in a home education program or are enrolled in an approved virtual instruction program in which the minor is separated from the

Page 2 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

14-01191-25

2025918\_\_

59 teacher by time only.

60 (e) Minors in domestic service in private homes, minors  
61 employed by their parents, or pages in the Florida Legislature.

62 ~~(6) The department may grant a waiver of the restrictions~~  
63 ~~imposed by this section pursuant to s. 450.095.~~

64 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

## Committee Agenda Request

**To:** Senator Thomas Leek, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** March 5, 2025

---

I respectfully request that **Senate Bill #918**, relating to Employment of Minors, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, which appears to read "Jay Collins", is written over a horizontal line.

\_\_\_\_\_  
Senator Jay Collins  
Florida Senate, District 14

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/5/25

Meeting Date

SB 918

Bill Number or Topic

Commerce

Committee

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 850-224-6526

Address 135 S. Monroe

Street

Email \_\_\_\_\_

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida AFL-CIO

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3-25-25

Meeting Date

Commerce and Tourism

Committee

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 918

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Tim Nungesser**

Phone **850-445-5367**

Address **110 East Jefferson st**

Email **Tim.nungesser@nfib.org**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

**Reset Form**

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**NFIB**

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 918

Bill Number or Topic

Amendment Barcode (if applicable)

MARCH 25, 2025

Meeting Date

Commerce / Tourism

Committee

Name

Tsi Day Smyth

Phone

Address

15014 Sunny Day Dr

Street

Email

Bradenton FL

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

830 110 SB

The Florida Senate

**APPEARANCE RECORD**

03-25-2025

Meeting Date

SB 918

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Commerce &amp; Tourism

Committee

Amendment Barcode (if applicable)

Name

Dannie McMillon

Phone

407-855-7604

Address

1747 Orlando Central Pkwy

Email

memillonactivist@aol.com

Street

Orlando

City

FL

State

32809

Zip

Speaking: ☐ For ☒ Against ☐ Information**OR**Waive Speaking: ☐ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without  
compensation or sponsorship.☐I am a registered lobbyist,  
representing:☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3-25-25

Meeting Date

Commerce & Tourism

Committee

SB 918

Bill Number or Topic

Amendment Barcode (if applicable)

Name Spike Poma

Phone X

Address 1680 Fruitville Rd

Email X

Sarasota

City

FL

State

Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



03/25/25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB-918

Bill Number or Topic

commerce and tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Rain Johnson

Phone \_\_\_\_\_

Address 1680 Fruitville Rd

Email \_\_\_\_\_

Street

Sarasota

City

FL

State

34236

Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

03/25/25

Meeting Date

SB 918

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Sarah Parker

Phone

Address

1680 Fruitville rd

Email

Sarah@VoicesOfFlorida.org

Street

Sarasota

FL

34234

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/25/25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 968

Bill Number or Topic

Commerce & Tour

Committee

Amendment Barcode (if applicable)

Name

Mandi Langworthy

Phone

Address

1680 Fruitville Rd

Email

Street

Sarasota

FL

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

03/25/25

Meeting Date

Commerce

Committee

SB 918

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida  
Rising

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

25.March.2025

Meeting Date

Commerce & Tourism

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 918

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Alexis Tsoukalas ("sue-CAllous")

Phone 407.440.1421 x 706

Address 1001 N. Orange Ave.

Email tsoukalas@floridapolicy.org

Street

Orlando

FL

32801

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Florida Policy Institute

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03-25-23

The Florida Senate  
**APPEARANCE RECORD**

SB - 918

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Cameron Driggers

Phone 386-276-1086

Address 911 N Drange Avenue

Email ~~cameron~~ cameron@youthaction

Street

Orlando

FL

32801

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25  
Meeting Date

Commerce & Tourism  
Committee

SB 918  
Bill Number or Topic

Amendment Barcode (if applicable)

Name William Lawson Phone \_\_\_\_\_

Address 3622 Hedgewood Dr. Email \_\_\_\_\_  
Street

Winter Park FL 32792  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



Marach 25, 2025

Meeting Date  
**Commerce & Tourism**

Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

918

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Pamela Burch Fort**

Phone **850-425-1344**

Address **104 S. Monroe Street**

Email **TcgLobby@aol.com**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

**Reset Form**

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**NAACP Florida State Conference**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

SB 918

3-25-25

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Commerce Tourism

Committee

Name

Jose Hoyos

Phone

407-770-9435

Address

10066 Madison Park Rd St

Email

jhoyos614@gmail.com

Street

Orlando

City

FL

State

32827

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

25 MARCH 2025

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

5B918

Bill Number or Topic

COMMERCE & TOURISM

Committee

Amendment Barcode (if applicable)

Name KIM SMITH

Phone 8133358694

Address 7024 GLENVIEW DR

Street

Email KIMBERELY.SMITH@GMAIL.COM

TAMPA

FL

33619

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/25/25

Meeting Date

SB 0918

Bill Number or Topic

Commerce AND TOURISM

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name GLENDA ABBOTT (Pronounced ABBOTT)

Phone 786-376-1181

Address 4305 SW 98 AV

Street

Email GLENDA.ABBOTT@GMAIL.COM

MIAMI

City

FL

State

33165

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/25/2025

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB918

Bill Number or Topic

Commerce and Tourism

Committee

Amendment Barcode (if applicable)

Name Michael Grenon

Phone 321-412-8108

Address 112 Sea Breeze Cir

Street

Email reds87@bellsouth.net

Merritt Island, FL

City

State

32953

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3-25-25

Meeting Date

SB 918

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

MANUEL HARTMAN

Phone

(305)-281-6218

Address

2027 SE 13<sup>th</sup> Street

Email

manuel.hartman@icloud.com

Street

Hornestead

FL.

33035

City

State

Zip

Speaking:

☐

For

☒ Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB ~~1328~~ 918

Bill Number or Topic

Amendment Barcode (if applicable)

3/25/25

Meeting Date

Common & Tourism

Committee

Name

Kevin Day

Phone

239 822 3362

Address

15360 Sonoma Dr. #206

Street

Email

KDay@gmail.com

Fort Myers

City

FL

State

33908

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 918

Bill Number or Topic

Meeting Date

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25  
Meeting Date

SB 13289/8  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Adease Williams Phone 239-878-9278  
Address 3341 Thomas St Email AdeaseWilliams@gmail.com  
Ft Myers FL 33916  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

- ☐ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



3-25-25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

918

Bill Number or Topic

Commerce & Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Deidra FRANSAW

Phone

813-742-7880

Address

11313 N. 51st St #303

Email

Street

1 am Pa

FL

33611

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**APPEARANCE RECORD**

9/18

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☒I am appearing without  
compensation or sponsorship.☐I am a registered lobbyist,  
representing:☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

25 Mar 25

Meeting Date

SB918

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Reese Howell

Phone 757 717 0171

Address 6507 Watson Rd  
Street

Email rjh427@gmail.com

River view FL 33578  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/2025  
Meeting Date

SB 918  
Bill Number or Topic

Commerce AND TOURISM  
Committee

Amendment Barcode (if applicable)

Name Thomas Kennedy

Phone 786 346 0819

Address 134 NE 191 St  
Street

Email TKENNEDY191@GMAIL.COM

Miami FL 33179  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 918  
Bill Number or Topic

3/25/35  
Meeting Date  
Commerce + Tourism  
Committee

Name Charman Patel Phone 561 400 3127

Address 200 E. Robinson St Email \_\_\_\_\_  
Orlando FL 32801  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25  
Meeting Date

918  
Bill Number or Topic

Commerce  
Committee

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.  
Street

Email fctep@yahoo.com

Tallahassee, FL 32301  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Center for  
Fiscal + Economic Policy

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25

Meeting Date

918

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Corey Bleakley

Phone \_\_\_\_\_

Address 1680 Fruitville Rd

Email \_\_\_\_\_

Street

Sarasota

City

FL

State

34236

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3 / 25 / 25

Meeting Date

SB 918

Bill Number or Topic

Commerce + Tourism

Committee

Amendment Barcode (if applicable)

Name

Simone Liang

Phone

(941) 405-9870

Address

200 Riverside Ave

Email

simoneliang03@gmail.com

Street

Jacksonville

City

FL

State

32202

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25  
Meeting Date

Commerce + Tourism  
Committee

913  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jonathan Fielder Phone \_\_\_\_\_

Address 1723 Palm Warbler Ln Email tpastime@yahoo.com  
Street

Ruskin FL 33570  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/21

Meeting Date

Commerce & Tourism

Committee

SB 918

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Echo Nova

Phone

904-625-8188

Address

1812 Vista Lake Dr.

Street

Email

quantisecho@gmail.com

Florida, Island

City

FL

State

32003

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25

Meeting Date

Commerce + Tourism

Committee

SB 918

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Katelyn Tu

Phone

352-575-4260

Address

5011 SW 64 St

Street

Email

Katelyntu2007@gmail.com

Gainesville

City

FL

State

32608

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

SB 918

3/25/25

Meeting Date

Bill Number or Topic

Commerce & Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Mira Lemstrom

Phone

352-222-1026

Address

1835 NW 20th way

Email

miralemstrom@gmail.com

Street

Gainesville

City

FL

State

32605

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/25/25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB918

Bill Number or Topic

Senate Commerce and Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Arista Athanassie

Phone 727-711-3774

Address 3325 Bristol Place

Email \_\_\_\_\_

Street

Tarpon Springs FL

City

State

34688

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

SB 918

Bill Number or Topic

3/25/25

Meeting Date

Senate  
Commerce and tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Chloe Bareswilt

Phone 813 992 9790

Address 215 Bayberry Circle unit 607

Street

St. Augustine Fl

City

State

32086

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 918

Bill Number or Topic

03/25/25

Meeting Date

Senate Commerce + Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Rania Chelaiti

Phone

(386) 299-5583

Address

799 W Gaines St Apt 4302

Email

Street

Tallahassee

City

FL

State

32304

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



3-25-2025

Meeting Date

Commerce

Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB918

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lauren Ronson

Phone

561-385-0988

Address

250 Wild Light Ave

Email

Street

Yulee

FL

32097

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/25/25

Meeting Date

Commerce

Committee

SB918

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Anna Jones

Phone

561-512-1870

Address

3000 SW 35<sup>th</sup> Pl E210

Street

Email

Gainesville FL

City

State

32608

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 918  
~~HB 541~~

Bill Number or Topic

3.25.25

Meeting Date

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Muah Dahn

Phone 772-418-6171

Address 3751 Icen: Court  
Street

Email muah6846@gmail.com

Middleburg  
City

FL  
State

32068  
Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3.25.25

Meeting Date

SB 918

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name KARA GROSS

Phone 786-363-4436

Address 4343 West Flagler St  
Street

Email KGROSS@ACLUFL.ORG

Miami FL  
City State

33134  
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

ACLU of Florida

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/25/25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

918

Bill Number or Topic

Committee

Name

Mr. SEN. DWIGHT BULGER

Phone

Address

Street

Email

DWIGHT@FLORIDASNG.ORG

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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03.25.25

Meeting Date

Commerce + Tourism

Committee

SB 918

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Laura Munoz

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

FLSP

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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Bill Number or Topic

Amendment Barcode (if applicable)

03/25/25  
Meeting Date

Commerce  
Committee

Name Nadeska Concha Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

\_\_\_\_\_  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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S-001 (08/10/2021)

25 MAR 25

Meeting Date

COMMERCE & TOURISM

Committee

Name

PAGEL, CHRIS

Phone

(904) 753-0130

Address

3002 RIVERSIDE DR

Street

KB

City

FL

State

32034

Zip

The Florida Senate  
**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

SB 918  
~~752~~

Bill Number or Topic

Amendment Barcode (if applicable)

Email

mcedrattling@hotmail.com

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

SB 918

Bill Number or Topic

3/25/25

Meeting Date

Deliver both copies of this form to  
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Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Greg S. Mathers, Moms for Liberty, FL

Phone 808-772-7575

Address 4539 Jubilee Trl.

Email wernerlawys@hotmail.com

Street

Jupiter Inlet

City

FL

State

32305

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)



03/25/25

Meeting Date

Senate Tourism & Commerce

Committee

# The Florida Senate

## APPEARANCE RECORD

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SB918

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Leydi Amador

Phone

786-395-7498

Address

2765 West 54th St

Street

Hialeah

City

FL

State

33016

Zip

Email

leydi.flspn@floridavisiting.org

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Florida Student Power

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

3-25-25

sb 0918

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
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Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name

ANASTACIA ROBINSON

Phone

754 281 0741

Address

1520 new 3<sup>rd</sup> st apt 1  
Fort Lauderdale, FL

Email

annastacia@floridansilive.org

City

State

Zip

Speaking:

☐

For



Against

☐

Information

**OR**

Waive Speaking:

☐

In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by: Florida Rising

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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3/25/25  
Meeting Date

Com B Tourism  
Committee

SB 918  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ashe Bradley Phone \_\_\_\_\_

Address 1680 Fruitville Email \_\_\_\_\_  
Street

Sarasota FL  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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3/25/25  
Meeting Date

Commerce & Tourism  
Committee

SB 918  
Bill Number or Topic

Amendment Barcode (if applicable)

Name YARELIS MENDOZA-SAMORAT Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

City \_\_\_\_\_ State \_\_\_\_\_ Zip 33025

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:  
American Friends Service  
Committee ADC

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 1734

INTRODUCER: Commerce and Tourism Committee and Senator Collins

SUBJECT: Florida Kratom Consumer Protection Act

DATE: March 25, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Fav/CS
2.			AEG	
3.			FP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1734 amends the Florida Kratom Consumer Protection Act to create requirements for kratom products manufactured, delivered, offered for sale, distributed, or sold by processors in this state. The bill sets out requirements for processors for state and federal registration, proof of testing and analysis for kratom products, and reporting of adverse health events. The bill also creates penalties for violations of s. 500.92, F.S.

The bill takes effect July 1, 2025.

**II. Present Situation:**

**Florida Kratom Consumer Protection Act of 2023**

In 2023, the Legislature enacted the Florida Kratom Consumer Protection Act,<sup>1</sup> which made it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. The Florida Department of Agriculture and Consumer Services (FDACS) adopted rules to implement the act.<sup>2</sup>

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<sup>1</sup> Section 500.92, F.S.

<sup>2</sup> Fla. Admin. Code R. 5K-4.030.

## Kratom

Kratom is a tropical tree native to Southeast Asia that contains mitragynine and 7-hydroxymitragynine in its leaves, which are two major psychoactive ingredients.<sup>3</sup> The leaves are crushed and then smoked, brewed with tea, or placed into gel capsules.<sup>4</sup> Consumption of kratom leaves can produce stimulant and sedative effects, and may also lead to psychotic symptoms.<sup>5</sup>

Some research finds that kratom can be used as a substitute for opiate users to combat withdrawal symptoms, as well as to treat muscle ache, fatigue, and other conditions.<sup>6</sup> Low doses of kratom are said to produce a stimulant effect, while higher doses may produce an opioid-like effect.<sup>7</sup> Additionally, research points to the potential for further development of mitragynine and the use of kratom as a harm reduction agent.<sup>8</sup> Even so, the toxicity of kratom remains a topic of discussion, as well as its potential to cause herb-drug interactions and even be involved in fatalities.<sup>9</sup> While research on kratom is in early stages, kratom itself has the potential to be addictive and has not been shown to be safe or effective for any medical use.<sup>10</sup>

Currently, kratom is not listed as a controlled substance under federal law or Florida law. However, in 2014, Sarasota County banned kratom, labeling it as a designer drug.<sup>11</sup> With the exception of Sarasota County, in Florida, all parts of the plant and its extracts are legal to cultivate, buy, possess, and distribute without a license or prescription. Kratom is illegal in Alabama,<sup>12</sup> Arkansas,<sup>13</sup> Indiana,<sup>14</sup> Rhode Island,<sup>15</sup> Vermont,<sup>16</sup> and Wisconsin.<sup>17</sup> In 12 other states the possession, sale, manufacture, and distribution of kratom products is regulated.<sup>18</sup>

---

<sup>3</sup> Drug Enforcement Administration, *Kratom* (April 2020), available at [https://www.dea.gov/sites/default/files/2020-06/Kratom-2020\\_0.pdf](https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf) (last visited Mar. 25, 2025).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See Dimy Fluyau and Neelambika Revedigar, *Biochemical Benefits, Diagnosis, and Clinical Risks Evaluation of Kratom*, FRONTIERS IN PSYCH. J. VOL. 8 (April 24, 2017) available at <https://www.frontiersin.org/articles/10.3389/fpsy.2017.00062/full> (last visited Mar. 25, 2025).

<sup>7</sup> Fluyau and Neelambika, *supra* note 6.

<sup>8</sup> See Charles Veltri and Oliver Grundmann, *Current Perspectives on the Impact of Kratom Use*, SUBSTANCE ABUSE AND REHAB. J. VOL. 10, 23-31 (July 1, 2019) available at <https://pubmed.ncbi.nlm.nih.gov/31308789/> (last visited Mar. 25, 2025).

<sup>9</sup> *Id.*; see also FLORIDA DEPT. LAW ENF'T, *Drugs Identified in Deceased Persons by Florida Medical Examiners* (May 2022), available at <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2021-Interim-Drug-Report-FINAL.aspx> (last visited Mar. 25, 2025). In May of 2022 the Florida Department of Law Enforcement published its 2021 Interim Report, which found a 36% rise in kratom-involved deaths over the first half of 2021.

<sup>10</sup> NAT'L CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH, *Kratom*, available at <https://www.nccih.nih.gov/health/kratom> (last visited Mar. 25, 2025).

<sup>11</sup> See SARASOTA, FL, Code of Ordinances, Sec. 62-351 (2014).

<sup>12</sup> See ALABAMA PUBLIC HEALTH, *Controlled Substance List* (Jan. 20, 2021), available at <https://www.alabamapublichealth.gov/blog/assets/controlledsubstanceslist.pdf> (last visited Mar. 25, 2025).

<sup>13</sup> See ARKANSAS DEPT. OF HEALTH, *List of Controlled Substances*, available at [http://secureservercdn.net/166.62.109.105/e17.085.myftpupload.com/wp-content/uploads/2016/02/arkansas-controlled\\_substances\\_list.pdf](http://secureservercdn.net/166.62.109.105/e17.085.myftpupload.com/wp-content/uploads/2016/02/arkansas-controlled_substances_list.pdf) (last visited Mar. 25, 2025).

<sup>14</sup> See IC 35-31.5-2-321.

<sup>15</sup> See RHODE ISLAND DEPT. OF HEALTH, *Notice of Designation of Controlled Substance* (May 31, 2017), available at [https://docs.wixstatic.com/ugd/9ba5da\\_9836aee2b9f04a30b55fe480fe3c6ff4.pdf](https://docs.wixstatic.com/ugd/9ba5da_9836aee2b9f04a30b55fe480fe3c6ff4.pdf) (last visited Mar. 25, 2025).

<sup>16</sup> See Vt. Admin. Code 12-5-23:4.0.

<sup>17</sup> See W.S.A. 961.14.

<sup>18</sup> See LEGIS. ANALYSIS AND PUB. POL'Y ASS'N, *Regulation of Kratom in America: Update* (September 2022), available at <https://legislativeanalysis.org/wp-content/uploads/2022/10/Kratom-Fact-Sheet-FINAL.pdf> (last visited Mar. 25, 2025).



Following an updated import alert that provides information to U.S. Food and Drug Administration (FDA) field staff about detaining without physical examination imported dietary supplements and bulk dietary ingredients that are or contain kratom,<sup>19</sup> in May of 2021, the FDA announced the seizure of around 37,500 tons of adulterated kratom in Florida, worth an estimated \$1.3 million.<sup>20</sup> The FDA's Associate Commissioner for Regulatory Affairs stated that there is substantial concern regarding the safety of kratom and the risk it may pose to public health and indicated that there are currently no FDA-approved uses for kratom.<sup>21</sup>

The U.S. Department of Justice, on behalf of the FDA, filed a complaint in the U.S. District Court for the Middle District of Florida alleging that kratom is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that it does not present a significant or unreasonable risk of illness or injury.<sup>22</sup> Additionally, the FDA stated that dietary supplements and bulk dietary ingredients that are or contain kratom are adulterated under the Federal Food, Drug, and Cosmetic Act.<sup>23</sup> On October 26, 2021, a consent decree of condemnation and destruction against the articles seized by the FDA in May of 2021 was entered, which requires the claimants to pay a penal bond and destroy all seized articles.<sup>24</sup>

### III. Effect of Proposed Changes:

#### Kratom Consumer Protection

**Section 1** amends s. 500.92, F.S., to establish product, reporting, and registration requirements, in addition to punishments for violations of the bill for kratom products sold in this state.

#### *Definitions*

The bill provides the following definitions:

- “Attractive to children” means a product manufactured: (1) In a shape that resembles a human, a cartoon character, or an animal; (2) In a form that resembles an existing candy product that is a widely distributed, branded food item; or (3) Using any color additives.
- “Finished kratom product” means a kratom product that is ready for sale to the end user. For purposes of registration, a finished kratom product is differentiated by its ingredients, not by its weight, volume, or size.
- “Kratom” means the plant or any part of the plant *Mitragyna speciosa*.

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<sup>19</sup> The import alert labels kratom as an adulterating ingredient. See U.S. FDA, *Import Alert 54-15*, available at [https://www.accessdata.fda.gov/CMS\\_IA/importalert\\_1137.html](https://www.accessdata.fda.gov/CMS_IA/importalert_1137.html) (last visited Mar. 25, 2025) The FDA labeled kratom as adulterating based on the absence of a history of use or other evidence of safety establishing that kratom will reasonably be expected to be safe as a dietary ingredient, kratom and kratom-containing dietary supplements and bulk dietary ingredients are adulterated because they contain a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury.

<sup>20</sup> U.S. FDA, *FDA Announces Seizure of Adulterated Dietary Supplements Containing Kratom* (May 21, 2021), available at <https://www.fda.gov/news-events/press-announcements/fda-announces-seizure-adulterated-dietary-supplements-containing-kratom> (last visited Mar. 25, 2025).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*; see also FDA, *FDA Roundup: April 28, 2023*, available at <https://www.fda.gov/news-events/press-announcements/fda-roundup-april-28-2023> (last visited Mar. 25, 2025) (describing a 2023 seizure of kratom-adulterated products).

<sup>24</sup> *Id.*

- “Kratom beverage” means a prepackaged liquid kratom product in the form of a tea, seltzer or tonic water, or tincture.
- “Kratom food service establishment” means any public food service establishment licensed as provided in ch. 509, F.S. which sells finished kratom products.
- “Kratom product” means a food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption which contains any part of the leaf of the plant *Mitragyna speciosa* and is manufactured as a powder, capsule, pill, beverage, or other consumable form.
- “Processor” means a person who manufactures, delivers, offers for sale, distributes, or sells kratom products.

### ***Product Requirements***

Under the bill, a processor may not manufacture, deliver, offer for sale, distribute, or sell a finished kratom product that:

- Is not in the delivery form of dried leaves, kratom beverages, powders, pills, liquid dietary supplements, gummies or food that are not attractive to children, or capsules.
- Contains or is adulterated with synthesized or semi-synthesized kratom alkaloids or kratom constituents.
- Contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than 2% of the alkaloid composition of the kratom product.
- Is not registered with FDACS pursuant to s. 500.92, F.S.
- Does not have a certificate of analysis submitted to FDACS as required by this section.
- Does not comply with the packaging and labeling requirements set forth in ch. 500, F.S., and the rules adopted pursuant thereto. Such kratom products are considered misbranded.
- Is attractive to children.
- Is in a container that:
  - Is not suitable to contain products for human consumption;
  - Is not compliant with the U.S. Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.; or
  - Does not contain graduated measuring devices, if applicable.
- Is adulterated, including containing metals, pesticides, or pathogens in excess of the limits set by this section or FDACS’s rules.

Additionally, a processor may not manufacture, deliver, offer for sale, distribute, or sell a finished kratom product that does not include directions for consumption of the kratom product on the product’s label, including, but not limited to:

- Maximum dosage of 40 milligrams of mitragynine per serving.
- Number of servings per package.
- Milligrams of 7-hydroxymitragynine and mitragynine per serving.
- A warning which advises consumers of the number of servings that may be safely consumed in a 24-hour period.
- A warning prohibiting use by individuals who are under 21 years of age.
- A warning which advises against use by individuals who are pregnant or breastfeeding.
- A warning which advises the consumer to consult a health care professional before use, that the product may be habit-forming, and that it may cause adverse health effects.



- A warning stating the following: “These statements have not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.”
- The expiration date.
- The name and place of business of the registrant.

### ***Permit and Federal Registration Requirements***

The bill provides that kratom products may only be manufactured by, delivered to, offered for sale by, distributed by, or sold by a processor who holds a permit to operate as a food establishment as defined in s. 500.03, F.S., or as a convenience store or kava or kratom bar that does not prepare, serve, or sell other food products besides kratom products and is not considered cottage food operations. A processor may not operate as a cottage food operation pursuant to s. 500.80, F.S. and is not exempt from food permit requirements pursuant to s. 500.12(1)(a)1, F.S. The bill also requires that a processor that manufactures, processes, packs, or offers for sale kratom, kratom products, or finished kratom products must be properly registered with the FDA, except for processors exclusively selling finished kratom products at retail.

### ***State Registration Requirements***

A processor must register its finished kratom product with FDACS annually. A processor must also certify by sworn statement that any finished kratom product that any finished kratom product the processor manufactures, delivers, offers for sale, distributes, or sells in this state:

- Is registered with the state; and
- Does not contain dangerous or harmful substances, including, but not limited to, red-OH, synthetic 7-OH, synthetic 7-hydroxymitragynine, synthetic mitragynine, pseudoindoxyl, super alkaloid, or any other synthetically derived compounds, synthetic alkaloids, or controlled substances.

For each batch of a registered finished kratom product, the processor must retain and submit, upon request, a certificate of analysis to FDACS from an independent, third-party, accredited laboratory affiliated with a university based in Florida. The laboratory must be accredited under the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) 17025:2017 General Requirements for Competence of Testing and Calibration Laboratories standard by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement or a subsequent arrangement. The bill also requires that:

- The processor may not have any direct or indirect financial or economic interest in the laboratory or accrediting body.
- The processor must maintain the certificates of analysis for at least one year after the finished kratom product’s expiration date.
- The certificate of analysis must demonstrate that the finished kratom product complies with the statutory and rule concentration limits for:
  - Alkaloid and alkaloid metabolites;
  - Residual solvents;
  - Heavy metals, including cadmium, arsenic, mercury, and lead; and
  - Pesticides and any other substance limited by FDACS regulations.

Further, kratom food service establishments:

- Must comply with s. 500.92, F.S., for finished kratom products that they serve.
- Are not required to have a separate registration for kratom beverages combined with another food or beverage by the kratom food service establishment for consumption on the premises.
- Shall not serve kratom beverages combined with alcohol, drugs, or other kratom products.

The bill also sets out that a processor assumes all responsibility and liability for its kratom and kratom products.

### ***Reporting and Testing***

If a processor or FDACS receives notice of any adverse health event suspected of being related to the processor's kratom product, the processor or FDACS must submit an adverse event report to the FDA per 21 U.S.C. s. 379aa-1(b)(1).

If probable cause exists that a kratom product may be adulterated, FDACS may require an independent third-party test of the kratom product, and the processor must pay the cost of the test. If the processor does not make such payment to FDACS within 30 days after receiving the invoice for the testing fee, FDACS must revoke the registration for that product.

### ***Violations***

The bill mandates that a processor that manufactures, delivers, offers for sale, distributes, or sells a finished kratom product that (1) contains a level of synthetic 7-hydroxymitragynine in the alkaloid fraction which is greater than 2% of the alkaloid composition of the kratom product or (2) is not registered with FDACS, commits a felony of the third degree, punishable as provided in s. 775.082, F.S., or s. 232 775.083, F.S.

Kratom products possessed, manufactured, delivered, offered for sale, distributed, or sold in violation of this bill by an entity regulated under ch. 500, F.S., are subject to s. 500.172, F.S., and an immediate stop-sale order, and the entity is subject to penalties as provided in s. 500.121, F.S. FDACS may not grant permission to remove or use, except for disposal, finished kratom products subject to a stop-sale order which are attractive to children until the finished kratom products comply with s. 500.92, F.S.

If a processor fails to provide a certificate of analysis within two days of receiving a request from FDACS, or fails to immediately report an adverse health event, FDACS may revoke the processor's finished kratom product registration.

Under the bill, a processor that manufactures, delivers, offers for sale, distributes, or sells a kratom product that contains:

- any controlled substance listed in s. 893.03, F.S.;
- an alkaloid not naturally present in kratom;
- a synthetic alkaloid or a synthetic alkaloid metabolite, including, but not limited to, red-OH, synthetic 7-OH, synthetic 7-hydroxymitragynine, synthetic mitragynine, pseudoindoxyl, super alkaloid; or
- any other synthetically derived compounds of the plant *Mitragyna speciosa*, or a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than 2%

is in violation s. 500.92, F.S.

Further, if a laboratory fails to ensure the accuracy of its certificates of analysis, the laboratory is subject to administrative fines as provided by FDACS rule pursuant to this bill.

### **Funding for Implementation**

**Section 2** appropriates \$1,920,141.22 in recurring funds, \$1,791,608 in nonrecurring funds, and \$1,508,152.18 for salary for 24 full-time employees from the General Inspection Trust Fund to FDACS for the 2025-2026 fiscal year to implement this bill.

### **Effective Date**

**Section 3** provides an effective date of July 1, 2025.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None identified.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

Indeterminate. There will be an increased cost to processors to manufacture, produce, and sell kratom products in the state due to the registration, reporting, and testing requirements in the bill.

**C. Government Sector Impact:**

There is an increased workload on FDACS to govern registration and reporting requirements for kratom products. The bill appropriates \$1,920,141.22 in recurring funds, \$1,791,608 in nonrecurring funds, and \$1,508,152.18 for salary for 24 full-time employees from the General Inspection Trust Fund to FDACS for implementation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

In their agency bill analysis, the Florida Department of Law Enforcement (FDLE) noted that:

- A laboratory cannot determine whether an alkaloid is synthetic or natural.
- Red-OH and super alkaloid appear to be names of tablets containing 7-hydroxymitragynine.
- Synthetic 7-OH is synthetic 7-hydroxymitragynine.
- If FDACS requests that FDLE be the third-party laboratory for testing, FDLE does not have the instrumentation or training needed to perform full quantification to determine whether the level of active ingredient is greater than 2% of the product's alkaloid composition.

As such, the processor may not be able to guarantee that their kratom product does not contain synthetic alkaloids in the sworn statement required by subsection (6)(a). Moreover, some of the listed substances may be duplicative of other listed substances in subsection (8)(e).

**VIII. Statutes Affected:**

This bill substantially amends section 500.92 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism Committee on March 25, 2025:**

The amendment:

- Changes the definition of “kratom product” to substitute the word “edible” for “consumable.”
- Strengthens the product requirements for kratom manufactured, delivered, offered for sale, distributed, or sold in the state.
- Includes specified convenience stores, kava bars, and kratom bars in establishments that may manufacture, deliver, offer for sale, distribute, or sell kratom products.
- Alters the testing requirements for registered kratom products.
- Removes language from the bill which limited the amount of solvents and type of solvents used in kratom products.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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406210

LEGISLATIVE ACTION

	Senate	House
Comm: RS	.	.
03/25/2025	.	.
	.	.
	.	.

The Committee on Commerce and Tourism (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 77 - 189

and insert:

Mitragyna speciosa in any form.

(d) "Kratom beverage" means a prepackaged liquid kratom product in the form of a tea, seltzer or tonic water, or tincture.

(e) "Kratom food service establishment" means any public food service establishment licensed as provided in chapter 509



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which sells finished kratom products.

(f) "Kratom product" means a food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption which contains any part of the leaf of the plant *Mitragyna speciosa* ~~or an extract, synthetic alkaloid, or synthetically derived compound of such plant~~ and is manufactured as a powder, capsule, pill, beverage, or other consumable ~~edible~~ form.

(g) "Processor" means a person who manufactures, delivers, offers for sale, distributes, or sells kratom products.

(3) PRODUCT REQUIREMENTS.—A processor may not manufacture, deliver, offer for sale, distribute, or sell a finished kratom product that:

(a) Is not one of the following approved delivery forms:

1. Dried leaf;

2. Kratom beverage;

3. Powder;

4. Pill;

5. Liquid dietary supplement;

6. Gummy or food that are not attractive to children; or

7. Capsule.

(b) Contains or is adulterated with synthesized or semi-synthesized kratom alkaloids or kratom constituents.

(c) Contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than 2 percent of the alkaloid composition of the kratom product.

(d) Is not registered with the department pursuant to this section.

(e) Does not have a certificate of analysis submitted to



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the department as required by this section.

(f) Does not include directions for consumption of the kratom product on the product's label, including, but not limited to:

1. Maximum dosage of 40 milligrams of mitragynine per serving;

2. Number of servings per package;

3. Milligrams of 7-hydroxymitragynine and mitragynine per serving;

4. A warning advising consumers of the number of servings that may be safely consumed in a 24-hour period;

5. A warning prohibiting use by individuals who are under 21 years of age;

6. A warning advising against use by individuals who are pregnant or breastfeeding;

7. A warning advising the consumer to consult a health care professional before use, that the product may be habit-forming, and that it may cause adverse health effects;

8. A warning stating the following: "These statements have not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.";

9. The expiration date; and

10. The name and place of business of the registrant.

(g) Does not comply with the packaging and labeling requirements set forth in this chapter and the rules adopted pursuant thereto. Such kratom products are considered misbranded.

(h) Is extracted using solvents other than water or Class 3



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solvents set forth in USP-NF chapter 467.

(i) Contains levels of Class 3 solvents greater than the limits set forth in USP-NF chapter 467.

(j) Is attractive to children.

(k) Is in a container that:

1. Is not suitable to contain products for human consumption; or

2. Is not compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

3. Does not contain a graduated measuring device, if applicable.

(l) Is adulterated, including containing metals, pesticides, or pathogens in excess of the limits set by this section or department rule.

(4)-(3) AGE RESTRICTION.—It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person who is under 21 years of age.

(5) PERMIT AND FEDERAL REGISTRATION REQUIREMENTS FOR PROCESSORS.—

(a) Kratom products may only be manufactured by, delivered to, offered for sale by, distributed by, or sold by a processor who holds a permit to operate as a food establishment as defined in s. 500.03 or a convenience store or kava or kratom bar that does not prepare, serve, or sell other food products besides kratom products is not considered cottage food operations. A processor may not operate as a cottage food operation pursuant to s. 500.80 and is not exempt from food permit requirements pursuant to s. 500.12(1)(a)1.

(b) A processor that manufactures, processes, packs, or



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98 offers for sale kratom, kratom products, or finished kratom  
99 products must be properly registered with the United States Food  
100 and Drug Administration. Processors exclusively selling finished  
101 kratom products at retail are not required to register with the  
102 United States Food and Drug Administration.  
103 (6) REGISTRATION.--  
104 (a) A processor shall certify by sworn statement that any  
105 finished kratom product it manufactures, delivers, offers for  
106 sale, distributes, or sells in this state is registered with the  
107 department and does not contain dangerous or harmful substances,  
108 including, but not limited to, red-OH, synthetic 7-OH, synthetic  
109 7-hydroxymitragynine, synthetic mitragynine, pseudoindoxyl,  
110 super alkaloid, or any other synthetically derived compounds,  
111 synthetic alkaloids, or controlled substances. Such registration  
112 must be renewed annually.  
113 (b) A processor shall assume all responsibility and  
114 liability for its kratom, kratom product, or finished kratom  
115 product.  
116 (c) For each batch of a registered finished kratom product,  
117 the processor shall retain and submit, upon request, a  
118 certificate of analysis to the department from an accredited  
119 laboratory affiliated with a university based in Florida. The  
120 laboratory must be accredited under the International  
121 Organization for Standardization (ISO)/International  
122 Electrotechnical Commission (IEC) 17025:2017 General  
123 Requirements for Competence of Testing and Calibration  
124 Laboratories standard by an accreditation body that is a  
125 signatory to the International Laboratory Accreditation  
126 Cooperation Mutual Recognition Arrangement or a subsequent

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406210

127 arrangement. The processor may  
128  
129 ===== T I T L E A M E N D M E N T =====  
130 And the title is amended as follows:  
131 Delete line 20  
132 and insert:  
133 processor of a finished kratom product to retain and  
134 submit a

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371938

LEGISLATIVE ACTION

	Senate	House
Comm: RCS	.	
03/25/2025	.	
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	.	

The Committee on Commerce and Tourism (Collins) recommended the following:

**Senate Substitute for Amendment (406210) (with title amendment)**

Delete lines 77 - 189

and insert:

Mitragyna speciosa in any form.

(d) "Kratom beverage" means a prepackaged liquid kratom  
product in the form of a tea, seltzer or tonic water, or  
tincture.

(e) "Kratom food service establishment" means any public

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11 food service establishment licensed as provided in chapter 509  
12 which sells finished kratom products.  
13 (f) "Kratom product" means a food product, food ingredient,  
14 dietary ingredient, dietary supplement, or beverage intended for  
15 human consumption which contains any part of the leaf of the  
16 plant *Mitragyna speciosa* or an extract, synthetic alkaloid, or  
17 synthetically derived compound of such plant and is manufactured  
18 as a powder, capsule, pill, beverage, or other consumable edible  
19 form.  
20 (g) "Processor" means a person who manufactures, delivers,  
21 offers for sale, distributes, or sells kratom products.  
22 (3) PRODUCT REQUIREMENTS.--A processor may not manufacture,  
23 deliver, offer for sale, distribute, or sell a finished kratom  
24 product that:  
25 (a) Is not one of the following approved delivery forms:  
26 1. Dried leaf;  
27 2. Kratom beverage;  
28 3. Powder;  
29 4. Pill;  
30 5. Liquid dietary supplement;  
31 6. Gummy or food that are not attractive to children; or  
32 7. Capsule.  
33 (b) Contains or is adulterated with synthesized or semi-  
34 synthesized kratom alkaloids or kratom constituents.  
35 (c) Contains a level of 7-hydroxymitragynine in the  
36 alkaloid fraction which is greater than 2 percent of the  
37 alkaloid composition of the kratom product.  
38 (d) Is not registered with the department pursuant to this  
39 section.

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40 (e) Does not have a certificate of analysis submitted to  
41 the department as required by this section.  
42 (f) Does not include directions for consumption of the  
43 kratom product on the product's label, including, but not  
44 limited to:  
45 1. Maximum dosage of 40 milligrams of mitragynine per  
46 serving;  
47 2. Number of servings per package;  
48 3. Milligrams of 7-hydroxymitragynine and mitragynine per  
49 serving;  
50 4. A warning advising consumers of the number of servings  
51 that may be safely consumed in a 24-hour period;  
52 5. A warning prohibiting use by individuals who are under  
53 21 years of age;  
54 6. A warning advising against use by individuals who are  
55 pregnant or breastfeeding;  
56 7. A warning advising the consumer to consult a health care  
57 professional before use, that the product may be habit-forming,  
58 and that it may cause adverse health effects;  
59 8. A warning stating the following: "These statements have  
60 not been evaluated by the United States Food and Drug  
61 Administration. This product is not intended to diagnose, treat,  
62 cure, or prevent any disease.";  
63 9. The expiration date; and  
64 10. The name and place of business of the registrant.  
65 (g) Does not comply with the packaging and labeling  
66 requirements set forth in this chapter and the rules adopted  
67 pursuant thereto. Such kratom products are considered  
68 misbranded.

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69 (h) Is attractive to children.  
70 (i) Is in a container that:  
71 1. Is not suitable to contain products for human  
72 consumption;  
73 2. Is not compliant with the United States Poison  
74 Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.; or  
75 3. Does not contain a graduated measuring device, if  
76 applicable.  
77 (j) Is adulterated, including containing metals,  
78 pesticides, or pathogens in excess of the limits set by this  
79 section or department rule.  
80 (4)(3) AGE RESTRICTION.—It is unlawful to sell, deliver,  
81 barter, furnish, or give, directly or indirectly, any kratom  
82 product to a person who is under 21 years of age.  
83 (5) PERMIT AND FEDERAL REGISTRATION REQUIREMENTS FOR  
84 PROCESSORS.—  
85 (a) Kratom products may only be manufactured by, delivered  
86 to, offered for sale by, distributed by, or sold by a processor  
87 who holds a permit to operate as a food establishment as defined  
88 in s. 500.03 or as a convenience store or kava or kratom bar  
89 that does not prepare, serve, or sell other food products  
90 besides kratom products and is not considered a cottage food  
91 operation. A processor may not operate as a cottage food  
92 operation pursuant to s. 500.80 and is not exempt from food  
93 permit requirements pursuant to s. 500.12(1)(a)1.  
94 (b) A processor that manufactures, processes, packs, or  
95 offers for sale kratom, kratom products, or finished kratom  
96 products must be properly registered with the United States Food  
97 and Drug Administration. Processors exclusively selling finished

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98 kratom products at retail are not required to register with the  
99 United States Food and Drug Administration.  
100 (6) REGISTRATION.—  
101 (a) A processor shall certify by sworn statement that any  
102 finished kratom product it manufactures, delivers, offers for  
103 sale, distributes, or sells in this state is registered with the  
104 department and does not contain dangerous or harmful substances,  
105 including, but not limited to, red-OH, synthetic 7-OH, synthetic  
106 7-hydroxymitragynine, synthetic mitragynine, pseudoindoxyl,  
107 super alkaloid, or any other synthetically derived compounds,  
108 synthetic alkaloids, or controlled substances. Such registration  
109 must be renewed annually.  
110 (b) A processor shall assume all responsibility and  
111 liability for its kratom, kratom product, or finished kratom  
112 product.  
113 (c) For each batch of a registered finished kratom product,  
114 the processor shall retain and submit, upon request, a  
115 certificate of analysis to the department from an accredited  
116 laboratory affiliated with a university based in Florida. The  
117 laboratory must be accredited under the International  
118 Organization for Standardization (ISO)/International  
119 Electrotechnical Commission (IEC) 17025:2017 General  
120 Requirements for Competence of Testing and Calibration  
121 Laboratories standard by an accreditation body that is a  
122 signatory to the International Laboratory Accreditation  
123 Cooperation Mutual Recognition Arrangement or a subsequent  
124 arrangement. The processor may  
125  
126 ===== T I T L E A M E N D M E N T =====

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127 And the title is amended as follows:  
128 Delete line 20  
129 and insert:  
130 processor of a finished kratom product to retain and  
131 submit a

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By Senator Collins

14-00600B-25

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1 A bill to be entitled  
 2 An act relating to the Florida Kratom Consumer  
 3 Protection Act; amending s. 500.92, F.S.; defining  
 4 terms; revising the definition of the term "kratom  
 5 product"; prohibiting processors from manufacturing,  
 6 delivering, offering for sale, distributing, or  
 7 selling finished kratom products that do not meet  
 8 specified requirements; requiring that kratom products  
 9 be manufactured by, delivered to, offered for sale by,  
 10 distributed by, or sold by a processor who holds a  
 11 certain permit; prohibiting specified operations;  
 12 prohibiting exemption from certain requirements;  
 13 requiring such processors to be registered with the  
 14 United States Food and Drug Administration; providing  
 15 an exception; requiring processors to make a certain  
 16 certification regarding their finished kratom  
 17 products; requiring a processor to assume  
 18 responsibility and liability for its kratom, kratom  
 19 product, and finished kratom product; requiring a  
 20 processor of a finished kratom product to submit a  
 21 certificate of analysis from a certain laboratory to  
 22 the Department of Agriculture and Consumer Services  
 23 for each batch of finished kratom product; specifying  
 24 requirements for such laboratory; prohibiting the  
 25 processor from having any financial or economic  
 26 interest in such laboratory or the body accrediting  
 27 such laboratory; requiring the processor to maintain  
 28 its certificates of analysis for a specified amount of  
 29 time after the finished kratom product's expiration

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 date; requiring that the certificate of analysis  
 31 demonstrate that the finished kratom product is in  
 32 compliance with statutory and rule concentration  
 33 limits for specified substances; requiring that  
 34 certain finished kratom products comply with product  
 35 registration and testing requirements; providing an  
 36 exception; prohibiting the serving of kratom beverages  
 37 combined with alcohol, drugs, or other kratom  
 38 products; requiring a processor or the department to  
 39 submit a certain report to the United States Food and  
 40 Drug Administration if a processor or the department  
 41 receives a certain notice; authorizing the department  
 42 to conduct an independent third-party test of a kratom  
 43 product if probable cause exists that the product is  
 44 adulterated; requiring the processor to pay the  
 45 testing cost; authorizing the department to revoke the  
 46 processor's product registration if the processor  
 47 fails to pay for such test within a specified  
 48 timeframe; providing criminal penalties; providing  
 49 that certain kratom products are subject to a stop-  
 50 sale order; authorizing the department to revoke a  
 51 processor's finished kratom product registration under  
 52 certain circumstances; providing that a processor  
 53 whose kratom product contains a controlled substance  
 54 or other prohibited substances is in violation of this  
 55 act; providing an administrative fine; providing an  
 56 appropriation; providing an effective date.

57  
 58 Be It Enacted by the Legislature of the State of Florida:

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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Section 1. Section 500.92, Florida Statutes, is amended to read:

500.92 Florida Kratom Consumer Protection Act.—

(1) SHORT TITLE.—This section may be cited as the “Florida Kratom Consumer Protection Act.”

(2) DEFINITIONS.—As used in this section, the term:

(a) “Attractive to children” means a product manufactured:

1. In a shape that resembles a human, a cartoon character, or an animal;

2. In a form that resembles an existing candy product that is a widely distributed, branded food item; or

3. Using any color additives.

(b) “Finished kratom product” means a kratom product that is ready for sale to the end user. For purposes of registration, a finished kratom product is differentiated by its ingredients, not by its weight, volume, or size.

(c) “Kratom” means the plant or any part of the plant *Mitragyna speciosa*.

(d) “Kratom beverage” means a prepackaged liquid kratom product in the form of a tea, seltzer or tonic water, or tincture.

(e) “Kratom food service establishment” means any public food service establishment licensed as provided in chapter 509 which sells finished kratom products.

(f) “Kratom product” means a food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption which contains any part of the leaf of the plant *Mitragyna speciosa* ~~or an extract, synthetic alkaloid, or~~

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~~synthetically derived compound of such plant~~ and is manufactured as a powder, capsule, pill, beverage, or other edible form.

(g) “Processor” means a person who manufactures, delivers, or offers for sale, distributes, or sells kratom products.

(3) PRODUCT REQUIREMENTS.—A processor may not manufacture, deliver, offer for sale, distribute, or sell a finished kratom product that:

(a) Is not one of the following approved delivery forms:

1. Dried leaf;

2. Kratom beverage;

3. Powder;

4. Pill; or

5. Capsule.

(b) Contains a level of synthetic 7-hydroxymitragynine in the alkaloid fraction which is greater than 2 percent of the alkaloid composition of the kratom product.

(c) Is not registered with the department pursuant to this section.

(d) Does not have a certificate of analysis submitted to the department as required by this section.

(e) Does not include directions for consumption of the kratom product on the product’s label, including, but not limited to:

1. Maximum dosage of 40 milligrams of mitragynine per serving;

2. Number of servings per package;

3. Milligrams of 7-hydroxymitragynine and mitragynine per serving;

4. A warning advising consumers of the number of servings

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that may be safely consumed in a 24-hour period;

5. A warning prohibiting use by individuals who are under 21 years of age;

6. A warning advising against use by individuals who are pregnant or breastfeeding;

7. A warning advising the consumer to consult a health care professional before use, that the product may be habit-forming, and that it may cause adverse health effects;

8. A warning stating the following: "These statements have not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.";

9. The expiration date; and

10. The name and place of business of the registrant.

(f) Does not comply with the packaging and labeling requirements set forth in this chapter and the rules adopted pursuant thereto. Such kratom products are considered misbranded.

(g) Is extracted using solvents other than water or Class 3 solvents set forth in USP-NF chapter 467.

(h) Contains levels of Class 3 solvents greater than the limits set forth in USP-NF chapter 467.

(i) Is attractive to children.

(j) Is in a container that:

1. Is not suitable to contain products for human consumption; or

2. Is not compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

3. Does not contain a graduated measuring device, if

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applicable.

(k) Is adulterated, including containing metals, pesticides, or pathogens in excess of the limits set by this section or department rule.

~~(4)~~ ~~(3)~~ AGE RESTRICTION.—It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person who is under 21 years of age.

(5) PERMIT AND FEDERAL REGISTRATION REQUIREMENTS FOR PROCESSORS.—

(a) Kratom products may only be manufactured by, delivered to, offered for sale by, distributed by, or sold by a processor who holds a permit to operate as a food establishment as defined in s. 500.03. A processor may not operate as a cottage food operation pursuant to s. 500.80 and is not exempt from food permit requirements pursuant to s. 500.12(1)(a)1.

(b) A processor that manufactures, processes, packs, or offers for sale kratom, kratom products, or finished kratom products must be properly registered with the United States Food and Drug Administration. Processors exclusively selling finished kratom products at retail are not required to register with the United States Food and Drug Administration.

(6) REGISTRATION.—

(a) A processor shall certify by sworn statement that any finished kratom product it manufactures, delivers, offers for sale, distributes, or sells in this state is registered with the department and does not contain dangerous or harmful substances, including, but not limited to, red-OH, synthetic 7-OH, synthetic 7-hydroxymitragynine, synthetic mitragynine, pseudoindoxyl, super alkaloid, or any other synthetically derived compounds,

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synthetic alkaloids, or controlled substances. Such registration must be renewed annually.

(b) A processor shall assume all responsibility and liability for its kratom, kratom product, or finished kratom product.

(c) For each batch of a registered finished kratom product, the processor shall submit a certificate of analysis to the department from an independent, third-party, accredited laboratory. The laboratory must be accredited under the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) 17025:2017 General Requirements for Competence of Testing and Calibration Laboratories standard by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement. The processor may not have any direct or indirect financial or economic interest in the laboratory or accrediting body. The processor shall maintain the certificates of analysis for a minimum of 1 year after the finished kratom product's expiration date. The certificate of analysis must demonstrate that the finished kratom product is in compliance with the statutory and rule concentration limits for:

1. Alkaloid and alkaloid metabolites;
2. Residual solvents;
3. Heavy metals, including cadmium, arsenic, mercury, and lead; and
4. Pesticides and any substance limited by department rule.

(d) A finished kratom product served by a kratom food service establishment must comply with the requirements of this

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section; however, a separate registration under this subsection is not required when a kratom beverage is combined with another food or beverage by the kratom food service establishment for consumption on premises. Serving kratom beverages combined with alcohol, drugs, or other kratom products is prohibited.

(7) REPORTING AND TESTING.—

(a) If a processor or the department receives notice of any adverse health event suspected to be related to the processor's kratom product, the processor or the department must submit an adverse event report as set out in chapter IX of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. s. 379aa-1(b)(1) to the United States Food and Drug Administration.

(b) If probable cause exists that a kratom product may be adulterated, the department may require an independent third-party test of the kratom product by a laboratory of the department's choice, and the processor must pay the cost of the test. If the processor does not make such payment to the department within 30 days after receiving the invoice for the testing fee, the department must revoke the registration for that product.

(8)(4) VIOLATIONS.—

(a) A violation of subsection (4) ~~(3)~~ is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A processor that manufactures, delivers, or offers for sale, distributes, or sells a finished kratom product that violates paragraph (3)(b) or paragraph (3)(c) commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

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233 (c) Kratom products possessed, manufactured, delivered,  
 234 offered for sale, distributed, or sold in violation of this  
 235 section by an entity regulated under this chapter are subject to  
 236 s. 500.172 and an immediate stop-sale order, and the entity is  
 237 subject to penalties as provided in s. 500.121. The department  
 238 may not grant permission to remove or use, except for disposal,  
 239 finished kratom products subject to a stop-sale order which are  
 240 attractive to children until the finished kratom products comply  
 241 with this section.

242 (d) If a processor fails to provide the department with a  
 243 certificate of analysis within 2 days after receiving a request  
 244 from the department or fails to immediately report an adverse  
 245 health event to the department as required by this section, the  
 246 department may revoke the processor's finished kratom product  
 247 registration.

248 (e) A processor that manufactures, delivers, offers for  
 249 sale, distributes, or sells a kratom product that contains any  
 250 controlled substance listed in s. 893.03 or an alkaloid not  
 251 naturally present in kratom, contains a synthetic alkaloid or a  
 252 synthetic alkaloid metabolite, including, but not limited to,  
 253 red-OH, synthetic 7-OH, synthetic 7-hydroxymitragynine,  
 254 synthetic mitragynine, pseudoindoxyl, super alkaloid, or any  
 255 other synthetically derived compounds of the plant *Mitragyna*  
 256 *speciosa*, or contains a level of 7-hydroxymitragynine in the  
 257 alkaloid fraction which is greater than 2 percent, is in  
 258 violation of this section.

259 (f) A laboratory that fails to ensure the accuracy of its  
 260 certificates of analysis issued pursuant to this section is  
 261 subject to an administrative fine as provided by department

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262 rule.

263 ~~(9)(5)~~ RULES.—The department shall adopt rules to  
 264 administer this section.

265 Section 2. For the 2025-2026 fiscal year, the sums of  
 266 \$1,920,141.22 in recurring funds and \$1,791,608 in nonrecurring  
 267 funds from the General Inspection Trust Fund are appropriated to  
 268 the Department of Agriculture and Consumer Services, and 24  
 269 full-time equivalent positions with associated salary rate of  
 270 1,508,152.18 are authorized, for the purpose of implementing  
 271 this act.

272 Section 3. This act shall take effect July 1, 2025.



The Florida Senate

## Committee Agenda Request

**To:** Senator Thomas Leek, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** March 8, 2025

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I respectfully request that **Senate Bill # 1734**, relating to Florida Kratom Consumer Protection Act, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Jay Collins", is written over a horizontal line.

Senator Jay Collins  
Florida Senate, District 14

The Florida Senate

# APPEARANCE RECORD

SB 1734

3-25-25

Meeting Date

Commerce & Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name J.D. McCormick

Phone 407-608-0340

Address 108 E. Jefferson St STE. C  
Street

Email jd@myhealthyusa.org

Tallahassee  
City

FL  
State

32301  
Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

March 25, 2025

Meeting Date

SB 1734

Bill Number or Topic

Commerce & Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name CHRIS MCCURDY

Phone 662-801-9804

Address 6219 NW 81ST BLVD

Email CMCCURDY@UFL.EDU

Street

GAINESVILLE

City

FL

State

32653

Zip

Speaking: ☐ For ☐ Against ☒ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



March 25, 2025

Meeting Date

Commerce & Tourism

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1734

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850-510-9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Fla. Smart Justice Alliance**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: SB 1438

INTRODUCER: Senator Grall

SUBJECT: Online Access to Materials Harmful to Minors

DATE: March 24, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	<b>Pre-meeting</b>
2.			JU	
3.			RC	

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**I. Summary:**

SB 1438 creates ss. 282.803 and 501.1741, F.S., to enhance online protections for minors, and establishes requirements for developers and manufacturers of applications and devices. Developers are required to assess whether their applications are likely to be accessed by minors, and manufacturers must implement age verification measures upon the activation of devices. The bill also requires developers to provide features for parental management of a minor's usage of applications and devices.

The bill amends s. 501.1737, F.S., to require commercial entities to use digital age verification methods to verify that a user accessing harmful materials is 18 years or older. "Digital age verification" means either anonymous age verification, standard age verification, or device-based age verification.

The bill creates a framework for device-based age verification, which requires that covered manufacturers take reasonable steps to determine user age and obtain parental consent for users under 16, and requires a website, application, or online service to block access for minors under 18 years of age. Additionally, the bill requires a website, application, or online service to provide disclaimers before displaying known material harmful to minors.

The Department of Legal Affairs is authorized to adopt rules to enforce the provisions of the bill.

The bill takes effect July 1, 2025.

## II. Present Situation:

### Addictive Designs and Deceptive Patterns

In general, “addictive designs” or “deceptive patterns,” also called “dark patterns,” are deceptive user experiences that take advantage of how people habitually use websites, to get them to do things that they may not normally do, such as impulse purchasing, giving away personal information, or spending excessive time on websites.<sup>1</sup>

In 2022, the Federal Trade Commission (FTC) issued a report outlining the ways that companies are increasingly using dark patterns to manipulate consumers into buying products or forfeiting their privacy.<sup>2</sup> Common dark pattern tactics include:

- Disguising ads by designing advertisements to look like independent editorial content.
- Claiming to be neutral, but actually ranking companies in exchange for compensation.
- Using countdown timers designed to make consumers believe they only have a limited time to purchase a product or service, even though the offer is not actually time-limited.
- Making it difficult to cancel subscriptions or charges, which involves tricking someone into paying for goods or services without consent.
- Burying key terms and junk fees, which involves hiding or obscuring material information from consumers that they do not see before making a purchase.
- Tricking consumers into sharing data, which involves falsely giving consumers choices about privacy settings or sharing data, but instead steering them toward the option that gives away the most personal information.<sup>3</sup>

### Effects on Children

Social media has become an important aspect of the digital interactions of minors who use social media for entertainment and communication purposes.<sup>4</sup> Adolescents are constantly in touch with their peers via social media accounts. However, social media has the potential to have both positive and negative effects on their health.<sup>5</sup> Some 80 percent of teenagers say social media allows them to feel more connected to their peers, according to a 2022 Pew Research Center survey of U.S. teens ages 13 to 17. Overall, one in three said that social media has had a mostly positive effect on them, while 59 percent said that it had neither a positive nor a negative effect.<sup>6</sup> On the other hand, many teens’ use, and overuse, of social media has raised questions about its

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<sup>1</sup> Brad Bartlett, *Dark Design Patterns: Teach Kids to Recognise Them*, Kidslox, Feb. 7, 2023, available at <https://kidslox.com/guide-to/dark-design-patterns/> (last visited Mar. 24, 2025).

<sup>2</sup> Federal Trade Commission (FTC), *FTC Report Shows Rise in Sophisticated Dark Patterns Designed to Trick and Trap Consumers*, Sep. 15, 2022, available at <https://www.ftc.gov/news-events/news/press-releases/2022/09/ftc-report-shows-rise-sophisticated-dark-patterns-designed-trick-trap-consumers> (last visited Mar. 24, 2025).

<sup>3</sup> *Id.*

<sup>4</sup> Andrea Irmer & Florian Schmiedek, *Associations between youth’s daily social media use and well-being are mediated by upward comparisons*, 1 COMMUN. PSYCHOL. 12 (Aug. 22, 2023), available at <https://doi.org/10.1038/s44271-023-00013-0> (last visited Mar. 24, 2025).

<sup>5</sup> Maya Dollarhide, *Social Media: Definition, Effects, and List of Top Apps*, Investopedia.com, Feb. 19, 2025, available at <https://www.investopedia.com/terms/s/social-media.asp> (last visited Mar. 24, 2025).

<sup>6</sup> Monica Anderson et al., *Connection, Creativity, and Drama: Teen Life on Social Media in 2022*, Pew Research Center, Nov. 16, 2022, available at <https://www.pewresearch.org/internet/2022/11/16/connection-creativity-and-drama-teen-life-on-social-media-in-2022/> (last visited Mar. 24, 2025).

effect on their physical and mental health by distracting them, disrupting their sleep, and exposing them to bullying, rumor spreading, unrealistic views of other people's lives, and peer pressure.<sup>7</sup>

In May 2023, U.S. Surgeon General Dr. Vivek Murthy released an advisory to call attention to the effects of social media on youth mental health. The advisory noted that at crucial periods of adolescent brain development, social media use is predictive of decreases in life satisfaction, as well as additional concerns around body image, sleep issues, and much more.<sup>8</sup> He also concluded that 13 years old is “too early” for children to use social media, despite most social media companies allowing 13-year-olds to use their platforms, because in early adolescence, kids are still “developing their identity, their sense of self.”<sup>9</sup>

Other experts, such as David Greenfield, a psychologist, agree and assert the platforms lure users with powerful tactics. One such tactic is “intermittent reinforcement,” which refers to a reward scheme in which the user receives rewards inconsistently and unpredictably. While adults are susceptible, young people are particularly at risk because the brain regions that are involved in resisting temptation and reward are not nearly as developed in children and teenagers as in adults.<sup>10</sup>

Based on their preparation and review of studies and other scientific research, many experts have called for the regulation of social media, and specifically, regulation of the use of social media by children. Dr. Mary Alvord, a member of the American Psychological Association social media advisory panel, has stated that just because social media is here to stay, it does not mean the dangers have to be accepted. “Just as we decide when kids are old enough to drive, and we teach them to be good drivers, we can establish guidelines and teach children to use social media safely.”<sup>11</sup>

### **Safety Measures and Parental Controls**

Providing children with information regarding how to more safely use social media could reduce or eliminate harms. Having conversations with them about social media, its benefits, and its risks, could promote positive social media usage.<sup>12</sup> Parental controls can also protect children

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<sup>7</sup> Mayo Clinic, *Tween and teen health*, available at <https://www.mayoclinic.org/healthy-lifestyle/tween-and-teen-health/in-depth/teens-and-social-media-use/art-20474437> (last visited Mar. 24, 2025).

<sup>8</sup> U.S. Department of Health and Human Services, Office of the Surgeon General, *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory* (2023), available at <https://www.ncbi.nlm.nih.gov/books/NBK594761/> (last visited Mar. 24, 2025).

<sup>9</sup> Lauraine Langreo, *Surgeon General: Kids Under 14 Should Not Use Social Media*, EducationWeek, Feb. 2, 2023, available at <https://www.edweek.org/leadership/surgeon-general-kids-under-14-should-not-use-social-media/2023/02> (last visited Mar. 24, 2025).

<sup>10</sup> Matt Richtel, *Is Social Media Addictive? Here's What the Science Says.*, The New York Times, Oct. 25, 2023, available at <https://www.nytimes.com/2023/10/25/health/social-media-addiction.html> (last visited Mar. 24, 2025).

<sup>11</sup> Kirsten Weir, *Social media brings benefits and risks to teens. Here's how psychology can help identify a path forward*, American Psychological Association, Sept. 1, 2023, available at <https://www.apa.org/monitor/2023/09/protecting-teens-on-social-media> (last visited Mar. 24, 2025).

<sup>12</sup> WebMD Editorial Contributors, *How to Talk to Your Kids About Social Media*, WebMD.com, available at <https://www.webmd.com/parenting/how-to-talk-to-kids-about-social-media> (last visited Mar. 24, 2025).

from inappropriate content, cyberbullying, and other online safety issues.<sup>13</sup> Examples of parental controls include blocking websites, filtering content, imposing limits on screen time, allowing parents to monitor online activity, using location tracking, and disabling Wi-Fi.<sup>14</sup>

However, two 2018 studies found that parental control apps may actually be counterproductive because they harm the trust between a parent and child and reduce the child's ability to respond to online threats. In one of the studies, children believed that the apps were overly restrictive and prevented them from doing everyday tasks, such as homework assignments. Additionally, a researcher stated that "parental involvement and direct supervision were both associated with fewer peer problems and less online victimization for teens, but neither of these factors correlated with the use of parental control apps."<sup>15</sup>

## **Child-Focused Online Privacy Laws**

### ***Federal Children's Online Privacy Protection Act (COPPA)***

COPPA,<sup>16</sup> and its related rules,<sup>17</sup> regulate websites' collection and use of children's information. The operator of a website or online service that is directed to children, or that has actual knowledge that it collects children's personal information (covered entities), must comply with requirements regarding data collection and use, privacy policy notifications, and data security.<sup>18</sup>

For purposes of COPPA, children are individuals under the age of 13.<sup>19</sup> A covered entity may not collect personal information from a child under the age of 13 without the prior, verifiable consent of his or her parent.<sup>20</sup>

COPPA defines personal information as individually identifiable information about an individual that is collected online, including:<sup>21</sup>

- First and last name.
- A home or other physical address including street name and name of a city or town.
- An email address.
- A telephone number.
- A social security number.
- Any other identifier that the FTC determines permits the physical or online contacting of a specific individual; or

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<sup>13</sup> Internetmatters.org, *Parental Controls*, available at <https://www.internetmatters.org/parental-controls/> (last visited Mar. 24, 2025).

<sup>14</sup> Caroline Knorr, *Parents' Ultimate Guide to Parental Controls*, Commonsensemedia.org, Mar. 9, 2021, available at <https://www.commonsensemedia.org/articles/parents-ultimate-guide-to-parental-controls> (last visited Mar. 24, 2025).

<sup>15</sup> Barbara Abney & Zenaïda Kotala, *Apps to Keep Children Safe Online May be Counterproductive*, UCF Today, Apr. 2, 2018, available at <https://www.ucf.edu/news/apps-keep-children-safe-online-may-counterproductive/> (last visited Mar. 24, 2025).

<sup>16</sup> 15 U.S.C. ss. 6501-6505.

<sup>17</sup> 16 C.F.R. pt. 312.

<sup>18</sup> Federal Trade Commission, *Complying with COPPA: Frequently Asked Questions*, available at <https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions> (last visited Mar. 24, 2025).

<sup>19</sup> *Id.*

<sup>20</sup> 15 U.S.C. §§ 6502(a)-(b).

<sup>21</sup> *Id.*

- Information concerning the child or the parents of that child that the website collects online from the child and combines with an identifier.<sup>22</sup>

Operators covered by the rule must:<sup>23</sup>

- Provide notice of what information is collected from children by the operator, how the operator uses such information, and the operator's disclosure practices for such information.
- Obtain verifiable parental consent for the collection, use, or disclosure of personal information from children.<sup>24</sup>
- Upon request of a parent whose child has provided personal information to a website or online service, upon proper identification of that parent, to such parent, a description of the specific types of personal information collected from the child by that operator.
- Upon request of a parent whose child has provided personal information to a website or online service, upon proper identification of that parent, to such parent, the opportunity at any time to refuse to permit the operator's further use or maintenance in retrievable form, or future online collection, of personal information from that child.
- Upon request of a parent whose child has provided personal information to a website or online service, upon proper identification of that parent, a means that is reasonable under the circumstances for the parent to obtain any personal information collected from that child.
- Prohibit conditioning a child's participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than is reasonably necessary to participate in such activity.
- Require the operator of a website or online service to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.<sup>25</sup>

Violations of COPPA are deemed an unfair or deceptive act or practice and are therefore prosecuted by the Federal Trade Commission.<sup>26</sup> While there is no criminal prosecution or private right of action under COPPA, the act authorizes state attorneys general to enforce violations that affect residents of their states.<sup>27</sup>

In 2019, Google and its subsidiary YouTube agreed to pay a \$170 million settlement for lawsuits brought by the commission and the state of New York for violations of COPPA for collecting personal information from children without consent. Specifically, it was alleged that YouTube tracked cookies<sup>28</sup> from viewers of child-directed channels, without first notifying parents and

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<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> The FTC's finalized updates to the COPPA include the requirements that operators obtain separate verifiable parental consent for disclosures to third parties, parents will have to provide consent for disclosures to third parties such as ad networks. See Federal Trade Commission, *Children's Online Privacy Protection Rule*, available at [https://www.ftc.gov/system/files/ftc\\_gov/pdf/coppa\\_sbp\\_1.16\\_0.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/coppa_sbp_1.16_0.pdf) (last visited Mar. 24, 2025).

<sup>25</sup> *Id.*

<sup>26</sup> See *id.*; see also 15 U.S.C. s. 6502(c); 16 C.F.R. s. 312.9.

<sup>27</sup> See Federal Trade Commission, *Complying with COPPA: Frequently Asked Questions*, available at <https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions> (last visited Mar. 24, 2025).

<sup>28</sup> Cookies are bits of data that are sent to and from a user's browser to identify the user. When the user opens a website, the user's browser sends a piece of data to the web server hosting that website. This data usually appears as strings of numbers and letters in a text file. Every time the user accesses a website, a cookie is created and placed in a temporary folder on the user's device. From here, cookies try to match the user's preferences for what the user wants to read, see, or purchase.

obtaining their consent. YouTube earned millions of dollars by using the identifiers to deliver targeted ads to viewers of these channels.<sup>29</sup>

On January 16, 2025, the FTC finalized updates to the COPPA to set new requirements around the collection, use, and disclosure of children's personal information and give parents new tools and protections to help them control what data is provided to third parties about their children.<sup>30</sup>

### Age Verification Mechanisms

Many industries are currently required to use online age verification methods, including:

- Alcohol and tobacco.<sup>31</sup>
- Gambling.
- Adult websites.
- Firearms.<sup>32</sup>

Adult websites in the U.S. generally use checkboxes for users to confirm that they are at least 18 years of age. Recently, however, numerous states and the United Kingdom have enacted laws requiring adult websites to use age verification measures to block adult content from being accessed by minors.<sup>33</sup>

Additionally, some social media platforms ask for age-identifying information to create new accounts, but such information is not always verified. For example, Facebook requires new users to self-report a birthdate to confirm that they are at least 13 years old. Meta is currently testing new ways to verify age, including through the use of biometrics and online interviews.<sup>34</sup>

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Microsoft, *Everything you need to know about Internet cookies*, Apr. 25, 2023, available at <https://www.microsoft.com/en-us/edge/learning-center/what-are-cookies?form=MA1312> (last visited Mar. 24, 2025).

<sup>29</sup> Federal Trade Commission, *Google and YouTube Will Pay Record \$170 Million for Alleged Violations of Children's Privacy Law*, Sep. 4, 2019, available at <https://www.ftc.gov/news-events/news/press-releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-privacy-law> (last visited Mar. 24, 2025).

<sup>30</sup> Federal Trade Commission, *FTC Finalizes Changes to Children's Privacy Rule Limiting Companies' Ability to Monetize Kids' Data*, available at <https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-finalizes-changes-childrens-privacy-rule-limiting-companies-ability-monetize-kids-data#:~:text=The%20Federal%20Trade%20Commission%20finalized,was%20last%20updated%20in%202013> (last visited Mar. 24, 2025).

<sup>31</sup> The U.S. Food and Drug Administration (FDA) recommends using independent, third-party age- and identity-verification services that compare customer information against third-party data sources for online sellers of tobacco. FDA, *Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization (Revised)* (April 2020), at 7, available at <https://www.fda.gov/media/133880/download> (last visited Mar. 24, 2025).

<sup>32</sup> Jan Stepnov, *What Is an Age Verification System and Why Incorporate It Into Your Business*, Regula, Apr. 21, 2023, available at <https://regulaforensics.com/blog/age-verification-system/> (last visited Mar. 24, 2025).

<sup>33</sup> Masha Borak, *UK introduces Online Safety Bill mandating age verification*, Oct. 27, 2023, available at <https://www.biometricupdate.com/202310/uk-introduces-online-safety-bill-mandating-age-verification> (last visited Mar. 24, 2025); Dmytro Sashchuk, *Age verification regulations in the United States of America*, Veriff, Oct. 30, 2024, available at <https://www.veriff.com/fraud/learn/age-verification-legalization-in-the-united-states-of-america> (last visited Mar. 24, 2025).

<sup>34</sup> Meta, *Introducing New Ways to Verify Age on Instagram*, Jun. 23, 2022, available at <https://about.fb.com/news/2022/06/new-ways-to-verify-age-on-instagram/> (last visited Mar. 24, 2025).



There are several ways that Internet companies can verify, or attempt to verify, age. Options include using:<sup>35</sup>

- Government identity documents, which generally require users to submit government documents to a third-party company for review.
- Phone records, which generally check users' phones for parental controls.
- Credit score databases, which generally require the user to enter identifying information that is subsequently confirmed through a credit check agency.
- Biometric age estimation, which generally requires a facial analysis to estimate age.
- Credit cards, which generally requires users to supply credit card information for validation.
- Open banking, which generally requires users to log into their own online banking system and give approval for date of birth information to be supplied to a bank-approved, third-party age verification provider.
- Algorithmic profiling, which generally assesses the likely ages of users based on their online behavior.
- Self-declaration, which generally requires users to check a box or enter a birthdate.
- Zero knowledge proofs, which generally enables users to upload identity documents to privacy servers and securely share encrypted, anonymous "proofs" of age to a company, through a process called "hashing," without actually transmitting the identity documents to the company.

When verifying age online, people usually share personal information, including:

- Full name and location.
- Email or phone number (when using two-factor authorization).
- Home address.

Identity theft is a potential risk when users reveal this information, and websites can collect information revealed through age verification processes, and combine it with other data for targeted advertisements or data-sharing with third parties.<sup>36</sup>

### ***Florida's Laws***

In 2024, the Legislature enacted laws to require age verification for online access to materials that are harmful to minors.<sup>37</sup>

Florida law requires a commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors to use either anonymous age verification or standard age verification to verify that the age of a person attempting to access the material is 18 years of age or older and prevent access to the material by a person younger than 18 years of age.<sup>38</sup>

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<sup>35</sup> The Age Verification Providers Association, *How do you check age online?*, available at <https://avpassociation.com/avmethods/> (last visited Mar. 24, 2025).

<sup>36</sup> John Reynolds, *Don't risk identity fraud just to play that video game – do this instead*, Aleo, Dec. 28, 2023, available at <https://aleo.org/post/dont-risk-identity-fraud-to-play-that-video-game/> (last visited Mar. 24, 2025).

<sup>37</sup> Ch. 2024-42, Laws of Fla.

<sup>38</sup> Section 501.1737, F.S.



“Standard age verification” means any commercially reasonable method of age verification approved by the commercial entity.<sup>39</sup>

Any violation of the age verification law is deemed an unfair and deceptive trade practice, and the Department of Legal Affairs (department) has enforcement authority. In addition to the remedies under the Florida Deceptive and Unfair Trade Practices Act, the department may collect a civil penalty of up to \$50,000 per violation and reasonable attorney fees and court costs for a violation by a third party.<sup>40</sup> A commercial entity that violates the age verification requirement is liable to the minor for such access, including court costs and reasonable attorney fees as ordered by the court. Claimants may be awarded up to \$10,000 in damages. A civil action for a claim under this paragraph must be brought within 1 year from the date the complainant knew, or reasonably should have known, of the alleged violation.<sup>41</sup>

Florida law defines the term “anonymous age verification” as a commercially reasonable method used by a government agency or a business for the purpose of age verification which is conducted by a nongovernmental, independent third party organized under the laws of a state of the United States which:

- Has its principal place of business in a state of the United States; and
- Is not owned or controlled by a company formed in a foreign country, a government of a foreign country, or any other entity formed in a foreign country.<sup>42</sup>

A third party conducting anonymous age verification:

- May not retain personal identifying information used to verify age once the age of an account holder or a person seeking an account has been verified;
- May not use personal identifying information used to verify age for any other purpose;
- Must keep anonymous any personal identifying information used to verify age; and
- Must protect personal identifying information used to verify age from unauthorized or illegal access, destruction, use, modification, or disclosure through reasonable security procedures and practices appropriate to the nature of the personal information.<sup>43</sup>

### ***Other States***

At least 17 states require websites with adult content to verify the age of users.<sup>44</sup> Many of these laws are facing challenges on free speech grounds, and the Supreme Court is considering a case from the United States Court of Appeals for the Fifth Circuit, *Free Speech Coalition, Inc. v. Paxton*, which challenges a Texas law that requires websites with adult content to implement age verification mechanisms.<sup>45</sup> The court applied rational basis review and held that the age-

<sup>39</sup> Section 501.1737, F.S., defines “commercial entity” as a corporation, a limited liability company, a partnership, a limited partnership, a sole proprietorship, and any other legally recognized entity.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Section 501.1738, F.S.

<sup>43</sup> *Id.*

<sup>44</sup> Technology and Privacy, *States with Age Verification Laws* available at <https://www.multistate.us/insider/2025/2/5/supreme-court-ruling-could-impact-state-age-verification-laws> (last visited Mar. 24, 2025).

<sup>45</sup> *Free Speech Coalition, Inc. v. Paxton* 95 F.4th 263 (5<sup>th</sup> Cir. 2024). See also “Constitutional Issues” of this bill analysis.

verification requirement did not violate the First Amendment because the state has an interest in protecting the welfare of children and to see that they are safeguarded from abuses.<sup>46</sup>

## **Social Media Laws for Children**

### ***State Requirements for Social Media and Phones in Schools***

Florida law requires students in grades 6 through 12 to receive instruction on the social, emotional, and physical effects of social media. The instructional materials must be available online, and district school boards must notify parents of the material's availability.<sup>47</sup>

Florida law also prohibits students from using wireless communication devices at school during instructional time, except when expressly directed by a teacher solely for educational purposes, and requires a teacher to designate an area for wireless communications devices during instructional time.<sup>48</sup>

### ***State Protection of Children in Online Spaces***

Florida law provides that any online service, product, game, or feature likely to be predominantly accessed by children under 18 years of age may not, except under certain situations:

- Process the personal information of any child if the platform has actual knowledge or willfully disregards that the processing may result in substantial harm or privacy risk to children.
- Profile a child.
- Collect, sell, share, or retain any personal information that is not necessary to provide an online service, product, or feature with which a child is actively and knowingly engaged.
- Use a child's personal information for any unstated reason.
- Collect, sell, or share any precise geolocation of data of children.
- Use dark patterns to:
  - Lead or encourage children to provide personal information beyond what personal information would otherwise be reasonably expected to be provided for that online service, product, game or feature.
  - Forego privacy protections.
  - Take any action that the online platform has actual knowledge of or willfully disregards that may result in substantial harm or privacy risk to children.
- Use collected information to estimate age or age range for any other purpose or retain that personal information longer than necessary to estimate age.<sup>49</sup>

In 2024, the Legislature enacted a law to prohibit children under the age of 14 from creating a social media account.<sup>50</sup> A social media platform must do the following:

- Terminate any account held by an account holder younger than 14 years of age, including accounts that the social media platform treats or categorizes as belonging to an account

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<sup>46</sup> *Id.*

<sup>47</sup> Section 1003.42(2)(o)5., F.S.

<sup>48</sup> Sections 1006.07(2)(f) and 1003.32(1)(a), F.S.

<sup>49</sup> Section 501.1735, F.S.

<sup>50</sup> Ch. 2024-42, Laws of Fla.

holder who is likely younger than 14 years of age for purposes of targeting content or advertising, and provide 90 days for an account holder to dispute such termination.

- Allow an account holder younger than 14 years of age to request to terminate the account.
- Allow the confirmed parent or guardian of an account holder younger than 14 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.<sup>51</sup>

A social media platform must prohibit a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder, unless the minor's parent or guardian provides consent for the minor to become an account holder.<sup>52</sup>

A social media platform must do the following:

- Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account. The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
- Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
- Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.<sup>53</sup>

Any knowing or reckless violation of s. 501.1736(2) or (3), F.S., is deemed an unfair and deceptive trade practice, and the department has enforcement authority.<sup>54</sup> In addition to the remedies under the Florida Deceptive and Unfair Trade Practices Act, the department may collect a civil penalty of up to \$50,000 per violation and reasonable attorney fees and court costs for a violation by a third party.<sup>55</sup> When the social media platform's failure to comply with the requirements is a consistent pattern of knowing or reckless conduct, punitive damages may be assessed against the social media platform.<sup>56</sup>

A social media platform that knowingly or recklessly violates s. 501.1736(2) or (3), F.S., is liable to the minor account holder, including court costs and reasonable attorney fees as ordered by the

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<sup>51</sup> Section 501.1736, F.S.

<sup>52</sup> *Id.*

<sup>53</sup> Section 501.1736(4), F.S., provides that if a court enjoins the enforcement of this section, then this section should be severed and s. 501.1736(4), F.S., will take effect, which prohibits a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder.

<sup>54</sup> Section 501.1736, F.S.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

court. Claimants may be awarded up to \$10,000 in damages. A civil action for a claim must be brought within 1 year from the date the complainant knew, or reasonably should have known, of the alleged violation.<sup>57</sup>

In October 2024, two internet-industry groups filed a federal lawsuit challenging the constitutionality of Florida's law limiting minors' access to social media platforms. The Computer & Communications Industry Association and NetChoice, whose members include tech giants such as Google and Meta Platforms, alleged that the law violated their First Amendment rights and that parents have control of their children's social-media use.<sup>58</sup>

In March 2025, the motion for preliminary injunction was denied. The order did not include a ruling on the First Amendment issue. The order was instead based on the decision that the plaintiffs did not "show a substantial likelihood demonstrating standing" that at least one of the group members "will suffer irreparable injury" without an injunction. The effective date of the law was supposed to be January 1, 2025; however, in November the State agreed not to enforce it until the ruling occurred.<sup>59</sup>

### **Florida Deceptive and Unfair Trade Practices Act (FDUTPA)**

The FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, and unconscionable, deceptive, or unfair acts or practices in the conduct of trade or commerce.<sup>60</sup> The FDUTPA was modeled after the Federal Trade Commission Act.<sup>61</sup>

The Department of Legal Affairs or the state attorney's office in the judicial circuit affected or where the violation occurs may bring actions on behalf of consumers or governmental entities when it serves the public interest.<sup>62</sup> The state attorney's office may enforce violations of the FDUTPA if the violations take place within its jurisdiction. The department has enforcement authority when: the violation is multi-jurisdictional; the state attorney defers to the department in writing; or the state attorney fails to act within 90 days after a written complaint is filed.<sup>63</sup> In certain circumstances, consumers may also file suit through private actions.<sup>64</sup>

The department and the state attorney's office have powers to investigate the FDUTPA claims, which include:<sup>65</sup>

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<sup>57</sup> *Id.*

<sup>58</sup> Computer & Communications Industry Association and NetChoice v. Uthmeier, Case No.: 4:24-cv-00438-MW-MAF. The case is in the US District Court, Northern District of Florida.

<sup>59</sup> *Id.*

<sup>60</sup> Section 501.202, F.S.

<sup>61</sup> See 15 U.S.C. s. 45; see also D. Matthew Allen, et. al., *The Federal Character of Florida's Deceptive and Unfair Trade Practices Act*, 65 U. MIAMI L. REV. 1083 (Summer 2011).

<sup>62</sup> Sections 501.203(2) and 501.207(1)(c) and (2), F.S.; see also David J. Federbush, *FDUTPA for Civil Antitrust Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLA. BAR J. 52 (Dec. 2002), available at <https://www.floridabar.org/the-florida-bar-journal/fdutpa-for-civil-antitrust-additional-conduct-party-and-geographic-coverage-state-actions-for-consumer-restitution/> (analyzing the merits of FDUTPA and the potential for deterrence of anticompetitive conduct in Florida) (last visited Mar. 24, 2025).

<sup>63</sup> Section 501.203(2), F.S.

<sup>64</sup> Section 501.211, F.S.

<sup>65</sup> Section 501.206(1), F.S.

- Administering oaths and affirmations.
- Subpoenaing witnesses or matter.
- Collecting evidence.

The department and the state attorney's office may seek the following remedies:<sup>66</sup>

- Declaratory judgments.
- Injunctive relief.
- Actual damages on behalf of consumers and businesses.
- Cease and desist orders.
- Civil penalties of up to \$10,000 per willful violation.

The FDUTPA may not be applied to certain entities in certain circumstances, including:<sup>67</sup>

- Any person or activity regulated under laws administered by the Office of Insurance Regulation or the Department of Financial Services.
- Banks, credit unions, and savings and loan associations regulated by the Office of Financial Regulation or federal agencies.

### **III. Effect of Proposed Changes:**

#### **Online Application Stores**

##### *Definitions*

**Section 1** of the bill creates s. 282.803, F.S., which provides the following definitions:

- "Application store" means a publicly available website, software application, or online service that distributes third party platform software applications to a computer, a mobile device, or any other general purpose computing device.
- "Child" means an individual consumer under 18 years of age.
- "Covered application" means a software application, website, or other online service that is likely to be accessed by children and that is intended to be run or directed by a user on a computer, mobile device, or any other general purpose computing device. The term does not include a broadband Internet access service as defined in 47 C.F.R. s. 8.1(b); a telecommunications service as defined in 47 U.S.C. s. 153; or the delivery or use of a physical product unconnected to the Internet.
- "Covered entity" means a covered manufacturer or developer of a covered application.
- "Covered manufacturer" means a manufacturer of a device, an operating system for a device, or an application store.
- "Developer" means any person, entity, or organization that creates, owns, or controls an application and is responsible for the design, development, maintenance, and distribution of the application to users through an application store.
- "Device" means a device or a portion of a device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a desktop, a laptop, a

<sup>66</sup> Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

<sup>67</sup> Section 501.212(4), F.S.

cellular telephone, a tablet, or any other device designed for and capable of communicating with or across a computer network and that is used for such purpose. The term does not include cable, fiber, or wireless modems, and home routers whether standalone or combined with the aforementioned modems; managed set-top boxes; and any physical object that only supports communications within a closed user group or private network available to a limited set of users.

- “Likely to be accessed by children” means it is reasonable to expect that an application would be accessed by children, based on satisfying any of the following criteria:
  - The application is determined, based on competent and reliable evidence regarding audience composition, to be routinely accessed by children; or
  - Internal research findings determine that the application is routinely accessed by children.
- “Parent” means a biological, foster, or adoptive parent; a stepparent; or a legal guardian.
- “User” means an individual consumer of covered applications.

### ***Developers of Covered Applications***

Beginning January 1, 2026, the bill requires a developer of a covered application to:

- Determine whether an application the developer provides is likely to be accessed by children and, if the application is provided for distribution via an application store, provide notice to such application store that the application is likely to be accessed by children.
- To the extent applicable and technically feasible, provide readily available features for parents to protect a user that is a child as appropriate to the risks that arise from the child’s use of the developer’s covered application. This includes providing features to help manage which accounts are affirmatively linked to the user under the age of 18, to help manage the delivery of age appropriate content, and to limit the amount of time that the user under the age of 18 spends daily on the developer’s covered application.

The bill authorizes developers of covered applications to rely on age signals and parental consent for purposes of complying with the aforementioned requirements.

### ***Covered Manufacturers***

The bill requires a covered manufacturer to take commercially reasonable and technically feasible steps to:

- Upon initial activation of a device, determine or estimate the age of the device’s primary user.
- If the covered manufacturer is an application store:
  - Provide a mechanism for a developer to provide notice that an application is likely to be accessed by children;
  - Obtain parental consent before permitting a known child under 16 years of age to download a covered application from the application store;
  - Provide developers of covered applications in the application store a signal regarding whether a parent has provided consent; and
  - Provide the parent with the option to connect the developer of such a covered application with the approving parent for the purpose of facilitating parental supervision tools.
- Provide developers of covered applications with a digital signal via a real time application programming interface regarding whether a user is:
  - Under 13 years of age;

- At least 13 years of age and under 16 years of age;
- At least 16 years of age and under 18 years of age; or
- At least 18 years of age.<sup>68</sup>

### ***Exceptions***

Except when a covered manufacturer is an application store, section 1 of the bill does not:

- Require a covered entity to access, collect, retain, reidentify, or link information, that in the ordinary course of business, would not otherwise be accessed, collected, retained, reidentified, or linked;
- Require a covered entity to implement new account controls or safety settings if it is not necessary to comply with this bill; and
- Modify, impair, or supersede the operation of any antitrust law.

### ***Applications Stores***

The bill requires an application store to comply with the requirements in section 1 of the bill in a nondiscriminatory manner, including:

- Imposing at least the same restrictions and obligations on its own applications and application distribution as it does on those from third-party applications or application distributors.
- Not using data collected from third parties, or consent mechanisms deployed for third parties, in the course of compliance, for any of the following:
  - To compete against those third parties;
  - To give the application store's services preference relative to those of third parties; and
  - To otherwise use the data or consent mechanism in an anticompetitive manner.

### ***Enforcement***

The bill requires the Attorney General to provide the covered entity with at least 45 days written notice before the date on which the Attorney General initiates an enforcement action against a covered entity. The notice must identify each alleged violation and an explanation of the basis for each allegation.

The Attorney General may not initiate an action if the covered entity cures the violation or violations described in the notice within 45 days after the notice is sent and provides the Attorney General with a written statement indicating that the violation is cured and that no further violations will occur. If the violation is not cured, the Attorney General may bring a civil action and seek damages for up to \$2,500 per violation not to exceed \$50,000. The bill does not provide a private right of action; the Attorney General has exclusive authority to enforce these provisions.

The bill provides an affirmative defense if the developer acted in reasonable reliance on the application store's determination or estimate that the user is not a child. Additionally, a covered manufacturer is not subject to liability for failure to comply with section 1 of the bill if that

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<sup>68</sup> For devices sold before January 1, 2026, the bill requires covered manufacturers to ensure that the requirements are included in its operating system and app store versions and updates by default after January 1, 2027.

covered manufacturer has taken commercially reasonable and technically feasible steps to determine or estimate the age of the user of the relevant device.

### **Age Verification for Online Access to Materials Harmful to Minors**

#### ***Definitions***

**Section 2** of the bill amends s. 501.1737, F.S., and provides the following definitions as used in ss. 501.1737 and 501.1741, F.S.:

- “Application store” means a publicly available website, software application, or online service that distributes third party platforms’ software applications to a computer, a mobile device, or any other general-purpose computing device.
- “Covered manufacturer” means a manufacturer of a device, an operating system for a device, or an application store.
- “Device” means equipment or a portion of equipment that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a desktop, a laptop, a cellular telephone, a tablet, or any other device designed for and capable of communicating with or across a computer network and that is used for such purpose.
- “Digital age verification” means anonymous age verification, standard age verification, or device-based age verification.
- “Operating system provider” means an entity that develops, distributes, or maintains the operating system of, and provides common services for, a device. The term includes the design, programming, and supply of operating systems for various devices such as smartphones, tablets, and other digital equipment.

#### ***Guidelines***

The bill provides that a commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors, must use digital age verification.<sup>69</sup>

The bill requires a commercial entity to ensure that the requirements of s. 501.1738, F.S., which provides the framework for “anonymous age verification,” are met unless the commercial entity is relying on device-based age verification.<sup>70</sup>

#### ***Penalties***

The bill provides that a “covered manufacturer” must follow the requirements provided in section 3 of the bill, which establishes the framework for “device-based age verification.” If a covered manufacturer violates any of those requirements, it is deemed an unfair and deceptive trade practice under s. 501.1737(5)(a), F.S.

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<sup>69</sup> The bill defines “digital age verification” as either anonymous age verification, standard age verification, or device-based age verification. The bill requires a commercial entity to offer anonymous age verification and standard age verification, and a person attempting to access the material may select which method will be used to verify his or her age unless the commercial entity is relying on device-based age verification.

<sup>70</sup> The bill creates the framework for “device-based age verification” in s. 501.1741, F.S.



The bill removes the provision in s. 501.1737, F.S., that provides a private cause of action to a minor.

The bill removes the provision in s. 501.1737, F.S., that requires all information held by the Department of Legal Affairs pursuant to a notification of a violation or an investigation of a violation to be confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.<sup>71</sup>

### **Device-based Age Verification**

**Section 3** of the bill creates s. 501.1741, F.S., which establishes the framework for device-based age verification.

Upon activation of a device, a covered manufacturer must take commercially reasonable and technically feasible steps to do the following:

- Determine or estimate the age of the user of the device.
- Provide websites, applications, application stores, and online services with a digital signal and a real-time application programming interface to verify that a person is:
  - Younger than 13 years of age;
  - At least 13 years of age but younger than 16 years of age;
  - At least 16 years of age but younger than 18 years of age; and
  - Eighteen years of age or older.
- If the covered manufacturer is an application store, obtain parental or guardian consent before permitting a person younger than 16 years of age to download an application from the application store and provide the parent or guardian with the option to connect the developer of the application with the approving parent or guardian for the purpose of facilitating parental supervision tools.
- Beginning July 1, 2026, ensure that the requirements of this section of the bill are included by default in all operating systems and application store versions and updates for devices sold after July 1, 2026.

The bill requires a website, an application, or an online service that makes material harmful to minors available to minors to recognize and allow for the receipt of digital age signals.

The bill requires a website, an application, or an online service that makes available a substantial portion of material harmful to minors to do the following:

- Block access to the website, application, or online service if an age signal is received indicating that the person using such website, application, or online service is under 18 years of age;
- Provide a disclaimer to the user or visitors that the website, application, or online service contains material harmful to minors; and
- Label itself as restricted to adults.

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<sup>71</sup> Section 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, guarantees every person the right to inspect or copy public records made or received in connection with the official business of any public body, officer, or employee of the state, with certain exceptions.

The bill requires a website, an application, or an online service that knowingly makes available less than a substantial portion of material harmful to minors to do the following:

- Block access to known material harmful to minors if an age signal is received indicating that the person using such website, application, or online service is under 18 years of age; and
- Provide a disclaimer to users or visitors before displaying known material harmful to minors.

The bill requires a website, an application, or an online service with actual knowledge, through receipt of a signal regarding a user's age or otherwise, that a user is under 18 years of age, to the extent commercially reasonable and technically feasible, provide readily available features for parents or guardians to support a minor with respect to the minor's use of the service, including features to help manage which persons or accounts are affirmatively linked to the minor, to help manage the delivery of age appropriate content, and to limit the amount of time that the minor spends daily on the website, application, or online service.

The bill requires a covered manufacturer to comply with the device-based age verification requirements in a nondiscriminatory manner, specifically including, but not limited to, imposing at least the same restrictions and obligations on its own websites, applications, and online services as it does on those from third parties.

A covered manufacturer is prohibited from taking the following actions:

- Using data collected from third parties, or consent mechanisms deployed for third parties, in the course of compliance with the device-based age verification requirements to compete against such third parties;
- Giving the covered manufacturer's services preference relative to those of third parties; or
- Otherwise use data collected from third parties or consent mechanisms deployed by third parties in an anticompetitive manner.

The bill gives the Department of Legal Affairs rule making authority to implement the device-based age verification requirements.

The bill provides that any state law, regulation, or policy or any ordinance, regulation, or policy adopted by a county, a municipality, an administrative agency, or other political subdivision of Florida which is in conflict with this section of the bill is superseded and is deemed null and void to the extent of the conflict.

#### **Effective Date**

The bill takes effect July 1, 2025.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

**First Amendment Right to Freedom of Speech**

The First Amendment to the U.S. Constitution guarantees that “Congress shall make no law ... abridging the freedom of speech.”<sup>72</sup> Generally, “government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.”<sup>73</sup> The rights guaranteed by the First Amendment apply with equal force to state governments through the due process clause of the Fourteenth Amendment.<sup>74</sup>

In most circumstances, these protections “are no less applicable when government seeks to control the flow of information to minors”<sup>75</sup> as states do not possess “a free-floating power to restrict the ideas to which children may be exposed.”<sup>76</sup>

Many of the questions regarding the constitutionality of age verification laws may concern whether such laws are sufficiently narrow to avoid inhibiting more speech than necessary. The degree of tailoring required may vary depending on whether a given law is content-based or content-neutral. In both circumstances, a law’s constitutionality depends on several factors, including the:

- Strength of the government’s interest.
- Amount of protected speech that the law directly or indirectly restricts.
- Availability of less speech-restrictive alternatives.<sup>77</sup>

Content-neutral regulations on free speech are legitimate if they advance important governmental interests that are not related to suppression of free speech, do so in a way that is substantially related to those interests, and do not substantially burden more speech than necessary to further those interests.<sup>78</sup>

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<sup>72</sup> U.S. CONST. amend. I.

<sup>73</sup> *Police Dept. of City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972).

<sup>74</sup> U.S. CONST. amend. XIV; see also FLA. CONST., art. I.

<sup>75</sup> *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 214 (1975).

<sup>76</sup> *Brown v. Ent. Merchants Ass’n*, 564 U.S. 786, 794 (2011).

<sup>77</sup> Eric N. Holmes, Congressional Research Service, *Online Age Verification (Part III): Select Constitutional Issues* (CRS Report No. LSB11022, August 17, 2023), available at <https://crsreports.congress.gov/product/pdf/LSB/LSB11022> (last visited Mar. 24, 2025).

<sup>78</sup> *Turner Broadcasting System, Inc. v. F.C.C.*, 520 U.S. 180, 189 (U.S. 1997).

The U.S. Supreme Court regards content-based laws, which limit communication because of the message it conveys, as presumptively unconstitutional.<sup>79</sup> Such a law may be justified only if the government shows that the law is required to promote a compelling state interest and that the least restrictive means have been chosen to further that articulated interest.<sup>80</sup>

In general, the U.S. Supreme Court has held that requiring adults to prove their age to access certain content is an unconstitutional, content-based limit on free speech, when there are less restrictive means to curb access to minors, such as filters and parental controls.<sup>81</sup>

According to Justice O'Connor's *Reno* dissent, because technology was insufficient for ensuring that minors could be excluded while still providing adults full access to protected content, the age verification provision was viewed as ultimately unconstitutional; however, she contemplated the possibility that future technological advances may allow for a constitutionally sound age verification law.<sup>82</sup>

Additionally, in determining whether laws requiring age verification to access social media platforms unconstitutionally restrict free speech, courts have found that even if “the state has the power to enforce parental prohibitions it does not follow that the state has the power to prevent children from hearing or saying anything without their parents’ prior consent.”<sup>83</sup> Moreover:

[A]ge-verification requirements are more restrictive than policies enabling or encouraging users (or their parents) to control their own access to information, whether through user-installed devices and filters or affirmative requests to third-party companies. “Filters impose selective restrictions on speech at the receiving end, not universal restrictions at the source.” And “[u]nder a filtering regime, adults ... may gain access to speech they have a right to see without having to identify themselves[.]” Similarly, the State could always “act to encourage the use of filters ... by parents” to protect minors.<sup>84</sup>

### State Authority to Regulate to Protect Minors

The U.S. Supreme Court has determined that the state has a “compelling interest in protecting the physical and psychological well-being of minors,” which “extends to

<sup>79</sup> *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015).

<sup>80</sup> *Sable Commc’s of California, Inc. vs. F.C.C.*, 492 U.S. 115, 126 (1989).

<sup>81</sup> *Reno v. Am. C. L. Union*, 521 U.S. 844, 874 (1997); *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 666 (2004); Ronald Kahn, *Reno v. American Civil Liberties Union* (1997), Free Speech Center at Middle Tennessee State University, Dec. 15, 2023, available at <https://firstamendment.mtsu.edu/article/reno-v-american-civil-liberties-union/> (last visited Mar. 24, 2025).

<sup>82</sup> *Reno*, 521 U.S. at 886-91 (O’Connor concurring in part and dissenting in part). The court also considered overbreadth and vagueness arguments, and determined that the Communications Decency Act of 1996 was too broad and vague. *Id.* at 883-84.

<sup>83</sup> *NetChoice, LLC v. Yost*, 2024 WL 104336, \*8 (S.D. Ohio Jan. 9, 2024) (internal citations and quotations omitted).

<sup>84</sup> *NetChoice, LLC v. Griffin*, 2023 WL 5660155, \*21 (W.D. Ark. Aug. 31, 2023) (internal citations omitted).

shielding minors from the influence of literature that is not obscene by adult standards.”<sup>85</sup> In doing so, however, the means must be narrowly tailored to achieve that end so as not to unnecessarily deny adults access to material which is constitutionally protected indecent material.<sup>86</sup>

### **Supremacy Clause**

Article VI, Paragraph 2 of the U.S. Constitution, commonly referred to as the Supremacy Clause, establishes that the federal constitution, and federal law generally, take precedence over state laws and constitutions. The Supremacy Clause also prohibits states from interfering with the federal government’s exercise of its constitutional powers and from assuming any functions that are exclusively entrusted to the federal government. It does not, however, allow the federal government to review or veto state laws before they take effect.<sup>87</sup>

Section 230 of the federal Communications Decency Act, in part, specifies that “[n]o provider ... of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider”<sup>88</sup> and specifically prohibits all inconsistent causes of action and liability imposed under any state or local law.<sup>89</sup>

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

The bill requires covered manufacturers and developers of covered applications to take certain steps, provide certain features, and provide certain notices or disclaimers to assist in protecting minors, which will likely increase costs for such entities.

### **C. Government Sector Impact:**

The Department of Legal Affairs will be required to adopt rules to implement the provisions in this bill.

## **VI. Technical Deficiencies:**

None.

<sup>85</sup> *Sable Commc’s of California, Inc.*, 492 U.S. at 126.

<sup>86</sup> *Ashcroft*, 542 U.S. at 666; *Cashatt v. State*, 873 So. 2d 430, 434 (Fla. 1<sup>st</sup> DCA 2004); *but see Erznoznik*, 422 U.S. at 213 (determining that the city’s regulation was overly broad).

<sup>87</sup> Cornell Law School, Legal Information Institute, *Supremacy Clause*, available at [https://www.law.cornell.edu/wex/supremacy\\_clause](https://www.law.cornell.edu/wex/supremacy_clause) (last visited Mar. 24, 2025).

<sup>88</sup> 47 U.S.C. s. 230(c)(1).

<sup>89</sup> 47 U.S.C. s. 230(e)(3).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 501.1737 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 282.803 and 501.1741.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Grall

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1 A bill to be entitled  
 2 An act relating to online access to materials harmful  
 3 to minors; creating s. 282.803, F.S.; defining terms;  
 4 requiring a developer to, beginning on a specified  
 5 date, make specific determinations about covered  
 6 applications, provide notice to application stores  
 7 about such applications, and provide certain features  
 8 for parents to protect a user that is a child;  
 9 requiring a covered manufacturer to, beginning on a  
 10 specified date, take certain steps to determine  
 11 specified information about the user, provide certain  
 12 notices, and provide developers of covered  
 13 applications with a specified means to verify the age  
 14 of a user; providing requirements for devices sold  
 15 before a specified date; providing construction;  
 16 requiring an application store to establish  
 17 nondiscriminatory practices; providing for enforcement  
 18 actions by the Attorney General; providing an  
 19 affirmative defense; providing a limitation on  
 20 liability for a covered manufacturer under certain  
 21 circumstances; amending s. 501.1737, F.S.; revising  
 22 definitions and defining terms; revising the age  
 23 verification method used by certain commercial  
 24 entities to verify the age of a person accessing  
 25 certain material; providing an exception; requiring a  
 26 covered manufacturer to ensure certain statutory  
 27 requirements are met; authorizing the Department of  
 28 Legal Affairs to bring an action against covered  
 29 manufacturers; authorizing the imposition of civil

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 penalties against covered manufacturers; removing  
 31 certain liability and damage provisions for certain  
 32 commercial entities; deleting provisions relating to  
 33 public records exemptions and the Open Government  
 34 Sunset Review Act; removing the definition of the term  
 35 "proprietary information"; conforming provisions to  
 36 changes made by the act; creating s. 501.1741, F.S.;  
 37 requiring covered manufacturers to take certain steps  
 38 upon activation of a device; requiring certain  
 39 websites, applications, or online services to take  
 40 certain actions based on the amount of material  
 41 harmful to minors found on such website, application,  
 42 or online service; requiring covered manufacturers to  
 43 comply with statutory requirements in a  
 44 nondiscriminatory manner; prohibiting covered  
 45 manufacturers from taking certain actions; authorizing  
 46 the Department of Legal Affairs to adopt rules and  
 47 regulations; providing preemption; providing an  
 48 effective date.

50 Be It Enacted by the Legislature of the State of Florida:

51  
 52 Section 1. Section 282.803, Florida Statutes, is created to  
 53 read:

54 282.803 Online application store.—  
 55 (1) As used in this section, the term:  
 56 (a) "Application store" means a publicly available website,  
 57 software application, or online service that distributes third-  
 58 party platform software applications to a computer, a mobile

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device, or any other general purpose computing device.

(b) "Child" means an individual consumer under 18 years of age.

(c) "Covered application" means a software application, website, or other online service that is likely to be accessed by children and that is intended to be run or directed by a user on a computer, mobile device, or any other general purpose computing device. The term does not include a broadband Internet access service as defined in 47 C.F.R. s. 8.1(b); a telecommunications service as defined in 47 U.S.C. s. 153; or the delivery or use of a physical product unconnected to the Internet.

(d) "Covered entity" means a covered manufacturer or developer of a covered application.

(e) "Covered manufacturer" means a manufacturer of a device, an operating system for a device, or an application store.

(f) "Developer" means any person, entity, or organization that creates, owns, or controls an application and is responsible for the design, development, maintenance, and distribution of the application to users through an application store.

(g) "Device" means a device or a portion of a device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a desktop, a laptop, a cellular telephone, a tablet, or any other device designed for and capable of communicating with or across a computer network and that is used for such

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purpose. The term does not include cable, fiber, or wireless modems, and home routers whether standalone or combined with the aforementioned modems; managed set-top boxes; and any physical object that only supports communications within a closed user group or private network available to a limited set of users.

(h) "Likely to be accessed by children" means it is reasonable to expect that an application would be accessed by children, based on satisfying any of the following criteria:

1. The application is determined, based on competent and reliable evidence regarding audience composition, to be routinely accessed by children; or

2. Internal research findings determine that the application is routinely accessed by children.

(i) "Parent" means a biological, foster, or adoptive parent; a stepparent; or a legal guardian.

(j) "User" means an individual consumer of covered applications.

(2) Beginning January 1, 2026:

(a) A developer of a covered application shall:

1. Determine whether an application the developer provides is likely to be accessed by children and, if the application is provided for distribution via an application store, provide notice to such application store that the application is likely to be accessed by children.

2. To the extent applicable and technically feasible, provide readily available features for parents to protect a user that is a child as appropriate to the risks that arise from the child's use of the developer's covered application. This includes providing features to help manage which accounts are



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affirmatively linked to the user under the age of 18, to help manage the delivery of age appropriate content, and to limit the amount of time that the user under the age of 18 spends daily on the developer's covered application.

(b) A covered manufacturer shall take commercially reasonable and technically feasible steps to:

1. Upon initial activation of a device, determine or estimate the age of the device's primary user.

2. If the covered manufacturer is an application store:

a. Provide a mechanism for a developer to provide notice that an application is likely to be accessed by children.

b. Obtain parental consent before permitting a known child under 16 years of age to download a covered application from the application store.

c. Provide developers of covered applications in the application store a signal regarding whether a parent has provided consent when required under this subsection.

d. Provide the parent with the option to connect the developer of such a covered application with the approving parent for the purpose of facilitating parental supervision tools.

3. Provide developers of covered applications with a digital signal via a real time application programming interface regarding whether a user is:

a. Under 13 years of age.

b. At least 13 years of age and under 16 years of age.

c. At least 16 years of age and under 18 years of age.

d. At least 18 years of age.

4. Developers of covered applications may rely on age

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signals and parental consent provided under subparagraph 2. for purposes of complying with this paragraph.

(c) For devices sold before January 1, 2026, covered manufacturers shall ensure that the requirements under paragraph (b) are included in its operating system and app store versions and updates by default after January 1, 2027.

(3) (a) Except for the requirements provided in subparagraph (2) (b) 2., this section does not:

(b) Require a covered entity to access, collect, retain, reidentify, or link information, that in the ordinary course of business, would not otherwise be accessed, collected, retained, reidentified, or linked.

(c) Require a covered entity to implement new account controls or safety settings if it is not necessary to comply with this act.

(d) Modify, impair, or supersede the operation of any antitrust law, including chapter 1331 of the Revised Code and 15 U.S.C. ss. 1 et seq.

(4) An application store shall comply with this section in a nondiscriminatory manner, including:

(a) Imposing at least the same restrictions and obligations on its own applications and application distribution as it does on those from third-party applications or application distributors;

(b) Not using data collected from third parties, or consent mechanisms deployed for third parties, in the course of compliance with this subsection, for any of the following:

1. To compete against those third parties.

2. To give the application store's services preference

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relative to those of third parties.

3. To otherwise use the data or consent mechanism in an anticompetitive manner.

(5) (a) At least 45 days before the date on which the Attorney General initiates an enforcement action against a covered entity that is subject to the requirements of this section, the Attorney General shall provide the covered entity with a written notice that identifies each alleged violation and an explanation of the basis for each allegation.

(b) The Attorney General may not initiate an action if the covered entity cures the violation or violations described in the notice within 45 days after the notice is sent and provides the Attorney General with a written statement indicating that the violation is cured and that no further violations will occur.

(c) If a covered entity continues to violate this section in breach of an express written notice provided under paragraph (6) (a), the Attorney General may bring a civil action and seek damages for up to \$2,500 per violation of this section not to exceed \$50,000. Damages shall begin accruing after completion of the 45-day cure period in paragraph (6) (b).

(d) This subsection does not provide a private right of action. The Attorney General has the exclusive authority to enforce this section.

(e) Paragraph (a) does not apply if the covered entity fails to timely cure all of the violations described in the notice or commits a subsequent violation of the same type after curing the initial violation under that paragraph.

(6) It is an affirmative defense to a violation of this

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section if the developer acted in reasonable reliance on the application store's determination or estimate that the user is not a child.

(7) A covered manufacturer is not subject to liability for failure to comply with this section if that covered manufacturer has taken commercially reasonable and technically feasible steps to determine or estimate the age of the user of the device as provided in paragraph (2) (b).

Section 2. Section 501.1737, Florida Statutes, is amended to read:

501.1737 Age verification for online access to materials harmful to minors.—

(1) As used in this section and s. 501.1741, the term:

(a) "Anonymous age verification" has the same meaning as in s. 501.1738.

(b) "Application store" means a publicly available website, software application, or online service that distributes third-party platforms' software applications to a computer, a mobile device, or any other general-purpose computing device.

~~(c) (b)~~ "Commercial entity" includes a corporation, a limited liability company, a partnership, a limited partnership, a sole proprietorship, and any other legally recognized entity.

(d) "Covered manufacturer" means a manufacturer of a device, an operating system for a device, or an application store.

~~(e) (e)~~ "Department" means the Department of Legal Affairs.

(f) "Device" means equipment or a portion of equipment that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of

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transmitting, receiving, or storing data, including, but not limited to, a desktop, a laptop, a cellular telephone, a tablet, or any other device designed for and capable of communicating with or across a computer network and that is used for such purpose.

(g) "Digital age verification" means either anonymous age verification, standard age verification, or device-based age verification.

(h)~~(d)~~ "Distribute" means to issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means.

(i)~~(e)~~ "Material harmful to minors" means any material that:

1. The average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest;

2. Depicts or describes, in a patently offensive way, sexual conduct as specifically defined in s. 847.001(19); and

3. When taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(j)~~(f)~~ "News-gathering organization" means any of the following:

1. A newspaper, news publication, or news source, printed or published online or on a mobile platform, engaged in reporting current news and matters of public interest, and an employee thereof who can provide documentation of such employment.

2. A radio broadcast station, television broadcast station, cable television operator, or wire service, and an employee

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thereof who can provide documentation of such employment.

(k) "Operating system provider" means an entity that develops, distributes, or maintains the operating system of, and provides common services for, a device. The term includes the design, programming, and supply of operating systems for various devices such as smartphones, tablets, and other digital equipment.

(l)~~(g)~~ "Publish" means to communicate or make information available to another person or entity on a publicly available website or application.

(m)~~(h)~~ "Resident" means a person who lives in this state for more than 6 months of the year.

(n)~~(i)~~ "Standard age verification" means any commercially reasonable method of age verification approved by the commercial entity.

(o)~~(j)~~ "Substantial portion" means more than 33.3 percent of total material on a website or application.

(2) A commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors, must use digital either anonymous age verification or standard age verification to verify that the age of a person attempting to access the material is 18 years of age or older and prevent access to the material by a person younger than 18 years of age. The commercial entity must offer anonymous age verification and standard age verification, and a person attempting to access the material may select which method will be used to verify his or her age unless the commercial entity is relying on device-based

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291 age verification pursuant to s. 501.1741.

292 (3) A commercial entity must ensure that the requirements  
293 of s. 501.1738 are met unless the commercial entity is relying  
294 on device-based age verification pursuant to s. 501.1741. A  
295 covered manufacturer must ensure that the requirements of s.  
296 501.1741 are met.

297 (4)(a) This section does not apply to any bona fide news or  
298 public interest broadcast, website video, report, or event and  
299 does not affect the rights of a news-gathering organization.

300 (b) An Internet service provider or its affiliates or  
301 subsidiaries, a search engine, or a cloud service provider does  
302 not violate this section solely for providing access or  
303 connection to or from a website or other information or content  
304 on the Internet or a facility, system, or network not under the  
305 provider's control, including transmission, downloading,  
306 intermediate storage, or access software, to the extent the  
307 provider is not responsible for the creation of the content of  
308 the communication which constitutes material harmful to minors.

309 (5)(a) Any violation of subsection (2) or subsection (3) is  
310 deemed an unfair and deceptive trade practice actionable under  
311 part II of this chapter solely by the department on behalf of a  
312 resident minor against a commercial entity or a covered  
313 manufacturer. If the department has reason to believe that a  
314 commercial entity or a covered manufacturer is in violation of  
315 subsection (2) or subsection (3), the department, as the  
316 enforcing authority, may bring an action against the commercial  
317 entity or a covered manufacturer for an unfair or deceptive act  
318 or practice. For the purpose of bringing an action pursuant to  
319 this section, ss. 501.211 and 501.212 do not apply. In addition

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320 to any other remedy under part II of this chapter, the  
321 department may collect a civil penalty of up to \$50,000 per  
322 violation and reasonable attorney fees and court costs. When the  
323 commercial entity's or a covered manufacturer's failure to  
324 comply with subsection (2) or subsection (3) is a consistent  
325 pattern of conduct of the commercial entity or covered  
326 manufacturer, punitive damages may be assessed against the  
327 commercial entity or covered manufacturer.

328 (b) A third party that performs age verification for a  
329 commercial entity or covered manufacturer in violation of s.  
330 501.1738 is deemed to have committed an unfair and deceptive  
331 trade practice actionable under part II of this chapter solely  
332 by the department against such third party. If the department  
333 has reason to believe that the third party is in violation of s.  
334 501.1738, the department, as the enforcing authority, may bring  
335 an action against such third party for an unfair or deceptive  
336 act or practice. For the purpose of bringing an action pursuant  
337 to this section, ss. 501.211 and 501.212 do not apply. In  
338 addition to other remedies under part II of this chapter, the  
339 department may collect a civil penalty of up to \$50,000 per  
340 violation and reasonable attorney fees and court costs.

341 ~~(c) A commercial entity that violates subsection (2) for~~  
342 ~~failing to prohibit access or prohibit a minor from future~~  
343 ~~access to material harmful to minors after a report of~~  
344 ~~unauthorized or unlawful access is liable to the minor for such~~  
345 ~~access, including court costs and reasonable attorney fees as~~  
346 ~~ordered by the court. Claimants may be awarded up to \$10,000 in~~  
347 ~~damages. A civil action for a claim under this paragraph must be~~  
348 ~~brought within 1 year from the date the complainant knew, or~~

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~~reasonably should have known, of the alleged violation-~~

~~(c)(4)~~ Any action under this subsection may only be brought on behalf of or by a resident minor.

(6) For purposes of bringing an action under subsection (5), a commercial entity or covered manufacturer that publishes or distributes material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors and such website or application is available to be accessed in this state, is considered to be both engaged in substantial and not isolated activities within this state and operating, conducting, engaging in, or carrying on a business and doing business in this state, and is therefore subject to the jurisdiction of the courts of this state.

(7) This section does not preclude any other available remedy at law or equity.

(8)(a) If, by its own inquiry or as a result of complaints, the department has reason to believe that an entity or person has engaged in, or is engaging in, an act or practice that violates this section, the department may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence. Within 5 days, excluding weekends and legal holidays, after the service of a subpoena or at any time before the return date specified therein, whichever is longer, the party served may file in the circuit court in the county in which it resides or in which it transacts business and serve upon the enforcing authority a petition for an order modifying or setting aside the subpoena. The petitioner may raise any objection or privilege which would be available upon service of such subpoena in a

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civil action. The subpoena shall inform the party served of its rights under this subsection.

(b) If the matter that the department seeks to obtain by subpoena is located outside the state, the entity or person subpoenaed may make it available to the department or its representative to examine the matter at the place where it is located. The department may designate representatives, including officials of the state in which the matter is located, to inspect the matter on its behalf and may respond to similar requests from officials of other states.

(c) Upon failure of an entity or person without lawful excuse to obey a subpoena and upon reasonable notice to all persons affected, the department may apply to the circuit court for an order compelling compliance.

(d) The department may request that an entity or person that refuses to comply with a subpoena on the ground that testimony or matter may incriminate the entity or person be ordered by the court to provide the testimony or matter. Except in a prosecution for perjury, an entity or individual that complies with a court order to provide testimony or matter after asserting a valid privilege against self-incrimination shall not have the testimony or matter so provided, or evidence derived therefrom, received against the entity or person in any criminal investigation or proceeding.

(e) Any entity or person upon whom a subpoena is served pursuant to this section shall comply with the terms thereof unless otherwise provided by order of the court. Any entity or person that fails to appear with the intent to avoid, evade, or prevent compliance in whole or in part with any investigation

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under this part or that removes from any place, conceals, withholds, mutilates, alters, or destroys, or by any other means falsifies any documentary material in the possession, custody, or control of any entity or person subject to any such subpoena, or knowingly conceals any relevant information with the intent to avoid, evade, or prevent compliance, shall be liable for a civil penalty of not more than \$5,000 per week in violation, reasonable attorney fees, and costs.

~~(9)(a) All information held by the department pursuant to a notification of a violation of this section or an investigation of a violation of this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until such time as the investigation is completed or ceases to be active. This exemption shall be construed in conformity with s. 119.071(2)(c).~~

~~(b) During an active investigation, information made confidential and exempt pursuant to paragraph (a) may be disclosed by the department.~~

~~1. In the furtherance of its official duties and responsibilities,~~

~~2. For print, publication, or broadcast if the department determines that such release would assist in notifying the public or locating or identifying a person whom the department believes to be a victim of an improper use or disposal of customer records, except that information made confidential and exempt by paragraph (c) may not be released pursuant to this subparagraph; or~~

~~3. To another governmental entity in the furtherance of its official duties and responsibilities.~~

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~~(c) Upon completion of an investigation or once an investigation ceases to be active, the following information held by the department shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:~~

~~1. Information that is otherwise confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of the State Constitution.~~

~~2. Personal identifying information.~~

~~3. A computer forensic report.~~

~~4. Information that would otherwise reveal weaknesses in the data security of the commercial entity.~~

~~5. Information that would disclose the proprietary information of the commercial entity.~~

~~(d) For purposes of this subsection, the term "proprietary information" means information that:~~

~~1. Is owned or controlled by the commercial entity.~~

~~2. Is intended to be private and is treated by the commercial entity as private because disclosure would harm the commercial entity or its business operations.~~

~~3. Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public.~~

~~4. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the department.~~

~~5. Reveals competitive interests, the disclosure of which would impair the competitive advantage of the commercial entity that is the subject of the information.~~

~~(e) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand~~

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~~repealed on October 2, 2029, unless reviewed and saved from  
repeal through reenactment by the Legislature.~~

~~(9)(10)~~ The department may adopt rules to implement this section.

Section 3. Section 501.1741, Florida Statutes, is created to read:

501.1741 Device-based age verification.—

(1) Upon activation of a device, a covered manufacturer must take commercially reasonable and technically feasible steps to do all of the following:

(a) Determine or estimate the age of the user of the device.

(b) Provide websites, applications, application stores, and online services with a digital signal and a real-time application programming interface to verify that a person is:

1. Younger than 13 years of age.

2. At least 13 years of age but younger than 16 years of age.

3. At least 16 years of age but younger than 18 years of age.

4. Eighteen years of age or older.

(c) If the covered manufacturer is an application store, obtain parental or guardian consent before permitting a person younger than 16 years of age to download an application from the application store and provide the parent or guardian with the option to connect the developer of the application with the approving parent or guardian for the purpose of facilitating parental supervision tools.

(d) Beginning July 1, 2026, ensure that the requirements of

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this section are included by default in all operating systems and application store versions and updates for devices sold after July 1, 2026.

(2) A website, an application, or an online service that makes available material harmful to minors must recognize and allow for the receipt of digital age signals pursuant to this section.

(3) A website, an application, or an online service that makes available a substantial portion of material harmful to minors must do all of the following:

(a) Block access to the website, application, or online service if an age signal is received indicating that the person using such website, application, or online service is under 18 years of age.

(b) Provide a disclaimer to the user or visitors that the website, application, or online service contains material harmful to minors.

(c) Label itself as restricted to adults.

(4) A website, an application, or an online service that knowingly makes available less than a substantial portion of material harmful to minors must do all of the following:

(a) Block access to known material harmful to minors if an age signal is received indicating that the person using such website, application, or online service is under 18 years of age.

(b) Provide a disclaimer to users or visitors before displaying known material harmful to minors.

(5) A website, an application, or an online service with actual knowledge, through receipt of a signal regarding a user's

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523 age or otherwise, that a user is under 18 years of age must, to  
 524 the extent commercially reasonable and technically feasible,  
 525 provide readily available features for parents or guardians to  
 526 support a minor with respect to the minor's use of the service,  
 527 including features to help manage which persons or accounts are  
 528 affirmatively linked to the minor, to help manage the delivery  
 529 of age appropriate content, and to limit the amount of time that  
 530 the minor spends daily on the website, application, or online  
 531 service.

532 (6) A covered manufacturer must comply with this section in  
 533 a nondiscriminatory manner, specifically including, but not  
 534 limited to, imposing at least the same restrictions and  
 535 obligations on its own websites, applications, and online  
 536 services as it does on those from third parties.

537 (7) A covered manufacturer may not:

538 (a) Use data collected from third parties, or consent  
 539 mechanisms deployed for third parties, in the course of  
 540 compliance with this section to compete against such third  
 541 parties;

542 (b) Give the covered manufacturer's services preference  
 543 relative to those of third parties; or

544 (c) Otherwise use data collected from third parties or  
 545 consent mechanisms deployed by third parties in an  
 546 anticompetitive manner.

547 (8) After requisite notice and public comment, the  
 548 department may adopt such rules and regulations necessary to  
 549 establish the processes by which entities are to comply with  
 550 this section.

551 (9) This section is intended to provide uniformity of the

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552 law. Any state law, regulation, or policy or any ordinance,  
 553 regulation, or policy adopted by a county, a municipality, an  
 554 administrative agency, or other political subdivision of this  
 555 state which is in conflict with this section is hereby  
 556 superseded and is deemed null and void to the extent of the  
 557 conflict with this section.

558 Section 4. This act shall take effect July 1, 2025.





The Florida Senate

## Committee Agenda Request

**To:** Senator Thomas Leek, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** March 6, 2025

---

I respectfully request that **Senate Bill #1438**, relating to Online Access to Materials Harmful to Minors, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

---

Senator Erin Grall  
Florida Senate, District 29

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: CS/SB 578

INTRODUCER: Commerce and Tourism Committee and Senator Leek

SUBJECT: Wine Containers

DATE: March 25, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	<b>Favorable</b>
2.	Dike	McKay	CM	<b>Fav/CS</b>
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 578 allows the sale of wine in any container holding 5.16 gallons. Current law only allows for the sale of wine in reusable containers holding 5.16 gallons. Under current law, wine may also be sold in glass containers holding 4.5 liters, 9 liters, 12 liters, or 15 liters of wine.

The bill takes effect July 1, 2025.

**II. Present Situation:**

**Division of Alcoholic Beverages and Tobacco**

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation administers and enforces<sup>1</sup> the Beverage Law,<sup>2</sup> which regulates the manufacture, distribution, and sale of wine, beer, and liquor.<sup>3</sup> The division is also responsible for the administration and enforcement of tobacco products under ch. 569, F.S.

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<sup>1</sup> Section 561.02, F.S.

<sup>2</sup> Section 561.01(6), F.S. (provides that the “Beverage Law” means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.).

<sup>3</sup> See s. 561.14, F.S.

## **Wine**

The term “wine” means:<sup>4</sup>

all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, sake, vermouths, and like products. Sugar, flavors, and coloring materials may be added to wine to make it conform to the consumer's taste, except that the ultimate flavor or the color of the product may not be altered to imitate a beverage other than wine or to change the character of the wine.

“Fortified wine” means all wines containing more than 17.259 percent of alcohol by volume.<sup>5</sup>

## **Wine Container Size Limits**

Section 564.05, F.S., prohibits the sale of wine in an individual container that holds more than one gallon (3.785 liters) of wine unless the wine is sold in a reusable container of 5.16 gallons (19.5 liters) or a glass container holding 4.5 liters, 9 liters, 12 liters, or 15 liters of wine.

Qualified distributors and manufacturers may sell wine to other qualified distributors or manufacturers in any size container. Except as provided in s. 564.09, F.S., wine sold or offered for sale by a licensed vendor to be consumed off the premises shall be in the unopened original container.<sup>6</sup>

Any person who violates the prohibition in s. 564.05, F.S., commits a misdemeanor of the second degree.<sup>7</sup>

Federal law specifies fill standards for wine containers.<sup>8</sup> The wine container must be filled to contain the quantity of wine authorized by the federal fill standards so as not to mislead the consumer.<sup>9</sup> The authorized standards of fill range from 50 milliliters to three liters. However, if the fill of the wine container is four liters or larger, the container must be labeled in even liters, e.g., four liters, five liters, etc.<sup>10</sup> There are also several exceptions to the standard fill

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<sup>4</sup> Section 564.01(1), F.S.

<sup>5</sup> Section 564.01(2), F.S.

<sup>6</sup> Section 564.09, F.S., allows restaurant patrons to leave a restaurant with an unsealed bottle of wine for consumption off the premises if the patron has purchased a meal and consumed a portion of the bottle of wine on the restaurant premises with certain requirements.

<sup>7</sup> Section 775.082(4), F.S., provides the penalty for a misdemeanor of the second degree is a term of imprisonment not exceeding 60 days. Section 775.083(1)(e), F.S., provides the penalty for a misdemeanor of the second degree is a fine not to exceed \$500.

<sup>8</sup> 27 C.F.R. s. 4.70 *et seq.*

<sup>9</sup> 27 C.F.R. s. 4.71.

<sup>10</sup> 27 C.F.R. s. 4.72.

requirements, including exceptions for certain imported wines in original containers, wines bottled before specified dates, and wine packed in containers of 18 liters or more.<sup>11</sup>

### **III. Effect of Proposed Changes:**

The bill revises s. 564.05, F.S., to allow the sale of wine in any container holding 5.16 gallons. Current law only allows for the sale of wine in reusable containers holding 5.16 gallons.

The bill takes effect July 1, 2025.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None identified.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

None.

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<sup>11</sup> 27 C.F.R. s. 4.70. The standard wine barrel is 225 liters or 59 gallons. See Wine Industry Advisor, *Living Large: Supersizing Barrels for a Subtler Impact*, available at <https://wineindustryadvisor.com/2020/08/11/living-large-supersizing-barrels-for-a-subtler-impact> (last visited Mar. 25, 2025).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 564.05 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism Committee on March 25, 2025:**

The amendment removes the words “recyclable” and “reusable” to allow wine to be stored in any type of container under this section.

- B. **Amendments:**

None.



412314

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Leek) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 14  
and insert:  
such wine, unless such wine is in a ~~reusable~~

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

And the title is amended as follows:

Delete lines 3 - 4  
and insert:



412314

11 564.05, F.S.; revising an exception to the maximum  
12 allowable capacity for an individual container of wine  
13 sold in this state; providing

By Senator Leek

7-00684-25

2025578\_\_

A bill to be entitled

An act relating to wine containers; amending s.

564.05, F.S.; providing that wine may be sold in

recyclable containers of a specified volume; providing

an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 564.05, Florida Statutes, is amended to read:

564.05 Limitation of size of individual wine containers; penalty.—It is unlawful for a person to sell within this state wine in an individual container holding more than 1 gallon of such wine, unless such wine is in a recyclable or reusable container holding 5.16 gallons or a glass container holding 4.5 liters, 6 liters, 9 liters, 12 liters, or 15 liters. However, qualified distributors and manufacturers may sell wine to other qualified distributors or manufacturers in any size container. Except as provided in s. 564.09, wine sold or offered for sale by a licensed vendor to be consumed off the premises must ~~shall~~ be in the unopened original container. A person convicted of a violation of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. This act shall take effect July 1, 2025.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: CS/SB 800

INTRODUCER: Commerce and Tourism Committee and Senator McClain

SUBJECT: Requirements for Battery Manufacturers

DATE: March 25, 2025

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	<b>Favorable</b>
2. Renner	McKay	CM	<b>Fav/CS</b>
3. _____	_____	RC	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 800 prohibits a battery manufacturer or marketer from selling products that are powered by a lithium battery, medium-format battery, portable battery, or primary battery, unless the battery is removable or contained in a battery pack, the battery or packaging is labeled with a recycling symbol, or the product's instruction manual or packaging provides information on recycling or disposal.

The bill takes effect July 1, 2025.

**II. Present Situation:**

**Batteries: Types, Dangers, and Regulation**

Billions of single-use and rechargeable batteries are bought, used, and disposed of in the U.S. every year.<sup>1</sup> The increasing use of small, portable electronics, power tools, and “smart” products like appliances and automobiles has created an increase in the demand for batteries.<sup>2</sup> There are many different types of batteries that contain different chemical elements, including metals like

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<sup>1</sup> Florida Department of Environmental Protection (DEP), *Battery Recycling and Disposal*, 1 (2016), available at <https://floridadep.gov/sites/default/files/Battery%20Recycling%20and%20Disposal-web.pdf>; U.S. Environmental Protection Agency (EPA), *Used Household Batteries*, <https://www.epa.gov/recycle/used-household-batteries> (last visited March 24, 2025).

<sup>2</sup> EPA, *Used Household Batteries*.



mercury, lead, cadmium, nickel, and silver, as well as critical minerals<sup>3</sup> like cobalt, lithium, and graphite.<sup>4</sup>

Single-use batteries include alkaline and zinc-carbon batteries, button-cell or coin batteries, and lithium batteries.<sup>5</sup> Rechargeable batteries include nickel cadmium, lithium-ion, nickel metal hydride, nickel-zinc, and small, sealed lead-acid batteries. Automotive batteries include lead-acid and medium- and large-scale lithium-ion batteries.<sup>6</sup>

Rechargeable lithium-ion batteries are in increasing demand because they can store high amounts of energy in a smaller battery than other types of batteries.<sup>7</sup> Lithium-ion batteries are being used in many consumer electronics, electric vehicles, and stationary energy storage.<sup>8</sup>

### ***Battery Labeling, Collection, and Disposal***

Battery disposal must be managed correctly to reduce environmental, safety, and health risks.<sup>9</sup> While some batteries can be disposed of in household trash or municipal recycling, others can cause significant environmental contamination from heavy metals and other toxic substances.<sup>10</sup> Improperly disposed batteries, especially lithium-ion batteries, can be dangerous fire hazards.<sup>11</sup> The U.S. Environmental Protection Agency (EPA) classifies certain lithium-ion batteries on the market today as hazardous waste due to their ignitability and reactive properties.<sup>12</sup>

Many stores that sell batteries, phones, or electronics, as well as local hazardous waste facilities, will take used batteries for recycling.<sup>13</sup> See the Florida Department of Environmental

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<sup>3</sup> The U.S. Geological Survey (USGS) designates mineral commodities as “critical minerals” if the minerals have a significant role in national security, economy, renewable energy development, and infrastructure. USGS, *U.S. Geological Survey Releases 2022 List of Critical Minerals*, <https://www.usgs.gov/news/national-news-release/us-geological-survey-releases-2022-list-critical-minerals> (last visited March 24, 2025). See Congressional Research Service, *Critical Mineral Resources: The U.S. Geological Survey (USGS) Role in Research and Analysis* (Feb. 21, 2025), available at <https://crsreports.congress.gov/product/pdf/R/R48005> (last visited March 24, 2025).

<sup>4</sup> EPA, *Used Household Batteries*.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions*, 1 (May 24, 2023), available at <https://rcrapublic.epa.gov/files/14957.pdf> (last visited March 24, 2025).

<sup>8</sup> *Id.*

<sup>9</sup> EPA, *Used Household Batteries*.

<sup>10</sup> *Id.*; DEP, *Battery Recycling and Disposal* at 1.

<sup>11</sup> EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions* at 6; EPA, *Used Lithium-Ion Batteries*, <https://www.epa.gov/recycle/used-lithium-ion-batteries#businesses> (last visited March 24, 2025).

<sup>12</sup> EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions* at 3. There is a wide variety of lithium-ion battery chemistries, which affects whether a given lithium-ion battery exhibits a hazardous waste characteristic that would place it under the purview of federal hazardous waste laws. If a lithium-ion battery has a hazardous waste characteristic, its disposal may be regulated under the federal Resource Conservation and Recovery Act (RCRA). RCRA regulates hazardous waste generators, however hazardous wastes discarded by households are generally exempt. Due to the dangers posed by lithium-ion batteries, the EPA recommends that all household lithium-ion batteries be dropped off at battery collection sites or household hazardous waste collection facilities. *Id.* at 6-7; 42 U.S.C. §6903; EPA, *Used Lithium-Ion Batteries*.

<sup>13</sup> DEP, *Battery Recycling and Disposal* at 1. Information about recycling batteries can be found through local household hazardous waste program websites, at Call2Recycle, or Earth 911. DEP, *Household Hazardous Waste*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/household-hazardous-waste> (last visited March 24, 2025); *Call2Recycle Homepage*, <https://www.call2recycle.org/> (last visited March 24, 2025); *Earth911 Homepage*, [https://search.earth911.com/?utm\\_source=earth911-header](https://search.earth911.com/?utm_source=earth911-header) (last visited March 24, 2025).

Protection's (DEP's) graphic below for the types of batteries that may be disposed of in household trash and the types of batteries that should be recycled or sent to a hazardous waste facility.<sup>14</sup>



The federal Bipartisan Infrastructure Law of 2021 directed the EPA to develop best practices for the collection of small, medium, and large format batteries for recycling.<sup>15</sup> The best practices will:

- Be technically and economically feasible for state, Tribal, and local governments;
- Be environmentally sound and safe for waste management workers; and
- Optimize the value and use of material derived from recycling batteries.<sup>16</sup>

Also as a result of the Bipartisan Infrastructure Law of 2021, the EPA is working to compile a set of voluntary labeling guidelines for various battery chemistries and types, which will be finalized in 2026.<sup>17</sup> Currently, lead-acid, nickel cadmium, and lithium-ion batteries are subject to

<sup>14</sup> DEP, *Battery Recycling and Disposal* at 1.

<sup>15</sup> EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions* at 8; EPA, *Battery Collection Best Practices and Battery Labeling Guidelines*, <https://www.epa.gov/infrastructure/battery-collection-best-practices-and-battery-labeling-guidelines> (last visited March 24, 2025).

<sup>16</sup> EPA, *Battery Collection Best Practices and Battery Labeling Guidelines*.

<sup>17</sup> *Id.*

national labeling requirements.<sup>18</sup> Any button-cell and coin batteries and the products that contain them are also subject to warning labels for child safety.<sup>19</sup>

### Florida Battery Sales Regulation

Florida law prohibits a cell manufacturer<sup>20</sup> or marketer<sup>21</sup> from selling any consumer or non-consumer product that is powered by a rechargeable battery unless the battery or product meets certain criteria.<sup>22</sup> A rechargeable battery is defined as any small, nonvehicular, rechargeable nickel-cadmium or sealed lead-acid battery that weighs less than 25 pounds and is not used for memory backup.<sup>23</sup> The manufacturer or marketer must meet the following criteria:

- For consumer products, the battery can be easily removed by the consumer, or the battery is contained in a battery pack that is separate from the product and can be easily removed.
- For non-consumer products, the battery can be removed or is contained in a battery pack that is separate from the product.
- The product or the battery, or the packaging if the product is a consumer product, is labeled with a recycling symbol and includes the term “Cd” for nickel-cadmium batteries or “Pb” for small, sealed lead batteries to indicate the chemical composition of the battery.
- The instruction manual for the product or the packaging if the product is a consumer product clearly states that the sealed lead or nickel-cadmium battery must be recycled or disposed of properly.<sup>24</sup>

If the Secretary of DEP determines that a consumer or non-consumer product’s design would result in significant danger to public health and safety if it were to be removable, the Secretary may authorize the sale of the product without compliance with that requirement.<sup>25</sup>

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<sup>18</sup> EPA, *White Paper Summarizing Existing Battery Labeling Requirements and Standards*, 6 (Jan. 2025), available at <https://www.epa.gov/system/files/documents/2025-01/battery-labeling-requirements-and-standards-white-paper.pdf> (last visited March 24, 2025). National labeling requirements have been codified by the Mercury-Containing and Rechargeable Battery Management Act of 1996, which resulted in a partnership between the EPA and the Rechargeable Battery Recycling Corporation (now Call2Recycle) to certify a label for rechargeable batteries, and Reese’s Law of 2022, which provided safety labeling requirements. *Id.* at 6-7. In addition to national labeling standards, there are also voluntary battery labeling standards, including globally recognized industry standards from organizations like SAE International, Battery Council International, and the Automotive Recyclers Association. *Id.* at 11-14.

<sup>19</sup> *Id.* at 6.

<sup>20</sup> “Cell” is defined as a galvanic or voltaic device weighing 25 pounds or less that consists of an enclosed or sealed container containing a positive and negative electrode in which one or both electrodes consist primarily of cadmium or lead and which container includes a gel or liquid starved electrolyte. Section 403.7192(1)(a), F.S. A “cell manufacturer” is an entity that manufactures cells in the U.S. or imports into the U.S. cells or units for which no unit management program has been put into effect by the actual manufacturer of the cell or unit. Section 403.7192(1)(b), F.S. A “unit” is a cell, a rechargeable battery, or a rechargeable product with nonremovable rechargeable batteries. Section 403.7192(1)(c), F.S. A “unit management program” is a program or system for the collection, recycling, or disposal of units put in place by a marketer in accordance with law. Section 403.7192(1)(f), F.S.

<sup>21</sup> A “marketer” is any person who manufactures, sells, distributes, assembles, or affixes a brand name or private label or licenses the use of a brand name on a unit or rechargeable product. This does not include someone engaged in the retail sale of a unit or rechargeable product. Section 403.7192(1)(c), F.S.

<sup>22</sup> Section 403.7192(4)(a), F.S.

<sup>23</sup> Section 403.7192(1)(d), F.S. This definition includes a battery pack that contains a rechargeable battery. *Id.*

<sup>24</sup> Section 403.7192(4), F.S.

<sup>25</sup> Section 403.7192(5), F.S.

### III. Effect of Proposed Changes:

**Section 1** amends s. 403.7192, F.S., concerning batteries. The bill defines “lithium battery” as a rechargeable battery that uses lithium ions as the primary component of its electrode. It defines “primary battery” as a battery that is not capable of being recharged.

The bill defines “medium-format battery” as a primary or rechargeable covered battery that is:

- A primary battery that weighs at least 4.4 pounds but not more than 25 pounds or
- A rechargeable battery that weighs at least 11 pounds, but not more than 25 pounds, and has a rating of at least 300 watt-hours, but not more than 2,000 watt-hours.

The bill also defines “portable battery” as a primary or rechargeable covered battery that is:

- A primary battery that weighs no more than 4.4 pounds or
- A rechargeable battery that weighs no more than 11 pounds and has a rating of no more than 300 watt-hours.

The bill prohibits a cell<sup>26</sup> manufacturer or marketer from selling or offering any consumer product or non-consumer product that is powered by a lithium battery, medium-format battery, portable battery, or primary battery, unless the battery is removable or contained in a battery pack, the battery or packaging is labeled with a “Li” recycling symbol for lithium batteries, or the product’s instruction manual or packaging provides information on how lead, nickel-cadmium, or lithium batteries must be recycled or disposed of properly.<sup>27</sup> Current law only prohibits a cell manufacturer or marketer from selling or offering any consumer product or non-consumer product powered by a rechargeable battery, unless it meets the specified requirements.

**Section 2** provides an effective date of July 1, 2025.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

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<sup>26</sup> “Cell” is defined in footnote 20 of this analysis.

<sup>27</sup> A detailed description of these requirements can be found in the “Florida Battery Sales Regulation” section on page four of this analysis.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 403.7192 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism Committee on March 25, 2025:**

The amendment provides that in order for a lithium battery to be sold by a cell manufacturer or marketer, the product or the battery, or the package for a consumer product, must be labeled with a “Li” for lithium batteries. The instruction manual or package for the product must state that the sealed lithium battery must be recycled or disposed of properly.

B. Amendments:

None.



581132

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (McClain) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 48 - 56

and insert:

(c) The product or the battery, or the package in the case of a consumer product, is labeled with a recycling symbol and includes, as an indication of the chemical composition of the battery, the term "Cd" for nickel-cadmium batteries, ~~or~~ "Pb" for small sealed lead batteries, or "Li" for lithium batteries.

(d) The instruction manual for the product or, in the case



581132

11 of a consumer product, the package containing the product states  
12 that the sealed lead, ~~or~~ nickel-cadmium, or lithium battery must  
13 be recycled or disposed of properly.  
14  
15 ===== T I T L E A M E N D M E N T =====  
16 And the title is amended as follows:  
17 Delete line 7  
18 and insert:  
19 batteries; revising exceptions; providing an effective  
20 date.

By Senator McClain

9-00581-25

2025800\_\_

A bill to be entitled

An act relating to requirements for battery manufacturers; amending s. 403.7192, F.S.; defining terms; prohibiting cell manufacturers or marketers from selling consumer or nonconsumer products powered by medium-format, portable, lithium, or primary batteries; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present paragraphs (c), (d), (e), and (f) of subsection (1) of section 403.7192, Florida Statutes, are redesignated as paragraphs (d), (h), (i), and (j), respectively, new paragraphs (c), (e), (f), and (g) are added to that subsection, and subsection (4) of that section is amended, to read:

403.7192 Batteries; requirements for consumer, manufacturers, and sellers; penalties.—

(1) As used in this section, the term:

(c) "Lithium battery" means a rechargeable battery that uses lithium ions as the primary component of its electrode.

(e) "Medium-format battery" means a primary or rechargeable covered battery with any of the following properties:

1. For a primary battery, a battery weighing at least 4.4 pounds but not more than 25 pounds.

2. For a rechargeable battery, a battery weighing at least 11 pounds, but not more than 25 pounds, and having a rating of at least 300 watt-hours, but not more than 2,000 watt-hours.

(f) "Portable battery" means a primary or rechargeable

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

9-00581-25

2025800\_\_

covered battery that:

1. For a primary battery, weighs no more than 4.4 pounds.

2. For a rechargeable battery, weighs no more than 11 pounds and has a rating of no more than 300 watt-hours.

(g) "Primary battery" means a battery that is not capable of being recharged.

(4) A cell manufacturer or marketer ~~may shall~~ not sell or offer for sale in this state any consumer product or nonconsumer product that is powered by a lithium battery, medium-format battery, portable battery, primary battery, or rechargeable battery unless:

(a) In the case of consumer products, the battery can be easily removed by the consumer, or the battery is contained in a battery pack that is separate from the product and can be easily removed from the product.

(b) In the case of nonconsumer products, the battery can be removed or is contained in a battery pack that is separate from the product.

(c) The product or the battery, or the package in the case of a consumer product, is labeled with a recycling symbol and includes, as an indication of the chemical composition of the battery, the term "Cd" for nickel-cadmium batteries or "Pb" for small sealed lead batteries.

(d) The instruction manual for the product or, in the case of a consumer product, the package containing the product states that the sealed lead or nickel-cadmium battery must be recycled or disposed of properly.

Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

## Committee Agenda Request

**To:** Senator Thomas Leek, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** March 20, 2025

---

I respectfully request that **Senate Bill #800**, relating to Requirements for Battery Manufacturers, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Stan McClain".

---

Senator Stan McClain  
Florida Senate, District 9



The Florida Senate

**APPEARANCE RECORD**

3/25/2025

Meeting Date

SB 800

Bill Number or Topic

S Commerce & Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name KEYNA CORI

Phone 850 566-9575

Address 730 E. PARK AVE  
Street

Email keynacory@pacconsultants.com

TALLAHASSEE FL 32301  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

NATIONAL WASTE & RECYCLING ASSN. FL CHAPTER

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3-24-28  
Meeting Date

800  
Bill Number or Topic

Committee \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Name Jim MAGILL Phone 850 548 8511

Address 2239 ARMISTEAD RD TLA Email JIM@MAGILLSTRATEGIES.COM  
Street

PA FL 32308  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

March 25, 2025

Meeting Date

Commerce and Tourism

Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 800

Bill Number or Topic

Amendment Barcode (if applicable)

Name **George Kerchner**

Phone **202.719.4109**

Address **Wiley Rein 2050 M Street, NW**

Email **gkerchner@wiley.law**

Street

**Washington**

**DC**

**20036**

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

PRBA - The Rechargeable Battery Association

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

3/25/2025

**APPEARANCE RECORD**

SB 800

Meeting Date

Commerce and Tourism

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jessica Kraynak**

Phone **850-222-4082**

Address **227 South Adams Street**

Email **jessica@frf.org**

Street

**Tallahassee**

**Florida**

**32301**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Retail Federation**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



580

**STATE OF FLORIDA  
DEPARTMENT OF STATE**

**Division of Elections**

I, Cord Byrd, Secretary of State,  
do hereby certify that

***Moshe Popack***


is duly appointed a member of the

**Board of Directors,  
Florida Development Finance Corporation**

for a term beginning on the Third day of May, A.D., 2024, until  
the Second day of May, A.D., 2028 and is subject to be  
confirmed by the Senate during the next regular session of the  
Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Sixth day of June, A.D., 2024.*



  
Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



**RON DeSANTIS**  
GOVERNOR

RECEIVED

2024 MAY -7 PM 4:20  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

May 3, 2024

Secretary Cord Byrd  
Department of State  
R.A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 288.9604, Florida Statutes:

Mr. Moshe Popack  
3675 Flamingo Drive  
Miami Beach, Florida 33140

as a member of the Florida Development Finance Corporation, subject to confirmation by the Senate. This appointment is effective May 3, 2024, for a term ending May 2, 2028.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis  
Governor

RD/es

RECEIVED

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2024 JUN -4 AM 8:23

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

STATE OF FLORIDA

County of Dade

I do, solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Development Finance Corporation

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]  
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of X physical presence  
Or    online notarization this 27th day of May, 2024.

[Signature]  
Signature of Officer Administering Oath or of Notary Public



Priesh Patel  
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced   

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

3675 FRAMING DR.

Street or Post Office Box

Moshe Polack

Print Name

Miami Beach FL 33140

City, State, Zip Code

[Signature]  
Signature



2330

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Cord Byrd, Secretary of State,  
do hereby certify that

***Scott Workman***

is duly appointed a member of the

**Board of Supervisors,  
Central Florida Tourism Oversight District**

for a term beginning on the Fourteenth day of February, A.D.,  
2025, until the Twenty-Sixth day of February, A.D., 2027 and is  
subject to be confirmed by the Senate during the next regular  
session of the Legislature.



*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Twenty-Sixth day of February, A.D., 2025.*

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.





**RON DeSANTIS**  
GOVERNOR

RECEIVED  
2025 FEB 25 AM 10:08

OFFICE OF THE GOVERNOR  
TALLAHASSEE, FL

February 14, 2025

Secretary Cord Byrd  
Department of State  
R.A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Chapter 2023-5, Laws of Florida:

Mr. Scott Workman  
5440 Ming Drive  
Belle Isle, Florida 32812

as a member of the Central Florida Tourism Oversight District, filling a vacant seat previously occupied by Craig Mateer, subject to confirmation by the Senate. This appointment is effective February 14, 2025, for a term ending February 26, 2027.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis  
Governor

RD/js

(AND DELIVERED)

RECEIVED

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2025 FEB 20 PM 1:58

NOTARIAL COLLECTIONS  
TALLAHASSEE, FL

STATE OF FLORIDA

County of LAKE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

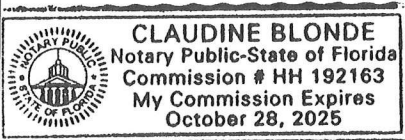
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]  
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence

Or ☐ online notarization this 18<sup>th</sup> day of February, 2025.



Claudine Blonde

Signature of Officer Administering Oath or of Notary Public

Claudine Blonde

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced \_\_\_\_\_

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

5440 Mingo Drive

Street or Post Office Box

Browns Lake, FL 32812

City, State, Zip Code

SCOTT WORKMAN

Print Name

[Signature]  
Signature

2345

STATE OF FLORIDA  
DEPARTMENT OF STATE

Division of Elections


I, Cord Byrd, Secretary of State,  
do hereby certify that

***Geri Atkinson-Hazelton***

is duly appointed a member of the  
**Reemployment Assistance Appeals  
Commission**

for a term beginning on the Twenty-Eighth day of February,  
A.D., 2025, until the Thirtieth day of June, A.D., 2028 and is  
subject to be confirmed by the Senate during the next regular  
session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Fifth day of March, A.D., 2025.*



Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



**RON DeSANTIS**  
GOVERNOR

RECEIVED

2025 MAR -4 PM 2:18

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

February 28, 2025

Secretary Cord Byrd  
Department of State  
R.A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 443.012, Florida Statutes:

Ms. Geri Atkinson-Hazelton  
1300 North Paul Russell Road  
Tallahassee, Florida 32301

as a member of the Reemployment Assistance Appeals Commission, subject to confirmation by the Senate. This appointment is effective February 28, 2025, for a term ending June 30, 2028.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", written over a horizontal line.

Ron DeSantis  
Governor

RD/js

HAND DELIVERED

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2025 MAR -3 PM 12:50

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner, Florida Reemployment Assistance Appeals Commission

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]  
Signature

(Affix Seal Below)

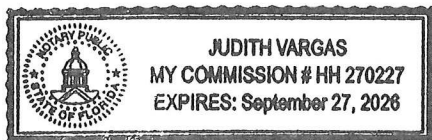
Sworn to and subscribed before me by means of physical presence

Or online notarization this 3 day of March, 2025.

[Signature]  
Signature of Officer Administering Oath or of Notary Public

Judith Vargas

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known ☒ or Produced Identification ☐

Type of Identification Produced \_\_\_\_\_

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒

Office ☐

1300 N. Paul Russell Road

Street or Post Office Box

Tallahassee, Florida 32301

City, State, Zip Code

Geri Atkinson-Hazelton

Print Name

[Signature]  
Signature